



## JUSTIFICATION FOR EXCEPTIONS TO COMPETITIVE PROCUREMENT

Form ID: HHS-Sin-07/9/2019

It is the policy of the Board that the County conduct an open, fair and full competitive solicitation process for the procurement of goods and/or services, with exemptions for certain goods, services and classes of procurement, and case-by-case exceptions, subject to a detailed review and approval process. The residents of Santa Clara County are best served when sound business decisions are made through a full and open competitive bidding processes. There may be certain instances when exceptions are warranted and justifiable. When a County agency/department recommends that competitive bidding is not practicable or in the best interest of the tax payers, appropriate justification supporting an exception must be submitted to the Procurement Department. Should you have any questions, please do not hesitate to contact: Alice Bailey, C.P.M., CPPO, Director of Procurement at (408) 491-7439.

Date of Submission:	07/09/2019
Submit Document via Requisition	Refer to the <a href="#">Contact and Commodity Assignment List</a> for buyer code guidance.

### SECTION I

Proposed Contractor/ Consultant:	East Valley Community Clinic, dba. Mar Monte Community Clinic				
Total Estimated Value of the Award:	\$ 196,000.00	Start Date:	06/01/2019	End Date:	06/30/2019
Description of Good/Service:	One-time operating supplement for transition to performance based compensation for Waiver related services				
User Budget Unit - Agency/Dept:	0921 - Valley Medical Center	Agency/Dept Abbreviation:	HHS		
Name of Requestor:	Michelle de la Calle, Dir, Systems Integration and Transformation	Phone #:	(408) 885-6717		

### SECTION II

Mark appropriate box for Contract's Signature Authority

<input checked="" type="radio"/>	Board of Supervisors
<input type="radio"/>	Delegated to Department Head or designee
<input type="radio"/>	Director of Procurement

### SECTION III

Pursuant to Board Policy 5.6.5.1 (D)(2), the following are **EXCEPTIONS** to competitive bidding. Select the appropriate exception. *Agencies/ Departments requesting an Exception must provide documentation to establish there is only one source or it is otherwise in the County's best interest to waive the required bidding procedures.*

<input type="radio"/>	<b>Sole Source:</b> Pursuant to Board Policy 5.6.5.1 (D)(2)(a)(i) a Sole Source Procurement is a sourcing method used to procure a service without competition when it has been determined that there is only one source for the required service that is capable of meeting the requirements of the acquisition as defined in the Scope of Work or specification.
<input checked="" type="radio"/>	<b>Single Source:</b> Pursuant to Board Policy 5.6.5.1 (D)(2)(a)(ii) a Single Source Procurement is a sourcing method used to procure a service from one source, without soliciting competition, even though there are other vendors that can provide the service as defined in the scope of work or specification.

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### SECTION III (cont.)

**Patent Rights:** Pursuant to Board Policy 5.6.5.1(D)(2)(b), competition is precluded because of the existence of patent rights, copyrights, secret processes, control of the basic raw material(s) or similar circumstances, and there is no equivalent item or service.

**Absolute Compatibility:** Pursuant to Board Policy 5.6.5.1(D)(2)(c), the following are Exceptions to Competitive Procurement for Goods/Professional Services. Select the appropriate exception:

(i) Replacement parts or components for equipment – performs the same function in the equipment.

(ii) Replacement parts or components for equipment – prevent compromise of safety or reliability of product or void or invalidate manufacturer’s warranty or guarantee.

(iii) Upgrades, enhancement or additions to hardware or software - compatibility

### SECTION IV

**PURPOSE OF THE PURCHASE** - Please describe the minimum requirements and the benefits of making the acquisition.

The Board of Supervisors has a long standing history of funding the contracted community health clinics and has selected these clinics based on geographical locations that are strategic for providing services to the uninsured population living in Santa Clara County. The Board of Supervisors desires to provide this one-time subsidy to the contractor in order to assist them with the transition to the new model of performance-based compensation.

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### SECTION V

**MARKET RESEARCH** - Please describe your market research and the results thereof. This should include a description of similar sources or products available in the market, if any, and why they are not acceptable.

