



COUNTY OF MENDOCINO
Executive Office
Central Services Division

EB No. **22-118**

DARCIE ANTLE
INTERIM CHIEF EXECUTIVE OFFICER
PURCHASING AGENT

EXCEPTION TO COMPETITIVE BIDDING PROCESS

SOLE/SINGLE SOURCE PURCHASING, AND DISCLOSURE STATEMENT

| | | |
|---|--|---------------------|
| Request Date: | 5/9/2022 | |
| Requesting Department: | Public Health- Emergency Preparedness Unit | |
| Contact Name: | Heidi Corrado | |
| Contact No. | Email: corradoh@mendocinocounty.org | Phone: 707 472-2611 |
| Prior Sole Source Reference No.(s), if any: | TSI, Inc. | |
| Description of purchase or service: | Qualitative/Quantitative Fit Testing Machine with 5 year repair and servicing warranty | |
| Requested Vendor: | TSI, Inc. | |
| Estimated Total Cost: (Attach all written quotations) | \$39,830.90 | |

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. The employee 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.

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 Executive Office/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 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.

- Submit completed form to the County Counsel. Following their review, County Counsel will forward to the Executive Office (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 Executive Office'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: _____
Manufacturer/Model Number: _____
Age: _____
Current Estimated Value: _____
- ☐ 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 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:

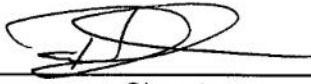
Public Health previously purchased two TSI N95 fit testing machines in 2010. These machines are now 12 years old and in need of updating. Replacing these units directly with the manufacturer grants a discount of 1,500.00 per machine that will not be available from any other vendor. The units require annual cleaning and calibration in order to retain OSHA compliance; this service is provided by the manufacturer, TSI Inc, and is not provided by any other vendor due to proprietary equipment on the machines. Failure to replace these units will result in Public Health being out of compliance with OSHA requirements for ensuring N95 respirators are properly fitted to minimize leakage. Please see the attached Sole Source letter provided by the vendor.

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.

5. List below the name of each individual who was involved in the evaluation, if conducted, and 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).

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.

 5/10/2022
Signature / Date

Heidi Corrado
Printed Name

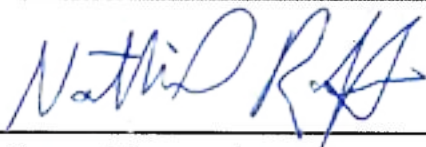
Public Health
Department

Program Administrator
Title

 5/10/22
Department Head Signature / Date

Anne Molgaard, J.D.
Printed Name

EXECUTIVE OFFICE/CENTRAL SERVICES REVIEW

 06/03/2022
County Counsel Approval / Date

 06/03/2022
Executive Office Approval / Date

 06/03/2022
Purchasing Agent Approval / Date

Comments:

**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:

N

2. Please list any financial interests (stocks, shares, investments, etc.) you have in this company:

N

3. Do you have any other type of business relationship with this company?

N

4. To the best of your knowledge, does any member of your departmental staff have a business relationship with this company?

N

5. Do you or any of your near relatives have any financial interest in this company?

N

6. Please provide any additional information you believe should be disclosed at this time:

N

7. I certify that the above information is true:

Anne Molgaard
Signature

Anne Molgaard
Printed Name

5/10/22
Date

Public Health Director
Title



TSI INCORPORATED

500 Cardigan Road, Shoreview, MN 55126 USA
tel 651 490 2811 + toll free 800 874 2811 + fax 651 490 3824 + web www.tsi.com

May 10, 2022

To whom it may concern:

TSI Incorporated is the manufacturer of and the sole source of the following instruments:

PortaCount Models 8030, 8038, 8040, and 8048
Quest Sound Level Meters, Noise Dosimeters, Heat Stress Monitors, IAQ Monitors
DustTrak Models 8530, 8531, and 8532
DustTrak DRX Models 8533 and 8534
Q-Trak Model 7575
SidePak Personal Aerosol Monitor Model AM520
P-Trak Ultrafine Particle Counter Model 8525

TSI warrants the equipment, under normal use and service as described in the operator's manual, shall be free from defects in workmanship and material for twenty-four (24) months, or the length of time specified in the operator's manual, from the date of shipment to the customer. This warranty period is inclusive of any statutory warranty. TSI recommends annual recalibration and cleaning for this equipment.

