

# Sole/Single Source Justification

DATE: <b>8/18/2021</b>	DEPT/DIVISION: Parks & Community Services/Parks Division
VENDOR: Musco Sports Lighting, LLC	VENDOR PART NUMBER: (IF APPLICABLE)
DESCRIPTION OF ITEM: Use of Musco Sports Lighting, LLC for installation, lighting upgrades and integration of Control-Link systems at Morrison Park.	
<b>Single Source:</b> <input type="checkbox"/> A Single Source is one of the multiple sources that are capable of producing the desired item(s). It is the one source that is selected without competition for compelling and justifiable reasons.	
<b>Sole Source:</b> <input checked="" type="checkbox"/> A Sole Source is the <i>only</i> source available that is capable of producing the desired item(s) because of exclusive control of patent rights, copyrights, proprietary processes, etc. or similar circumstances.	

## JUSTIFICATION: PLEASE PROVIDE REQUESTED INFORMATION IN THE RATIONALE BOX ON PAGE 2

<input type="checkbox"/>	<b>Only known qualified vendor.</b> (List of the vendors which were contacted below and the specific reasons <u>why each was not a viable source</u> . List the qualifications that each source or item meets. If another vendor offers a similar item, provide the item identification, vendor information and comparable pricing).
<input type="checkbox"/>	<b>Dues and/or Membership</b> (Dues and/or Memberships are generally required for various regional agencies and/or professional memberships, and no competitive equal exists. <u>Please list the organization the due and/or membership is for and indicate the reason needed.</u> )
<input type="checkbox"/>	<b>Legal Services Agreement.</b> (Per Procurement Policy 3.18 exempt from competitive requirements).
<input type="checkbox"/>	<b>Contract Class Instructors/Sports Officials and referees</b> (Per Procurement Policy 3.18 exempt from competitive requirements).
<input type="checkbox"/>	<b>Supplier/Consultant proprietary item/service.</b> (The selected supplier/consultant is the only manufacturer of this item and/or service. List the reasons why no substitute can be used and if no similar substitute is available).
<input type="checkbox"/>	<b>Government or Contract Directed.</b> (Provide a <u>copy</u> of the contract page which directs this source or a letter, or memo or e-mail specifically directing this source).
<input checked="" type="checkbox"/>	<b>Continuation of an ongoing service or an addition to a critical system already procured from that vendor.</b> (List the reasons <u>why</u> it would not be cost effective and/or schedule effective and/or mitigate technical risk and/or prudent to procure with another vendor for this procurement).
<input type="checkbox"/>	<b>Economically Justified due to the following reasons:</b>
<input type="checkbox"/>	Delivery Schedule Requirements (list delivery schedule requirements below)
<input type="checkbox"/>	Need for unique capabilities or special techniques (list below)
<input type="checkbox"/>	Standardization (Specify what is being standardized and how this will benefit?)

**RATIONALE:** (Provide written explanation, technical reasoning and/or evidence of the claim. See Directions. Use additional sheets if necessary)

Musco Sports Lighting, LLC is a comprehensive design/build company utilized for construction, standard equipment, and lighting for Moreno Valley Parks sports fields. The Control-Link system is Musco's proprietary software application for the control and programming of sports field lights by Musco staff, City staff, and long-term sports user groups for field reservations. For consistency, efficiency, and integration with the existing Musco Sports Lighting system throughout Moreno Valley parks, the Department recommends that the City Council authorize the sole sourcing of Musco Sports Lighting, LLC for this project.

**PURCHASING USE ONLY:**

I CERTIFY THAT STATEMENTS CHECKED, AND INFORMATION PROVIDED ABOVE, ARE COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT THE PROCESSING OF THIS SOLE/SINGLE SOURCE JUSTIFICATION PRECLUDES THE USED OF FULL AND OPEN COMPETITION.

