

METHOD OF SOURCE SELECTION

#180578C

NOTE TO PREPARER: *The purpose of this form is solely for the department to justify why the requested purchase, over \$5,000, is not being competitively quoted or bid. Signature by the Procurement Manager or their designee on this form indicates only agreement as to the reasonableness of the specified selection method justified herein; it is not authority to make the purchase.*

Department is required to route any contracts through City Attorney and Risk for their respective approvals.

Check one of the following: Initial MOSS Revised MOSS

If "Revised MOSS", state reason(s) for revision: _____

DATE: 11/13/18 DEPARTMENT: Regional Transit System DIVISION: _____
CONTACT: Paul Starling EXTENSION: 7840

PURCHASE/PROJECT AMOUNT: \$2,304,436.00
COST TERM: _____ (annual, quarterly, etc.)
 ONE-TIME, SINGLE PURCHASE
 CONTRACT/PURCHASE ORDER/AGREEMENT/PROJECT TERM BEGIN/END DATES: _____ / _____

CITY COMMISSION APPROVAL REQUIRED *: NO * YES, DATE: TBD
If No and purchase is \$100,000 or greater, indicate Purchasing Policy exception section: _____

* Procurement Policy #170116 Section 7: Purchases Requirement City Commission Approval
7.1 Every purchase of an item of materials, equipment, services, and extensions to existing contracts with a value greater than \$100,000 shall require the approval by the City Commission, except for the following: (*see policy for list*)

DESCRIPTION OF THE MATERIAL OR SERVICE TO BE PROVIDED: Purchase of Zero-Emission Battery Electric Buses and ChargePoint Charging Equipment

PROPOSED VENDOR/CONTRACTOR NAME: Gillig LLC
ADDRESS: 25800 Clawitter Road
CITY, STATE, ZIP: Hayward, CA 94540

Vendor is already in Financial System -- VC0000009450 and Vendor Active Status is "Active"

INDICATE ONE METHOD OF SOURCE SELECTION

(CHECK ONLY ONE OF 1-6 BELOW)

Do not use this form for City (including GRU) awarded contracts.

1. OTHER AGENCY*: Procurement Policy #170116, Section 6.6(c) Purchases made under state, federal or other public agency agreement or cooperative contracts.
* When utilizing other public agency competitive purchasing opportunities you must obtain and attach a copy of all elements of the "other agency" bid award:
- Invitation to Bid
 - Bid Record
 - Awarded Bid Response(s)
 - Notification of Award
 - Vendor name
 - Commodities/services awarded
 - Award price (itemized quote that must match contract and include contract number)
 - Complete Contract

NOTE: Upon approval of the MOSS form by Procurement, piggyback purchases must have a "bridge" agreement executed by vendor and City that incorporates the piggyback agreement.

2. PROFESSIONAL SERVICES: Procurement Policy #170116, Section 6.6(e) Contractual services of a professional* nature whose cost does not exceed \$50,000, except as required by State law
* Services which involve extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field.
Written detailed justification is required and must be attached to the signed Method of Source Selection form.

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3. CONTINUING CONTRACTS: Procurement Policy #170116, Section 6.6(g) Work performed under Continuing Contracts, as defined by Florida Statutes, for professional services of indefinite duration. Continuing Contracts shall be reviewed for appropriateness with regard to the quality of the service and the competitiveness of the cost. Such review shall be the responsibility of the appropriate Manager and shall be conducted not less than every five years.
Written detailed justification is required and must be attached to the signed Method of Source Selection form.
4. EMERGENCY: Procurement Policy #170116, Section 6.6(h) Emergency purchases, at the discretion of the (City) Managers, when urgent situations do not allow sufficient time to obtain competitive bids.
NOTE: An Emergency Purchase Request form (found at the back of this document) must first be completed and approved by both the Purchasing Division and either the Assistant City Manager, Chief of Staff or City Manager (based upon signature authority levels), then submitted along with the Method of Source Selection form to Procurement for final approval.

NOTE: The following two methods are exempt and do **not** require completion of this form:

UTILITY: Procurement Policy #170116, Section 6.6(d) Utility services when the subject utility is the only available source of such service. (*Utility services must be through GRU only, unless previously approved by Procurement.*)

LEGAL SERVICES: Procurement Policy #170116, Section 6.6(f)

NON-COMPETITIVE SITUATIONS:

IMPORTANT NOTE: The Non-Competitive Situations Justification form which follows on the next page must be completed and submitted together with the signed Method of Source Selection form. REQUISITIONER/REQUESTER shall complete the attached NON-COMPETITIVE SITUATION JUSTIFICATION form with supporting documentation as to why the vendor/contractor is the SOLE SOURCE/SPECIFIED SOURCE to provide the commodity/service. **Attach** all supporting documentation, including detailed written justification to the Method of Source Selection form for review and approval or rejection by the applicable listed City approving authorities.

5. SOLE SOURCE: Procurement Policy #170116, Section 5(q) – The only source through which goods, equipment or services may be purchased.
6. SPECIFIED SOURCE: Procurement Policy #170116, Section 5(r) – A source selected without competitive bidding for justifiable reasons.