Best Regards,

Mark N. Schultz

Mark N. Schultz
Senior Direct Sales Specialist

MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY

SUPPLY REQUISITION

TO: Purchasing Agent REQUISITION NUMBER: _____

FROM: Heidi Corrado UNIT/DIVISION: PHEP/HCC

Ext: 2611

DELIVER TO: Public Health, Ukiah DATE: 5/9/2002

VENDOR: as listed below PHONE #: as listed below

TSI Inc 800-680-1220


ADDRESS: as listed below FAX #: as listed below

500 Cardigan Road Shoreview MN 55126

| Qty | Unit of Issue | Vendor Item # | Complete Description | Unit Cost | Item Total | Date Received |
|-----|---------------|---------------|--|--------------|--------------------|---------------|
| 2 | Ea | B2B5-8048 | QG B2B 5-yr warranty with repair, annual clean and recalibration | 5,115.00 | ##### 10,230.00 | |
| 2 | Ea | 8408 | PortaCount Model 8408 Respirator Fit Tester | 15,220.00 | ##### 30,440.00 | |
| 1 | Ea | | Promo Discount | (3,000.00) | (3,000.00) | |
| 1 | ea | | Tax | 2,160.90 | 2,160.90 | |
| | | | | | - | |
| 1 | | | | | - | |
| | | | | | - | |
| | | | | Order Total: | 39,830.90 | |

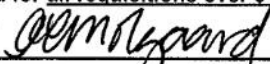
| | |
|----------------------|-------------------------------|
| For Fiscal Use Only: | |
| Date Ordered: | Coding: Credit Card Approval: |

JUSTIFICATION: The current machines are nearly 12 years old and are overdue for calibration. These are necessary for ensuring proper fitting N95 Respirators for medical staff across the county regardless of employer capacity to conduct fit testing.

Supervisor Approval:  Date: 10 MAY 2002
 Required for all requisitions

Program Manager Approval: _____ Date: _____
 Required for all requisitions over \$250

Deputy Director Approval: _____ Date: _____
 Required for all requisitions over \$1,000

Director Approval:  Date: 5/10/22
 Required for all requisitions over \$5,000



500 Cardigan Road
Shoreview, MN 55126
USA
EIN 41-0843524

Tel:(800)680-1220
Fax:(651)490-3824
Web:www.TSI.com
Email:answers@TSI.com

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Quotation

| | |
|--|--|
| Quote Contact Heidi Corrado Tel: +1 707 472 2611 Email: corradoh@mendocinocounty.org | Make PO Out To: TSI Inc. |
| Bill-To-Party MENDOCINO COUNTY 1120 S DORA ST UKIAH CA 95482 | Quotation Number 20228964 Quotation Date 05/06/2022 Customer No 5100198 Cust. Ref. Incoterms 2020 CPT: Prepay & Add Consignee's Premises Payment Term Net 30 days Valid To 06/30/2022 Currency USD Method of Payment PO, Visa, Amex, Mastercard Reference Quote number when submitting PO |
| Ship-To-Party MENDOCINO COUNTY 1120 S DORA ST UKIAH CA 95482 | |

