



**COUNTY OF MENDOCINO**  
**General Services Agency**  
Central Services Division

EB No. **24-37**

**JANELLE RAU**  
**GENERAL SERVICES AGENCY**  
**DIRECTOR/DELEGATED**  
**PURCHASING AGENT**

**EXCEPTION TO COMPETITIVE BIDDING PROCESS**  
**SOLE/SINGLE SOURCE PURCHASING, AND DISCLOSURE STATEMENT**

<b>Request Date:</b>	9/11/2023	
<b>Requesting Department:</b>	Planning & Building Services	
<b>Contact Name:</b>	Danielle Fitts	
<b>Contact No.</b>	Email: fittsd@mendocinocounty.gov	Phone: 707-234-6675
<b>Prior Sole Source Reference No.(s), if any:</b>	Click or tap here to enter text.	
<b>Description of Purchase or Service:</b>	Assistance with redistricting Mendocino County Business Improvement District (BID) from "Parking and Business Improvement Area Law of 1989" to "Property and Business Improvement District Law of 1994."	
<b>Requested Vendor:</b>	Mendocino County Tourism Commission (MCTC) & Civitas Advisors	
<b>Estimated Total Cost:</b> (Attach all written quotations)	\$0.00 – Will be funded by MCTC; could possibly pass-thru Mendocino County Economic Development Division (PM), however payment process is TBD at this time.	

**OVERVIEW**

State and local laws subject Mendocino County to competitive bidding rules. Requests for goods and/or services from a specific vendor or limited to a specific brand, where substitutes to the recommended vendor or brand are unacceptable, must be accompanied by a written justification (carefully documented on an 'Exception to Bidding' form) explaining the circumstances that make alternatives unacceptable.

Employees signing the justification must disclose in writing whether or not he/she has a potential or actual conflict of interest. County employees who have a business relationship with or financial interest in the recommended vendor must disclose the conflict of interest. Any employee with an actual or potential conflict of interest may not participate in the purchase decision.

The Chief Executive Officer/Purchasing Agent or authorized designee will determine whether the justification is appropriate. Requests for exception must be supported by factual statements that will pass an audit.

**Goods:** Departments must also note that the County must comply with competitive bidding on purchases of goods in the amount \$10,000 or more. This competitive bidding process is conducted solely by the General Services Agency/Central Services Division.

**Services:** Departments shall obtain competitive bids for personal and professional services contracts over \$25,000. If a department holds a contract between \$10,000 and \$25,000 for up to three consecutive years, said department shall obtain competitive bids for that contract before beginning the fourth year of said contract.

**INSTRUCTIONS:**

- Complete all relevant information and sections within the form.
- Provide full explanations, complete descriptions, and/or list all relevant reasons as requested.
- Sign and date the form.
- Improperly completed, and/or unsigned forms may be returned to the sender.
- Upload completed form to Cobblestone and route for additional approvals.
- County Counsel will forward to the Executive Office. The Executive Office will forward to General Services Agency (for service-related requests, submit prior to the initiation of the contract process; for the acquisition of goods/commodities, submit prior to the submission of a requisition).
- Reference Mendocino County Policy No. 1 and General Services Agency's Competitive Procurement Guidelines.

**Exception to Bidding Substantiation/Documentation****1. Select one of the following:**

- ☒ **Sole/single source procurement.** Sole Source is defined as a product or service which is practicably available only from one source. A single source is a source specifically selected amongst others, if any, due to specific reasons, i.e. replacement parts, compatibility, quality, service, support, etc.
- ☐ **Proprietary procurement.** A proprietary procurement restricts the product to that of one manufacturer. In such cases, the consideration of proposed equals is excluded. Competition may be obtained among the distributors which carry the specific product.

