

METHOD OF SOURCE SELECTION

Waiver for Non-Competitive Procurement

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 the respective approvals.

SELECT ONE OF THE FOLLOWING CHOICES:

Initial MOSS Revised MOSS (reason(s) for revision):

DATE: 3/30/21 DEPARTMENT: Regional Transit System DIVISION: _____
 CONTACT: Paul Starling EXTENSION: 7840

PURCHASE/PROJECT AMOUNT: \$1,053,652.00 COST TERM: _____ (annual, quarterly, etc.)

One-Time, Single Purchase Contract/Purchase Order/Agreement/Project Term Begin/End Dates: _____

COMMISSION APPROVAL REQUIRED (OVER \$100K): No, per Procurement Policy # _____ (click [here](#) for policy) Yes, date: 4/15/21

DESCRIPTION OF THE MATERIAL OR SERVICE TO BE PROVIDED: Purchase of one (1) Zero-Emission Battery Electric Bus and one (1) ChargePoint Dispenser

VENDOR NAME: Gillig, LLC
 ADDRESS: 451 Discovery Drive
 CITY, STATE, ZIP: Livermore, CA 94551

Vendor is already in Financial System -- VC0000112132 and Vendor Active Status is "Active"

Select one of the following choices:

Other Agency (1) Professional Services (2) Continuing Contracts (2) Sole Source (2) Specified Source (2)

Note: For an Emergency Purchase complete the stand-alone EmergencyPurchaseRequest form

(1) Attach required documentation (ITB, Bid Record, Awarded Response, Complete Contract, and an executed "bridge agreement" or email from legal if not required, etc.)

(2) Refer to respective Procurement Policy for more information. Written detailed justification is required for these selections (please be specific): RTS submitted a grant application to the Federal Transit Administration's FY2020 Low or No Emission Vehicle Grant Program after obtaining City Commission approval on March 5, 2020 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, January 24, 2020, page 4349, third column, first paragraph under C.1. 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.

Certification/Statement of Need:

The Requester hereby certifies that this proposed waiver of non-competitive procurement 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 or entity selected. 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 if other suppliers are known to exist.

Requester:	<u>Paul Starling</u> Paul Starling (Mar 30, 2021 10:24 EDT)	03/30/21
	Printed Name/Signature	Date
Department (Division) Head:	<u>Jesus Gomez</u> Jesus Gomez (Mar 30, 2021 10:56 EDT)	03/30/21
	Printed Name/Signature	Date
Procurement Manager or Designee:	<u>J. Douglas Draymon</u> J. Douglas Draymon (Mar 30, 2021 11:15 EDT)	03/30/21
	Printed Name/Signature	Date