

DATE: 12/30/2022

**SUBJECT: JUSTIFICATION TO WAIVE THE COMPETITIVE PROCUREMENT
PROCESS**

(IAW Purchasing Admin Code Section 3.5523)

OVERVIEW:

On rare occasions there may be a need to purchase goods or services from one vendor/contractor without a formal bid or requesting competitive quotes. PCD will advise when a particular competitive review process may both serve the County better and/or be required by governing law. These requests should not be made unless they are appropriately justified to meet legal requirements and can withstand a possible audit.

To process a Sole/Single Source requisition through purchasing, PCD encourages you to review the criteria necessary for Sole/Single Source determination. If you feel your request meets such criteria, follow the instructions in filling out the form and attach it to your requisition. The request will be reviewed by PCD.

Note: Dealer competition for a Sole Source manufacture does not qualify as competitive procurement specifications.

SOLE SOURCE PURCHASING:

The only existing source that meets the needs of the User Department as determined by a thorough analysis of the marketplace and is supported by compliance with the appropriate information, as stated in Section 60, Title L-8 of the County Manager's Policies.

SINGLE SOURCE PURCHASING

The one source among others that, for justifiable reason, is found to be most advantageous for the purpose of the procurement and is supported by compliance with the appropriate information, as stated in Section 60, Title L-8 of the County Manager's Policies.

Determination Checklist

1. Is the commodity/service necessary to accomplish the task or mission?
Yes ☒ No ☐
2. Is the commodity/service the only item that will produce the desired results or possess a unique performance capability? Yes ☒ No ☐
3. Is the commodity/service available from only one source of supply?
Yes ☒ No ☐
4. If the commodity or service is available from more than one vendor, but due to extreme circumstances, is the vendor the only one suited to provide the goods/services? Yes ☒ No ☐

**Seminole County
Purchasing and Contracts Division**

Note: Sole/Single Source Requests are not maintained as a standing request. Each request is for a single one-time purchase only, unless approved by the Board of County Commissioners.

☐ **SINGLE SOURCE**

☒ **SOLE SOURCE**

Requestor: Jason Prather Phone No: (321)377-8283 Date: 12/30/2022

Department: Fire Division: Operations

Description of Item/Services: The Seminole County Fire Department is seeking to purchase two 6x6 High Water/Wildfire vehicles from Acela Truck Company. The requested vehicles are 6x6 all wheel drive with capabilities of fording water up to 50 inches and the capability to transport up to 28 passengers to safe areas. In addition, the vehicle will have the capability to carry 650-gallons of water to access brush fires in remote areas to extinguish.

1. Please indicate the following:

Procurement: ☒ Goods
 ☐ Services

2. Vendor Information (*Attached Completed W-9*):

Vendor Name: Acela Truck Company
Address: 80 Shire Trail City: Bozeman State: Montana
Phone Number: (406)924-3535 Fax: N/A
Contact Person: Louise Rainone Title: Director of Sales and Marketing
E-Mail Address: lrainone@acelainc.com

3. Provide a description of the goods/services to be purchased and why waiving the competitive process is necessary.

3. Why were product and/or vendor chosen? Acela Truck Company has a guaranteed delivery time of less than five months. Additionally, the unit has the capacity to transport up to 28 occupants per load and has a proprietary 50-inch water fording capability. The unit also has a removable 650-gallon skid unit to access remote areas to extinguish brush fires
4. What are the unique performance features of the product/brand requested that are not available in any other product/brand? In addition to the features listed above it also has 47-inch tires, all-wheel drive and 23 inches of ground clearance,

For Services: what unique qualifications, rights, and licenses does the vendor possess to qualify as a Sole Source/Single Source/request? N/A

5. Conduct and provide a Cost Benefits Analysis that supports paying a non-competitive price: The 6x6 High Water/Wildfire vehicles has a price of \$316,560.97 per unit on GSA Advantage. Acela Truck Company has quoted us the 6x6 High Water/Wildfire vehicle at \$251,351.33 per unit. This is a savings of \$65,209.64 per unit.

ITEMS (d – h) REQUIRED FOR SINGLE SOURCE REQUEST

d) Why are these specific features/qualifications required? Lead time is extremely important as these units are needed prior to the start of Hurricane Season. Proprietary 50-inch water fording capabilities, 47-inch tires, all-wheel drive, 23 inches of ground clearance, and the ability to transport up to 28 seated passengers.

e) What other products/services have been examined and/or rejected? Skeeter Brush Trucks high water vehicles were researched however the cost is almost double what we would pay for the unit requested. They also do not provide 50-inch water fording capabilities. In addition the lead time for this unit is a minimum of 24-30 months

f) Why other sources providing like goods or services are considered unacceptable (please give a full meaningful explanation)? The cost, the lead time and the water fording capabilities.

g) What are the unique performance features REQUIRED (not merely preferred), and how would your requirement be inhibited without this precise item or service? The ability to operate 50-inch water fording capabilities feature is required. This gives us the ability to drive in water depths up to 50 inches without issue. When researching like vehicles no similar units had the same specifications.

h) How will your mission/operation be impacted if the County does not purchase the particular item/service? Please explain. Hurricane Ian and Hurricane Nicole showed that there are several areas in the county that are prone to flash flooding

in residential areas that require immediate evacuation of hundreds of residents. SCFD currently has 2 high water vehicles that are almost fifty years old and are difficult to keep response ready due to their age and availability of parts. The technology is outdated to safely load and transport citizens. The requested units utilize a staircase as well as a lift system to assist in the loading of mobility impaired residents. If these new units are approved, they will be delivered prior to the 2023 Hurricane season and will ensure that reliable and capable units stand ready if needed. The upcoming brush fire season is anticipated to be significantly more active due to the amount of dead debris left post Hurricane Ian and Hurricane Nicole. The skid unit included in these units will allow SCFD to staff additional units to access remote brush fires for extinguishment. In addition, the two older high water vehicles will be removed from the inventory and sold at Auction.

Posting Requirements: PCD shall conduct a good faith review, posting the requirement publicly for 7-10 business days, followed with the notice of intent to purchase.

I hereby certify that:

1. I am an approved department representative and am aware of the County's requirements for competitive bidding, as well as the criteria for justification for Sole/Single Source purchasing.
2. I have documented the required technical information and have made a concerted effort to review comparable equipment/service.
3. The information contained herein is complete and accurate.
4. A Sole/Single Source purchase in this case would withstand a possible audit or a vendor's protest.
5. I am aware of F.S. 838.22 as to compliance with Bid Tampering.

<u>Jason Prather</u>	<u>[Signature]</u>	<u>1.3.2023</u>
Requestor's Name - print	Signature	Date
<u>Beth L. U. OLCUR</u>	<u>Beth L. U.</u>	<u>01/13/23</u>
Requesting Division Manager - Print (Required for purchases <\$50K)	Signature	Date
<u>Matt Kinley</u>	<u>Matt Kinley</u>	<u>1/13/23</u>
Requesting Department Director - Print (Required for purchases >\$50K)	Signature	Date

Purchasing and Contracts Division Determination:

Supervisor	☒ Approval	☐ Disapproval	Date: <u>1/13/2023</u>
Manager	☒ Approval	☐ Disapproval	Date: <u>1-5-2023</u>

Description Posted (7-10 business days): From _____ to N/A

BCC Date, if applicable: 1/24/2023

Comments:

Purchase Order No.: _____ Amount of Purchase: \$ 502,702.66