

ATTACHMENT B

SOLE SOURCE/BRAND REQUEST

When a request is made for a non-competitive purchase and the specifications limit the bidding to one source and/or one brand or trade name, the requesting department must complete the following.

1. Please check one:

- a. ☐ SOLE SOURCE: Item is available from one source only. Item is one-of-a kind and is not sold through distributors. Manufacturer is exclusive distributor.
- b. ☐ SOLE BRAND: Various sources can supply the specified model and brand and competitive bids will be solicited for the requested brand only. Meets form, fit and function - nothing else will do.
- c. ☒ STANDARDIZATION REQUEST: The City of Victorville Director of Utilities requires the item(s) to standardize parts; design; quality; training; etc...

2. What are the unique performance features of the product / brand requested that are not available in any other product / brand? (For services: What unique qualifications, rights, licenses does this vendor possess?)

3. Why are the unique performance features REQUIRED (not merely preferred), and how would your requirement be inhibited without this particular service/item?

4. If justification is based on matching and/or interdependent with existing equipment (refer to 1.c.), list the quantity, manufacturer, brand, and model of the existing equipment, and why the matching is required.

ABB, Inc. is the manufacturer of the standardized transformer used by VMUS. Pacific Utilities is the sales / marketing division of ABB, and unlike other suppliers, has no mark up on their quotes for ABB transformers. Standardization of transformers help reduce maintenance and training cost, creates efficiencies in regards to part's interchangeability, and reduces outage downtimes for customers in the event of a transformer failing.

I am aware of City of Victorville's policy for competitive bidding and the established criteria for sole source/sole brand purchasing. I feel confident that this request for sole source/sole brand procurement meets City of Victorville's criteria and will withstand an audit or a vendor protest.

REQUESTOR:  DATE: 04/08/2019

DIRECTOR:  DATE: 04/08/2019

2.28.100 - Purchases of general services or supplies and equipment with an estimated cost in excess of fifty thousand dollars.

- (a) *Bidding requirement.* The city manager shall solicit bids for supplies and equipment and general services with an estimated cost in excess of fifty thousand dollars per single transaction or term agreement by following the formal bid procedure prescribed in this section.
 - (1) *Notice inviting bids.* The notice inviting bids shall include a general description of the supplies and equipment or general services to be purchased, and shall state where bid forms and specifications may be secured, and the final time and place for submitting bids.
 - (A) *Published notice.* The notice inviting bids shall be published at least one time, ten calendar days before the date of opening of the bids in a newspaper(s) of general circulation, printed and published locally. The city manager may also give such additional notice as he/she deems appropriate.
 - (B) *Bidder's list.* The city manager shall also solicit sealed bids from responsible prospective suppliers whose names are on the city's bidder's list.
 - (2) *Bid opening procedure.* Bidders shall submit sealed bids to the city manager or such department head as may be identified in the notice inviting bids, and shall identify them as bids on the envelope in accordance with the notice inviting bids. Invitations for bids shall require a bid opening at a designated place, date and time when the city clerk, or his or her designee, shall publicly open.
 - (3) *Rejection of bids.* In its discretion, the city council may reject any and all bids presented, and may re-advertise for bids in the event all bids are rejected.
 - (4) Reserved.
 - (5) *No bid/no responsive bid.* If no bid, or no responsive bid is received after inviting bids under this section, the city manager may proceed to procure the general services or purchase the supplies and equipment in the open market.
 - (6) *Award of contract.* The city council shall have the authority to award a contract for purchase of supplies and equipment or general services with a cost in excess of fifty thousand dollars. If responsive and responsible bids are received, the city council shall make award of the contract to the best value bidder, even if such bidder did not submit the lowest monetary bid. The factors from section 2.28.040 upon which the award was based shall be set forth in writing.
- (b) *Exceptions.* The bidding procedures under this section may be dispensed with:
 - (1) In the event the city council determines the existence of an emergency as defined in subsection 2.28.050(6) and provided such procurement is made in accordance with the applicable provisions of subsection 2.28.060(f);
 - (2) Where it is determined by the city council that such procurement constitutes a sole source

purchase. The basis upon which this determination is made shall be prepared by the city manager in writing and presented to the city council for approval using the city's sole-source justification form;

- (3) Where the general services, supplies or equipment are purchased through a cooperative purchasing arrangement pursuant to section 2.28.120; and
- (4) Where supplies and equipment or general services are purchased through competitive or noncompetitive negotiations pursuant to section 2.28.110.

(Ord. No. 2381, § 2, 9-18-18)