Although there are other community-based organizations capable of providing similar services, adding new contractors or changing current contractors would contribute to inconsistencies in the overall evaluation activities and impact in the community. More concerning, enrollees already assigned to specific clinics would require reassignment to possibly less convenient locations.

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### SECTION VI

**BEST INTEREST OF THE COUNTY** – Please provide a detailed description as to why a waiver of formal bidding is in the County’s best interest (e.g. product standardization, compatibility, proprietary access or distributorship and the consequences of not doing so. NOTE: A lack of advance planning, loss of funding, or insufficient time are not an acceptable justification for exceptions.)

It is in the best interest of the County to continue contracting with the same community health clinics in order to prevent the reassignment of large numbers of patients to clinics they did not choose and/or that are not geographically convenient for patients; and to maintain consistency with the previous year and throughout the entire 2020 Waiver period when conducting evaluation activities for determining the overall impact in the community.

### SECTION VII

**FUTURE PLANS** - Please describe the actions the department/agency will take to overcome the present barriers to competition prior to any future purchases of this product or service if this exception is approved.

SCVHHS/SCVMC will thoroughly evaluate the progress of each participating community health clinic and determine if the overall program is benefiting. SCVHHS/SCVMC will determine at the end of the year if it should make any changes or additions to program participation.



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### SECTION VIII

**SCOPE OF WORK/SPECIFICATIONS** - Please provide all scopes of work or stated specifications. Information will be posted as an Advance Notice of Intent to Waive Competition to the public. Use an attachment for additional pages. SOW must include these elements: Objective (well-defined, quantifiable expected results include any significant deliverables & milestones) and Scope (what the work should or should not include; brief description of services desired; location of work). Do not include contract language, vendor information or pricing.

This one-time operating supplement will enable the contractor to continue providing the expected level of Waiver-related services to the community by assisting the contractor with a smooth transition to the new model of performance-based compensation.

#### Whole Person Care:

Contractor will continue to enroll WPC eligible patients, conduct initial assessments of patient needs, and manage patients through various care coordination programs.

#### Primary Care Access Program:

Contractor will continue to enroll the uninsured population in the PCAP coverage program, provide primary care services to enrollees and provide quality and utilization data for PCAP enrollees receiving services.

#### Global Payment Program:

Contractor will continue providing County with patient services information of PCAP enrollees receiving services that qualify for GPP reimbursement.

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### SECTION IX

Requesting Agency/Department Contracts Manager:	Print Name: <b>Veronica Vargas Soliz, SR. HCPM</b>
	Signature: <span style="float: right;">DocuSigned by: <i>Veronica Vargas Soliz</i> 7/9/2019</span>
	Phone: 408-800-3112 <small>68A3311EE56A49A...</small>
	Email: <a href="mailto:veronica.vargassoliz@hhs.sccgov.org">veronica.vargassoliz@hhs.sccgov.org</a>

Requesting Agency/Department Director:	Print Name: <b>Rene G. Santiago, Deputy County Executive</b>
	Signature: <span style="float: right;">DocuSigned by: <i>Rene G. Santiago</i> 7/10/2019</span>

### SECTION X

#### Decision and Required Steps Following Decision (to be completed by OCCM or Procurement)

<input checked="" type="radio"/>	Approved	<input checked="" type="radio"/> Attach to Legislative File <input type="radio"/> Attach to Delegation of Authority Coversheet <input type="radio"/> Attach to Service Agreement Checklist <input type="radio"/> Attach to PO/Contract File
<input type="radio"/>	Approved with Conditions	Comments:
<input type="radio"/>	Additional Information Required	Comments:
<input type="radio"/>	Denied with Recommended Action	Comments:

### SECTION XI

#### Office of Countywide Contracting Management/Procurement Department Signature

DocuSigned by: <span style="font-size: 1.2em; font-family: cursive;"><i>Theresa Therilus</i></span> <small>62EEB3861ADB4FB...</small>	Date:  7/17/2019
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