

WAIVER OF COMPETITIVE BID (WCB) AWARD JUSTIFICATION

Departments must use this form when submitting a WCB request, per City Code. No substitute format will be accepted. Purchasing may require departments to submit additional documentation to support analysis of the justification. Additional documentation may include, but is not limited to, the statement of work, cost breakdown, funding source, grant funding, resumes, etc. If you need assistance with this form, please call Purchasing ext. 3700.

WCB request must be approved before the department engages with any vendors.

Submit completed original form to: Purchasing Dept. via PR in City ERP system. Name the attachment WCB. Please select SS in Req Code Box 4 when submitting and WCB Purchase Requisition. Purchasing provides preliminary review of all waiver requests. Final approvals are provided per award authority as determined by City Code. If approved, the Purchasing Department will assist the requestor in executing the final approval under the appropriate award authority.

All information must be provided, and all questions must be answered. The "Required Approvals" section must include a date for each original signature, as appropriate for the transaction.

Department and Representative Information

City of Santa Rosa

Department: Santa Rosa Water

Name of Primary Contact for this request: Samone Chrisman

Email Address and Phone Extension: SChrisman@srcity.org

By submitting this request, the Department Representative above certifies the following:

My department's recommendation for WCB is based upon an objective review of the product/service required and is in the best interest of the City.

No gratuities, favors or compromising actions have influenced this request. My personal preference for particular brands, types of equipment, materials or firms has not been of influence. I know of no conflict of interest on my or any other individual's part, nor do I have any personal involvement in any way with the supplier(s) involved. As an approved department representative, I have gathered technical information and have made a concentrated effort to review comparable equipment/services. I hereby certify as to the validity of the information and feel confident this justification for sole source item, manufacturer, or service is accurate and appropriate for this acquisition.

By writing, justifying and submitting statements to waive competitive process, I understand these statements become part of the public record. False statements would carry weight similar to perjury. I recognize City personnel must not make any false or misleading statements in order to justify a sole source/brand or a waiver of procurement.

Vendor Information

Vendor Name: New Image Landscape Company

Vendor ID in ERP System: V214496**

Vendor Point of Contact Name and Email: Irene Briggs

Required Information

Request Type:

- Goods
- General Services
- Goods & Services
- IT Goods
- IT Services
- IT Goods & Services
- New Proprietary Software
- Existing Proprietary Software
- Minor Public Work
- Insufficient Time for bidding

Sole Source Item:

Item is required due to equipment compatibility, maintenance, training and parts support, or safety, and is available from only one source and is one-of-a-kind, not sold through distributors. Manufacturer is the exclusive authorized distributor.

Sole Brand/Manufacturer:

Item is required due to equipment compatibility, maintenance, training and parts support, or safety, and/or is one-of-a-kind. Various sources can supply this product and will be competitively bid for this brand/manufacturer with "no substitution or like equal" language provided within the solicitation.

Sole Source Service:

Services cannot be provided by any other consultant/contractor/provider.

Waiver 3-08.100 (D) of Competitive Bidding:
 If limitations on the source of supply, necessary restrictions in specifications, necessary standardization, quality considerations, or other valid reasons for waiving competition appears, then purchases may be made without recourse to the competitive bidding provisions of this chapter. Approval of waiver of competitive bidding shall be given by the same level of authority as set forth in Section [3-08.110](#) of this chapter.

Waiver 3-44.080 (A) of Competitive Bidding Minor Public Work:
 A minor contract for public works may be made free of the bidding requirements of this chapter when the awarding authority determines that it is in the best interests of the City to suspend competitive bidding for that contract.

Insufficient Time (Dept. must submit a corrective action plan - see Section C below):

Estimated Requested Award Amount:*
 \$175,000

Will the purchase limit the ability of other vendors to compete on future purchases such as supplies, upgrades, or replacements? YES NO

Is your request going to become an ongoing need? YES NO

If yes, what is the yearly budget amount identified for the ongoing need? \$ _____

Description of Acquisition

Complete responses must be provided for all of the following items.

Provide a very brief and general description of the acquisition here:

Landscaping services for Santa Rosa Water Properties

A. THE ACQUISITION REQUESTED IS BEING AWARDED AS A WAIVER FOR THE REASONS STATED BELOW:

- 1. Describe the acquisition being requested and why it is restricted to this good/service/supplier or subject to a waiver of competition.**
 New Image Landscaping is the current vendor for landscaping services who can provide landscape service without the use of glyphosate. The City Manager's office is proposing to go out to bid in the next fiscal year for landscaping services for the entire city. This amendment will continue to provide landscape services to the Water Department until the city-wide contract is awarded.
- 2. Provide the background of events that prompted this request.**
 (For non-IT and IT goods, include the unique performance factors and explain why they are required? Previous history, bid process or any other data)
 The agreement funds are soon to expire, and a new amendment is required to continue with services. New Image Landscaping was the competitive bidder when the original agreement was established and provides excellent services that comply with the Russian River Friendly Landscape Guidelines (RRFLG).
- 3. What are the consequences of not purchasing the good/service or contracting with the proposed supplier?**
 Santa Rosa Water would be without critical landscaping services until a new process for selection could be completed. There are many sites that require landscaping for functional purposes, not just aesthetics.

