



JUSTIFICATION FOR EXCEPTIONS TO COMPETITIVE PROCUREMENT

Form ID: CEO-Sin-

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:	10/29/2019
Submit Document via Requisition	Refer to the Contact and Commodity Assignment List for buyer code guidance.

SECTION I

Proposed Contractor/ Consultant:	Mountain Data Group			08/31/2020
Total Estimated Value of the Award:	\$ 250,000.00	Start Date:		End Date: 11/30/2021
Description of Good/Service:	Planning and execution of a study from existing data between leaded fuel emissions and blood lead levels in children			
User Budget Unit - Agency/Dept:	0107 - County Executive	Agency/Dept Abbreviation:	CEO	
Name of Requestor:	Office of the County Executive	Phone #:	(408) 299-5146	

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"/>	Sole Source: 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"/>	Single Source: 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.

Considered: 02/11/2020

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SECTION III (cont.)

<input type="radio"/>	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.	
<input type="radio"/>	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:	
<input type="checkbox"/>	(i) Replacement parts or components for equipment – performs the same function in the equipment.	
<input type="checkbox"/>	(ii) Replacement parts or components for equipment – prevent compromise of safety or reliability of product or void or invalidate manufacturer’s warranty or guarantee.	
<input type="checkbox"/>	(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 purpose of this single-source acquisition is to contract with a vendor to (1) provide services related the to planning and execution of a study of existing data between leaded fuel emissions and blood lead levels in children residing within the five (5) to ten (10) kilometer radius of County-owned airports ("Study Area"); and (2) provide a report to the County Executive/Board of Supervisors with results from the study and whether further study is necessary; with the minimum requirements for vendor to have published peer-reviewed/academic research studies with research parameters similar to the specifications of this acquisition.

The benefits of this acquisition would enable to County to make a concerted effort to address any findings from the study relating to a significant correlation between leaded fuel emissions and blood lead levels in children residing within the Study Area.

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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.

The Office of the County Executive (CEO) conducted market research using the following methods:

- Conducted online research of research firms and academic institutions in the country;
- Consulted with County departments and agencies' subject matter experts;
- Reviewed academic and scholarly journals.

As a result of the market research, it was determined that Mountain Data Group is a highly qualified data science consulting company, which has the capability to provide the necessary service for this acquisition. Mountain Data Group meets the minimum requirements to conduct the study using existing data and statistics, and pairing PhD economists and data scientists to provide comprehensive data science expertise. In addition to comprehensive data science expertise, Mountain Data Group is able to craft visual stories and deliver effective data products, including web-based data dashboards and dynamic reports.

Other market research results yielded.

-Massachusetts Institute of Technology, Laboratory for Aviation and the Environment, "Costs of IQ Loss from Leaded Aviation Gasoline Emissions" - Although this Study discusses the impact of leaded aviation gasoline emissions, it does not meet the minimum requirements of the County's specifications.

-Duke University, Nicholas School of Environment, "A Geospatial Analysis of the Effects of Aviation Gasoline on Childhood Blood Lead Levels" - Head researcher is unavailable as she is on sabbatical.

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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.)

A waiver of formal bidding is in the County's best interest because the Board of Supervisors has a fiduciary duty to address any public health concerns impacting Santa Clara County residents. It is in the best interest of the County to obtain the necessary data regarding any significant correlation between between leaded fuel emissions and blood lead levels in children residing within the Study Area.

If it is determined that a significant relationship exists, then the County must take the necessary steps to address these health impacts in children; as well as to take necessary measures to mitigate any future impacts resulting from high leaded fuel emissions in the County.

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.

If this exception is approved, the Administration will review and present Vendor's findings/recommendations to the Board of Supervisors ("Board"). Should the Board direct Administration to take steps to procure a product or service related to this study, then Administration will take the necessary steps to ensure a transparent solicitation process.



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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.

Objective: develop and execute a study related to existing data between leaded fuel emissions and blood lead levels in children ("Study").

Scope of Work: the Vendor will provide the following to the County.

- (1) Provide professional services for the development and execution of the Study;
- (2) The Study shall consist of the review and analysis of data on blood lead levels in children residing within a five (5) to ten (10) kilometer radius of County-owned airports ("Study Area"), piston engine aircraft activity at County-owned airports, and weather data for the study period, to establish whether there is a significant relationship between leaded fuel emissions and blood lead levels in children residing within the Study Area.
- (3) Vendor shall account for the distribution of leaded emissions, and include appropriate controls for alternate sources of lead exposure.
- (4) Vendor shall provide final conclusions to County in the form of a written report to the County Executive and/or the Board of Supervisors.
- (5) Vendor's final report shall include an assessment of any correlation between lead emissions originating from aircraft activity at County-owned airports and blood lead levels in children residing in the Study Area.
- (6) Vendor's final report shall include Vendor's recommendation as to whether further study is necessary.
- (7) Vendor may be required to present the final report in person (and respond to questions related to the report) at a public meeting of the Board of Supervisors.

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SECTION IX

Requesting Agency/Department Contracts Manager:	Print Name: Gladys Cabagbag
	DocuSigned by:  <small>703CCBAEFF6A409...</small> <small>Phone: 669-272-5562</small>
	Email: gladys.cabagbag@ceo.sccgov.org

Requesting Agency/Department Director:	Print Name: Sylvia Gallegos
	DocuSigned by:  <small>5A88A4DA83DF41D...</small>

SECTION X

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

<input type="radio"/>	Approved	<input type="radio"/> Attach to Legislative File <input type="radio"/> Attach to Delegation of Authority Coversheet <input checked="" type="radio"/> Attach to Service Agreement Checklist <input type="radio"/> Attach to PO/Contract File
<input checked="" type="radio"/>	Approved with Conditions	Comments: <small>Department will ensure the data, methodology, and underlying results of the study will be accessible to the County for verification and additional study. Results shall be peer-reviewed prior to publishing by vendor. Any subsequent study services of the area performed for the County (e.g. air or soil sampling) will be competitively bid.</small>
<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:  <small>B2D7984E4AED475...</small> for Theresa Therilus	Date: 11/1/2019
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