



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

EB No. **23-146**

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>	May 15, 2023	
<b>Requesting Department:</b>	Cannabis	
<b>Contact Name:</b>	John Burkes	
<b>Contact No.</b>	Email: burkesj@mendocinocounty.org	Phone: 707-234-6345
<b>Prior Sole Source Reference No.(s), if any:</b>	N/A	
<b>Description of purchase or service:</b>	Comprehensive Cannabis Program Update - Environmental Impact Report	
<b>Requested Vendor:</b>	Ascent Environmental, Inc.	
<b>Estimated Total Cost:</b> (Attach all written quotations)	\$5,000,000.00	

**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 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 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: \_\_\_\_\_  
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:

Due to Mendocino County Cannabis regulations ("MCCR") being adopted prior to the current State regulations, there has been misalignment in the requirements and responsibilities between the County and state agencies in performing environmental review of cannabis cultivation permits pursuant to the California Environmental Quality Act (CEQA). The MCCR is a largely ministerial program where site specific CEQA review is not required. The County prepared and adopted a programmatic Mitigated Negative Declaration to cover CEQA requirements for all applicants. The State adopted a discretionary license program where site specific review is required and has required a site specific CEQA document to be prepared for each applicant at the local level, which has created a bottleneck in local permitting. The State is willing to take on the responsibility of preparing site specific review for each of the State's cannabis cultivation license applications in Mendocino County, but only following the preparation of a programmatic environmental impact report (EIR) for Mendocino County. A programmatic EIR will replace the need for site-specific CEQA review by the County and will allow for processing of annual licenses with the Department of Cannabis Control. This will assist the County in streamlining the Cannabis Department's workload and better enable the County's cannabis cultivators to obtain State licenses.



It is intended for the County to retain and pay for the consultant to prepare the programmatic EIR. This is because the County has been awarded grant funding from the Department of Cannabis Control's Local Jurisdiction Assistance Grant Program, which funding can be used to assist with preparation of environmental documents. The programmatic EIR must be complete within approximately 12-18 months in order to meet certain State deadlines. This is an aggressive timeline for completion of an EIR, so time is of the essence in retaining a consultant.

The County is proposing to contract with Ascent Environmental to prepare the programmatic EIR for the State. Ascent Environmental is an environmental consulting firm that has prepared programmatic EIR's for both Humboldt and Trinity Counties related to cannabis regulation, and was recently selected by Sonoma County for a cannabis program programmatic EIR. DCC's approach to developing an utilizing a programmatic EIR follows a model previously developed in neighboring counties and involves building off of the specific knowledge and expertise, and work product already developed by Ascent Environmental in the course of that work. Ascent Environmental's experience in working on cannabis environmental documents in Northern California gives it knowledge and expertise of the industry and the region that no other firm will have, and makes it the most suited for the short timeline required to meet the December 2024 deadline for a completed EIR.

In County staff's analysis of the many surrounding County's competitive processing and resulting contracts, it was determined that Ascent's in-house team of environmental, California Environmental Quality Act (CEQA), technical, and outreach experts will provide Mendocino County a legally defensive EIR alongside an economic analysis.

- 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.*

County staff reviewed various comparison solicitations and contract awards throughout the State (Sonoma Program, San Diego, Calaveras, Humboldt, Trinity, and Yolo Counties). Ascent was found to be the preferred bidder in several County competitive processes due to their strong emphasis on environmental review streamlining of future cannabis applications and demonstrated experience conducting similar environmental reviews for other California county cannabis land use ordinances. Additionally, County staff reviewed several resulting contract awards and determined that Ascent's cost proposal was reasonable and within market standards.

- 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).**

Elora Babbini

\_\_\_\_\_  
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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.



Signature

5/15/23

/ Date

JOHN BURKE

Printed Name

Department



Department Head Signature / Date

Title

Tim Hallman

Printed Name

## COUNTY COUNSEL/EXECUTIVE OFFICE/GENERAL SERVICES REVIEW

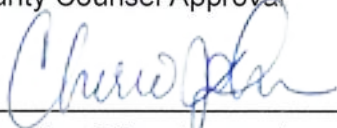


05/18/2023

County Counsel Approval

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Date



05/18/2023

Executive Office Approval

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Date



05/18/2023

Purchasing Agent Approval

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Date

**Comments:**

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**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?

none

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

none

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

none

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

none

7. I certify that the above information is true:

Elora Babbini

Signature

Elora Babbini

Printed Name

5.15.23

Date

Chief Planner, Cannabis Department

Title