4. What criteria were used in the market research to substantiate no competition or waiver, including evaluation of other goods/services?

(Provide a narrative to the extent of your market research that includes suppliers contacted, or an explanation of why market research was not conducted. For non-IT and IT goods, also include what other products were examined and why they were rejected?)

New Image Landscaping has already demonstrated they can perform the services required within in the guidelines of the RRFLG which prohibit the use of Glyphosate and require sustainable and environmentally friendly practices. They were also the competitive bidder with the original agreement.

5. If possible, provide (attach) current written documentation from the Vendor that supports justification.

B. PRICE ANALYSIS:

1. How was the price determined to be fair and reasonable?

(Explain and provide the basis of your comparison to include market rates, contract pricing, historical pricing, cost breakdown, etc., as applicable.)

The vendor has provided the services as defined within the original bid requirements only increasing costs yearly by the agreed upon parameters.

2. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier.

(Quantify and substantiate the cost savings realized or averted costs. The information provided must include numbers/data in addition to narrative that describes and supports the cost savings realized or avoided by acquiring the goods/services from this supplier.)

The vendor already proved to be cost effective for the required services when they bid the agreement.

C. CORRECTIVE ACTION PLAN:

This section must be completed only if the WCB is being submitted *due to the department not allowing sufficient time to complete a required competitive acquisition process*, as the good/service could have been competitively bid or are available through a competitive process. This does not apply to emergency procurements in accordance with City Code. Please utilize an Emergency PR for acquisitions that meet the definition of local emergency.

1. How will your department ensure adequate planning to prevent future submittal of WCB's for goods or services that should have been competitively bid?

(Outline in detail the department's plan to maximize the use of competitive bidding for this acquisition in the future. Failure to follow the Corrective Action Plan may impact the department's delegated purchasing authority. This plan must be kept on file for future auditing purposes)

**Division Manager and Director Approvals:
By Signing Below, I Hereby Certify That:**

- 1) I am aware of the City's requirements for competitive bidding, as well as the criteria for justification for sole source/brand purchasing or waiver of competitive bid.
- 2) I have reviewed the technical information presented above and concur with the findings presented.
- 3) I have determined that there is validity as to the information contained herein.
- 4) I certify that this purchase will not present a conflict of interest, as defined by City policy, and that I have received no gifts or gratuities from this supplier.
- 5) To the best of my knowledge, a sole source/brand purchase in this case would withstand a possible audit or a Vendor's protest.

Required Approvals

Division Manager	Director of Dept
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied
<p><i>Kimberly Zunino</i> <u>Kimberly Zunino (Mar 15, 2023 13:54 PDT)</u></p> <hr/> <p>Signature of Dept Head or Designee/Date</p> <p>Kimberly Zunino</p> <hr/> <p>Print Name of Division Manager</p> <p>DATE <u>Mar 15, 2023</u></p>	<p><i>Jennifer Burke</i></p> <hr/> <p>Signature of Director or Designee/Date</p> <p>Jennifer Burke</p> <hr/> <p>Print Name of Director</p> <p>DATE <u>Mar 15, 2023</u></p>
<p>Purchasing Agent's approval or denial works through the City ERP system under workflow.</p>	

*This is a budgetary estimate only, subsequent to approval of the WCB, Department will then receive approval to request a quote(s) and this value can be adjusted when submitting final PR.

** If Vendor is not set up in City ERP System, please contact the vendor to obtain a W9, and submit a "New Vendor Request Form" to Accounts Payable, in order to obtain a Vendor ID.
<http://iweb2/NewVendorReq/Default.aspx?ID=0>

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New Image Landscaping WCB_Sole Source Santa Rosa Water_03062023

Final Audit Report

2023-03-15

Created:	2023-03-15
By:	Easter Ledesma (eledesma@srcity.org)
Status:	Signed
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"New Image Landscaping WCB_Sole Source Santa Rosa Water_03062023" History

-  Document created by Easter Ledesma (eledesma@srcity.org)
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-  Signer kzunino@srcity.org entered name at signing as Kimberly Zunino
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