DIVISION MANAGER OR DEPARTMENT HEAD

SIGN: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

PURCHASING DIVISION MANAGER

SIGN: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**FOR PURCHASING USE ONLY**

CONTRACT #

PO #

VERIFIED BY:

COMMENTS:

JUSTIFICATION VALID FOR: ☐ 1 YEAR ☐ 2 YEARS ☐ 5 YEARS

**SPECIFIC SOURCE JUSTIFICATION (SSJ) INSTRUCTIONS**

Technical and requirements personnel are responsible for providing and certifying as accurate and complete necessary data to support their recommendation for other than full and open competition. The justification must demonstrate that only one company can perform. The following are examples of bases for an SSJ:

- a) The supplies/services to be acquired are unique to City of Moreno Valley.
- b) Time is of the essence and only one known source can meet City of Moreno Valley's needs within the required timeframe.
- c) Data is unavailable for competitive procurement.
- d) It is necessary that the item being acquired from one source be compatible and interchangeable with existing equipment.

The following elements must be addressed in the SSJ:

- a) State clearly City of Moreno Valley's requirements. Make sure that the entire requirement is covered by the justification.
- b) Explain why the vendor is the only company that can meet City of Moreno Valley's requirement. The documentation necessary to adequately substantiate the two most common basis of Sole/Single source is:
  - i. If the supplier has a unique capability, whether it is an item or service, it is insufficient to simply say that the supplier is unique. If the item is unique to the supplier, the unique characteristics must be set forth. If the supplier has unique expertise, that expertise must be described. If the supplier has unique equipment or facilities or it has proprietary data, it must be explained.
  - ii. If only one supplier can perform within the required timeframe, the timeframe must be explained:
    - 1. Provide the date by which the supplies/services must be delivered.
    - 2. Indicate how that date was determined and its significance.
    - 3. Indicate the impact of delay beyond that date in terms of program schedules, milestones, etc.
    - 4. State how long it would take another supplier to acquire the capability to perform (learning curve), how much it would cost another supplier to get up to speed, and if appropriate, what it would cost City of Moreno Valley in terms of dollars and manhours to get another supplier up to speed. State the bases for the above estimates.
- c) State how the decision to go Sole/Specific Source was reached. Generally, technical personnel's knowledge and experience can be used to support SSJ. The following are examples of documentation supporting this element:
  - i. Explain requisition originator's experience that would indicate that he knows only one source can perform.
  - ii. Explain that technical publications, symposiums, or conferences clearly indicate that only one company can perform. List publications read and symposiums and conferences attended.
  - iii. State what is being done to foster future competition.
  - iv. Justification must be signed and dated.
- d) Describe the item and the particular uses of the item. State specifically what the item is going to be for and what it will do. Include here any project numbers and titles that the material in question will support or historically has supported.
- e) State the distinguishing characteristics of the item and why this is the only item that will fulfill the requirements. This may include being an add-on to an existing system or the replacement of an existing system. Copyrights and trademarks may be applicable here depending on the situation.
- f) Explain what would happen if another, unequal item were procured instead. Include any training delays, alteration of standard operating procedures, etc. that would cost the institution time, funds and overall completion of projects. This is the appropriate area to describe any design changes that would be necessary if another source were to be used.
- g) Outline the work performed to determine what other, similar items are offered from other vendors and why these items will not satisfy the requirements stated in the previous steps. This may need to be explicit to include: company names, contact information, and in some cases, valid quotes.

- h) If there is cost impact, detail the cost impact of utilizing another source.
- i) If there is schedule impact, detail the schedule impact of utilizing another source.

**\*\*IMPORTANT\*\***

\*The two most often cited basis for SSJ are uniqueness and timeframe. These are often confused and inappropriately interchanged. If a supplier is unique and if his uniqueness is adequately substantiated, a discussion of timeframe is inappropriate. If the basis for the SSJ is timeframe, a discussion of uniqueness should not be made or alluded to.

\*Timeframe does not make a supplier unique.

\*Statements that a supplier has the best capability, offers the lowest price, or is the only qualified source are not bases for an SSJ. Such determinations can only be made through competitive acquisitions. A strong presentation which merely establishes that the recommended source is most highly qualified to perform but does not establish why other sources cannot perform is unacceptable.

\*Incumbency does not justify an SSJ.

\*Administrative delay or lack of adequate advanced planning do not create an urgency that justifies an SSJ.