| Item | Material/Description | Quantity | Unit Price | Amount |
|------|--|----------|------------|-----------|
| 1 | B2B5-8048 QG B2B Warranty, 5-Yr, PortaCount 8048 Quality Guard Bumper-To-Bumper 5-year Warranty Contract for Annual Clean and Calibration, as well as Repair Services. TSI covers the cost of standard ground shipping to return the instrument from TSI. Fast Track (expedited) Service included. This B2B Warranty Contract is not applicable when the TSI Service Group has determined that misuse and/or abuse has occurred to the instrument. All 5-year Warranty contracts will be valid for 60 months, from the date of instrument shipment and are linked to the serial number of the instrument. B2B Warranty Contracts are applicable to new instrument sales only. This B2B Warranty Contract is non-transferable, and no other instrument serial number will be accepted for service. | 2.00 EA | 5,115.00 | 10,230.00 |
| 2 | 8048 PortaCount Model 8048 (115V Generator) Respirator Fit Tester Includes: Carry Case, AC Adapter with Universal Plug Set, 8026 Particle Generator (115 VAC), Alcohol Cartridge, Alcohol Fill Capsule, Storage Cap, (2) Zero Check Filters, 3/16" and 1/4" Hose Adapters, (2) Spare Alcohol Wicks, (100) Sampling Probes, (100) Lock Washers; Probe Insertion Tool, Neck Strap; USB Cable, 8016 Alcohol Supply containing (16) 30ml Bottles of Reagent Grade Isopropyl Alcohol, FitPro Ultra Fit Test Software and 2-Year Warranty. | 2.00 EA | 15,220.00 | 30,440.00 |



500 Cardigan Road
Shoreview, MN 55126
USA
EIN 41-0843524

Tel:(800)680-1220
Fax:(651)490-3824
Web:www.TSI.com
Email:answers@TSI.com

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Quotation

Bill-To-Party
MENDOCINO COUNTY

Quotation Number 20228964
Quotation Date 05/06/2022

| Item | Material/Description | Quantity | Unit Price | Amount |
|------|----------------------|----------|---------------------|-----------|
| | Promo Discount Amt | | | 3,000.00- |
| | | | Sub Total | 37,670.00 |
| | | | Tax | 2,160.90 |
| | | | Total Amount | 39,830.90 |

These items are controlled by the U.S. Government and authorized for export only to the country of ultimate destination for use by the ultimate consignee or end-user(s) herein identified. They may not be resold, transferred, or otherwise disposed of, to any other country or to any person other than the authorized ultimate consignee or end-user(s), either in their original form or after being incorporated into other items, without first obtaining approval from the U.S. Government or as otherwise authorized by U.S. law and regulations.

This Quotation is subject to the warranties, disclaimers and all other terms and conditions set forth by TSI Inc. and incorporated by reference and to no others. Seller reserves the right to change prices effective on any new orders, provided Seller notifies in writing those with currently valid Quotations prior to any order being placed. This quotation shall become an agreement binding upon the Buyer and Seller when accepted by the Buyer and subsequently accepted by an authorized representative of the Seller at the Seller's home office and thereupon shall constitute the entire agreement between the parties.

Mark Schultz
TSI Incorporated

Date 05/06/2022

TSI Terms and Conditions apply and are incorporated by reference. See <http://www.tsi.com/tc.pdf>
For payment terms, complete credit application at <http://www.tsi.com/credit-app/>

RE: Request approval for purchase of Major Equipment

Valenzuela, Veronica@CDPH <Veronica.Valenzuela@cdph.ca.gov>

Tue 5/10/2022 2:18 PM

To: Heidi Corrado <corradoh@mendocinocounty.org>

Good afternoon Heidi

Your request is approved for fit machines and the 5 year servicing.

Best,

Veronica Valenzuela

Local Project Officer

Emergency Preparedness Office

California Department of Public Health

From: Heidi Corrado <corradoh@mendocinocounty.org>

Sent: Monday, May 9, 2022 8:07 AM

To: Valenzuela, Veronica@CDPH <Veronica.Valenzuela@cdph.ca.gov>

Subject: Request approval for purchase of Major Equipment

EXTERNAL EMAIL. Links/attachments may not be safe. To report suspicious emails, click "Report Phish" button.

Hi Veronica,

We need to replace our Fit-Testing Equipment. The Vendor who provided our original machines is offering a 1,500.00 trade in credit per machine. These machines are available to Coalition members on a loan basis.

There is only one quote, since this vendor is a sole source (letter attached) and the quote includes 5 years of servicing.

Please let me know if you need any other information.