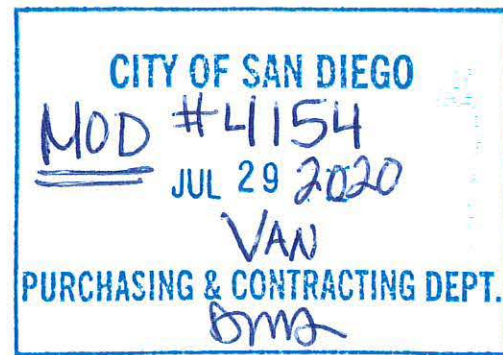


Purchasing and Contracting Department
Sole Source Request and Certification Form



To: Director of Purchasing and Contracting
Cc: Deputy Chief Operating Officer, General Services
From: William Curcio, Safety, Security & Training Program Manager, Public Utilities Dept.
Date: July 29, 2020

In alignment with the guidance provided in the San Diego Municipal Code section 22.3016, the Purchasing Agent (Director of Purchasing and Contracting) must certify that the award of a sole source contract is necessary by memorializing in writing why strict compliance with a competitive process would be unavailing or would not produce an advantage, and why soliciting bids or proposals would therefore be undesirable, impractical, or impossible.

For consideration, this form must be completed and all required accompanying information must be submitted together, including any related contracts. Failure to do so will result in a delay of approval of the request.

Describe commodity or service(s) to be purchased. Include vendor contact information.

This sole source modification requests approval to extend the current Public Utilities Department (PUD) contract with Stantec, Inc. ("Stantec") to continue acquiring the urgent temporary innovation technology services support relief for industrial controls until a full-time employee (FTE) is hired. With the COVID-19 epidemic, temporary services are critical to maintain SCADA systems support and at this time the City has restricted any hiring until next fiscal year. Therefore, PUD is unable to recruit and fill the current vacant Program Coordinator responsible for systems support until further notice. Consultant shall be under the supervision of the IT Operations Program Manager, in leading a 15+ person staff to provide day-to-day operations and project support; and to implement a consistent, single IT Operations Management (ITOM) framework for industrial control systems (ICS) programming and systems administration support teams. Consultant shall develop policies and procedures to standardize the City's SCADA operations, re-architect and re-configure SCADA systems to be compliant with National Institute of Standards and Technology best practices and Department of Homeland Security's risk-based protection strategies for the Water and Wastewater Sector, specific to COVID-19 outbreak.

In addition, this sole source modification will allow Stantec to provide the additional critical services previously provided by Tetrattech. Tetrattech performed the hands-on, pre-identified hardware break-fix and upgrades services (labor only; equipment purchases, if any were to be at an additional charge) for our SCADA automation controls hardware and software called Dynac and Wonderware, under the leadership of Stantec's approved SS#41154 contract scope. With Tetrattech unwilling to renew their agreement with the City, this has caused no transition period to seek and request the additional critical services from another vendor. As this work prevents the risk of IT systems outage due to coronavirus timeliness of continuation of services is essential. With Stantec already supervising the work previously provided by Tetrattech, they have the ability and expertise to provide the needed services themselves. Therefore, the revised total estimated cost of this request for prior and additional services is estimated at \$250,000.

Vendor contact information:

Pete Perciavalle, Senior Vice President
Email: Pete.Perciavalle@stantec.com
Direct: 949 328-2407
Mobile: 949 308-1148

Justification

1. This product or service is available from only one supplier and meets at least one of the following criteria (please check all that are applicable):

- One-of-a-kind/Compatibility*
- a. Required by Warranty: the product matches existing equipment, infrastructure and is required by warranty. **(A letter from the provider which supports this claim must be provided.)**
 - b. Goods and Services:
 - i. the good has no competitive product or alternative on the market.
 - ii. the service requires a special skill, ability, or expertise linked to the current project that cannot be provided by another supplier.

(Documentation in support of either of the above claims must be provided by the requesting department.)

- City Standards* The product or service complies with established, existing City standards.
- Replacement* The product or service is the only compatible replacement component that supports a larger system. Or, the services are the only ones that can replace the existing service requirements.

2. Do any of the following situations exist?

- Limited Competition* Department made an attempt to find a second or multiple sources to no avail.
- Emergency* There is an urgent need for the item or service and time does not permit the City to solicit for competitive bids, as in the cases of emergencies as defined under SDMC section 22.3208,. (Delays in solicitation do not satisfy this criteria)

Cost/Market Analysis

Purchasing and Contracting will perform due diligence on each request. If Purchasing and Contracting can find a suitable, cost effective alternative, this request will be denied and that alternative will be pursued after your department has been contacted to discuss the revised determination.