**2. Please check all applicable categories below and provide additional information where indicated to support the type of exception indicated in No. 1 above.**

- ☐ The requested product is an integral repair part or accessory compatible with existing equipment.  
 Existing Equipment: Click or tap here to enter text.  
 Manufacturer/Model Number: Click or tap here to enter text.  
 Age: Click or tap here to enter text.  
 Current Estimated Value: Click or tap here to enter text.
- ☒ The requested product has unique design/performance specifications or quality requirements that are not available in comparable products.
- ☐ The County has standardized the requested product or service and the use of another brand/model would require considerable time and funding to evaluate.
- ☐ The requested product or service is one with which I (and/or my staff) have specialized training and/or extensive expertise. Retraining would incur substantial cost in time and/or funding.
- ☐ The requested product is used or demonstration equipment is available at a lower-than-new cost.
- ☐ Repair/Maintenance service is available only from manufacturer or designated service representative.
- ☐ Upgrade to or enhancement of existing software is available only from manufacturer.
- ☐ Service proposed by vendor is unique; therefore, competitive bids are not available or applicable.
- ☒ Other factors (provide detailed explanation and substantiation in No. 3 below).

**3. Provide a detailed explanation and pertinent documentation for each category checked in item 2 above. Attach additional sheets if necessary:**

This is a three-party contract between Mendocino County, Mendocino County Tourism Commission (MCTC) and Civitas, with MCTC paying for all services rendered per the agreement. Civitas has assisted in BID updates and transitions from one type of BID to another in multiple other jurisdictions, including neighboring areas such as the City of Healdsburg, Humboldt County Convention and Visitors Bureau, and the County of Lake. As such, MCTC selected Civitas as the contractor for services and began working with Civitas on replacing the County's BID formed under the 1989 BID Law with one formed under the 1994 BID Law. After discussions with MCTC about this process, it was determined that Mendocino County should be a party to any contract with Civitas as this process includes for the sharing of confidential sales tax data and Transient Occupancy Tax data, and ultimately Board of Supervisors approval to finalize the change from the 1989 Parking and Business Improvement Area Law to the 1994 District Law. As Civitas has already begun working with MCTC and because MCTC is funding the work to be performed by Civitas, an exception to bid is appropriate.

**4. Was an evaluation of other equipment, products, or services performed? ☐ Yes ☒ No**

*If yes, please provide all supporting documentation, including copies of any quotes obtained, and an explanation below.*

Click or tap here to enter text.

**5. List below the name of each individual who was involved in the evaluation, if conducted, and/or in making the recommendation to procure this product or service. Attach additional**

**information, if necessary. Each individual must submit a completed and signed Disclosure Statement (attached).**

Adrienne Thompson

Click or tap here to enter text.

Click or tap here to enter text.



6. I certify that the above information is accurate to the best of my knowledge, and a signed copy of this document will be kept on file and available for audit in my department.

Danielle Fitts 9/11/23  
Signature / Date

Danielle Fitts  
Printed Name

Planning & Building Services  
Department

Department Analyst II  
Title

Julia Krog 9/11/23  
Department Head Signature / Date

Julia Krog  
Printed Name

## COUNTY COUNSEL/EXECUTIVE OFFICE/GENERAL SERVICES REVIEW

Man / Lisa 09/12/2023  
County Counsel Approval / Date

[Signature] 09/12/2023  
Executive Office Approval / Date

Janette Rau 09/12/2023  
Purchasing Agent Approval / Date

### Comments:

Click or tap here to enter text.

**DISCLOSURE STATEMENT TO ACCOMPANY  
REQUEST FOR EXCEPTION TO COMPETITIVE BIDDING PROCESS**

**Each individual involved in evaluating and/or in making a recommendation to purchase must complete, sign, and submit a Disclosure Statement with the applicable Purchase Requisition.** Filing an annual statement of economic interest does not exempt an employee from this requirement. (Attach additional information if necessary.)

1. Please list any income or gifts you received from this company during the past 12 months:  
None
2. Please list any financial interests (stocks, shares, investments, etc.) you have in this company:  
None
3. Do you have any other type of business relationship with this company?  
No
4. To the best of your knowledge, does any member of your departmental staff have a business relationship with this company?  
No
5. Do you or any of your near relatives have any financial interest in this company?  
No
6. Please provide any additional information you believe should be disclosed at this time:  
N/A
7. I certify that the above information is true:

  
Signature

9-16-23  
Date

Adrienne Thompson  
Printed Name

Administrative Services Manager II  
Title