The REQUISITIONER/REQUESTER hereby attests (certify under oath) that he/she took part in the procurement represented and that he/she is independent of, and have no conflict of interest in, the entity evaluated and selected. He/she recommends that competitive bidding be waived and that the material or service be purchased from the vendor indicated based on the existence of a non-competitive situation as described and attached in detail hereto.

Written detailed justification is required and must be attached to the signed Method of Source Selection form.

REQUISITIONER/REQUESTER

Paul Starling
Printed Name _____ Signature _____

_____ Date

DEPARTMENT (DIVISION) HEAD SIGNATURE

Jesus Gomez
Printed Name _____ Signature _____

_____ Date

PROCUREMENT MANAGER OR DESIGNEE

Printed Name _____ Signature _____

_____ Date

NON-COMPETITIVE SITUATIONS JUSTIFICATION

DATE: 11/13/18

PURCHASE/PROJECT AMOUNT: \$2,304,436.00

PROPOSED VENDOR/CONTRACTOR NAME: Gillig LLC

MATERIAL OR SERVICE TO BE PROVIDED: Purchase of Zero-Emission Battery Electric Buses and ChargePoint Charging Equipment

(CHECK ONLY ONE OF #1 OR #2 BELOW)

- 1. **This is a specified source because (complete #3 below):** (Please be specific)
- 2. **This is a sole source because (complete #3 below):** (Please choose one of the following options and then provide justification)
 - Sole provider of a licensed or patented good or service
 - Sole provider of items which are compatible with existing equipment, inventory, systems, programs or services
 - Sole provider of goods and services for which the City has established a standard
 - Sole provider serving the geographic area in which the City is located of factory-authorized warranty, maintenance, or support services
 - Sole provider of goods or services that will meet the specialized needs of the City or perform the intended function
 - The vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (please attach information on market price survey, availability, etc.)
 - Other

3. Written detailed justification as required: (Please be specific) RTS submitted a grant application to the Federal Transit Administration's Low or No Emission Vehicle Grant Program after obtaining City Commission approval on June 5, 2017 to do so. In submitting for various grants, applicants are permitted to form public private partnerships. RTS chose to partner with Center for Transportation and The Environment, Inc. (CTE) because they have been successful with helping other applicants win grants. As the fleet are all Gillig buses, RTS chose to partner with Gillig as the manufacturer of the electric bus. Both CTE and Gillig were named in the grant application, as required by FTA. The Federal Register announcement, April 27, 2017, page 19448, second column, second paragraph under C.I. states that "If an application that involves such a partnership is selected for funding, the competitive selection process will be deemed to satisfy the requirement for a competitive procurement under 49 U.S.C. 5324(a) for the named entities." There are no proposed changes to the partnership. Therefore, the use of Gillig LLC is being processed as a specified source.

Statement of Need:

This proposed non-competitive waiver is based upon an objective review of the required product/service and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to waive competitive bidding on this purchase when there are other known suppliers to exist.

Requestor:

Paul Starling
 Printed Name _____ Signature _____

Date

Department (Division) Head:

Jesus Gomez
 Printed Name _____ Signature _____

Date

Procurement Manager or Designee: Approved as to reasonableness of justification

 Printed Name _____ Signature _____

Date

EMERGENCY PURCHASE REQUEST

Prior authorization is required.

Date: _____

To: _____

From: _____
Name/Title

Phone #: _____

Procurement Policy, Section 5.(h): Definitions

“Emergency Purchase. A purchase which is necessary due to unforeseen circumstances and that can negatively impact the operation of the City, or a purchase needed for a public safety emergency or where delay of a purchase subjects the City to additional costs or hardship.”

Use this form to document that a purchase is being initiated on the basis of an emergency, as defined above. This form, if approved, must be submitted along with the Method of Source Selection form and shall become part of the purchase order file.

1. Date of Emergency: _____ Estimated Amount \$_____
2. A full written determination of the basis of the emergency (attach additional documentation if needed): _____
3. Vendor to be selected: _____
4. Description of product or services to be provided: _____
5. Why is this vendor being selected to provide the goods or services: _____

Circumstances did not permit **prior** authorization to be obtained for the reason given in Item 2.
If this box is marked, provide copy of invoice for product or services performed (as well as any quotes received) and forward to Assistant City Manager/Chief of Staff or City Manager (based upon value) for approval.

To the best of my knowledge, the foregoing summary for the product or service sought by the requesting department meets all of the criteria for an emergency procurement.

DEPARTMENT (DIVISION) HEAD: _____ / _____
 Printed Name and Signature Date

PROCUREMENT: _____ / _____
 Procurement Manager or Designee Date

Procurement signature indicates sufficient documentation has been provided to support consideration of Department's request.

Emergency Purchase Request is: **Approved** **Denied**

Purchases up to \$100,000:
ASST CITY MANAGER/CHIEF OF STAFF: _____ / _____
 Printed Name and Signature Date

Purchases exceeding \$100,000:
CITY MANAGER: _____ / _____
 Printed Name and Signature Date