This form does not take the place of an agreement and all sole source requests for a period of one year or longer will require the **submission of an agreement**. The requesting department must submit a purchase requisition and a copy of this certification to Purchasing and Contracting for a Purchase Order to be issued.

PCO Due Diligence (PCO to initial all that apply)

___ Proof of warranty or maintenance requirement for standardized and replacement items confirmed.

___ Vendor/Supplier confirmed submission of justification letter.

___ Market test confirmed that there is no advantage to the City in competing this contracting opportunity to multiple vendors.

VD ___ Emergency verified with the department.

VD ___ Pricing agreement has been reviewed.

VD ___ Purchasing and Contracting has reviewed this request and affirms that this request for a sole source justification is appropriate.

This sole source is approved for:

One (1) year from the signature date below.

For the entire length of the contract, but not more than five (5) years.

The length of the contract must be consistent with the sole source approval. A sole source request must be submitted and approved by the Purchasing and Contracting Director prior to the award of each new contract and prior to each extension of an existing contract that was not contemplated in the initial contract term.

___ After reviewing the provided information and due diligence, I cannot recommend the approval of this request.

Purchasing and Contracting Director Review

I certify that strict compliance with a competitive process would be unavailing or would not produce an advantage, and that soliciting bids or proposals would be therefore undesirable, impracticable or impossible. My approval is contingent on the information provided in this form.

In accordance with SDMC §22.3016, this request is approved.

Based on the information provided and due diligence recommendation of staff, this request is denied.



~~Kristina Peralta~~, Director, Purchasing and Contracting
Christiana Grauer, interim

7/30/2020

Date

**FIRST AMENDMENT TO THE TEMPORARY INNOVATION TECHNOLOGY
CONSULTANT SERVICES FOR INDUSTRIAL CONTROLS AGREEMENT**

This First Amendment to the Consultant Services Agreement (First Amendment) is made and entered into by and between the City of San Diego (City) and Stantec Consulting Services, Inc. (Contractor), also referred to individually as “Party” and collectively as the “Parties.”

RECITALS

1. City approved Sole Source #4154, resulting in a contract between the City and Contractor (Contract) to provide temporary innovation technology consultant services for industrial controls. The Contract is comprised of the Contract, and the City’s General Contract Terms and Provisions.

2. The Contract may be amended by written agreement executed by duly authorized representatives of both Parties.

3. The Parties wish to amend the Contract to extend the contract as permitted in the Contract Terms and add additional compensation as required for the duration of the contract.

TERMS

1. Section 1.2 of the Contract is hereby **DELETED** in its entirety and **REPLACED** with the following:

1.2. Contract Administrator. The Public Utilities Department (Department) is he Contract Administrator for this Agreement. Consultant shall provide the Services under the direction of a designated representative of the Department as follows:

William Curcio, Safety, Security and Training, Program Manager
9192 Topaz Way, San Diego, CA 92123
(858) 292-6309
wcurcio@sandiego.gov

2. Section 2.1 of the Contract is hereby **DELETED** in its entirety and **REPLACED** with the following:

2.1 **Term.** The term of this Agreement shall be from April 24, 2020 through December 31, 2020 or until the completion of the Services. The term of this Agreement shall not exceed five years unless approved by the City Council by ordinance.

3. Section 3.1 of the Contract is hereby **DELETED** in its entirety and **REPLACED** with the following:


3.1 **Amount of Compensation.** City shall pay Consultant for performance of all Services rendered in accordance with this Agreement in an amount not to exceed \$250,000.00.

4. This First Amendment will be effective when signed by both parties and approved by the City Attorney in accordance with Charter section 40.

5. All provisions of the Agreement not addressed in this First Amendment remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment is executed by City and Contractor acting by and through their authorized officers.

Stantec Consulting Services, Inc.

By: 

Name: Pete Perciavalle

Title: Senior Vice President

Date: 7/28/2020

City of San Diego

By: 

Christiana Gauger

Name: Interim Director

Purchasing and Contracting

Title: _____

Date: 7/30/2020

Approved as to form this 5th day of

August, 2020

MARA W. ELLIOTT, City Attorney

By: 
Deputy City Attorney

Christine Leone
Print Name