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Mod # 3933
S.V.

Purchasing and Contracting Department
Sole Source Request and Certification Form

To: Director of Purchasing and Contracting
Cc: Select One
From: Christia Davis, Program Manager, Personnel Department
Date: January 25, 2021

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.

The City of San Diego Personnel Department is responsible for overseeing the classification, recruitment, selection, promotion, and removal of all Classified employees of the City and maintaining a competitive merit system that provides equal opportunity for all City applicants. The primary tool currently used by the City of San Diego to recruit and track City applicants is the NEOGOV software. NEOGOV is used by the City for recruitment and applicant tracking, including position requisition approval, recruitment posting, and applicant screening and referral. On December 27, 2017, sole source number 3933 was approved by the Purchasing and Contracting Department for five years, scheduled to expire on December 26, 2022. The Personnel Department would like to modify the existing sole source number 3933 to increase the amount to \$113,713.18 from February 19, 2021 to February 18, 2022.

The use of the NEOGOV software for City hiring processes will allow for continued hosting and operations support for the City's online recruitment and applicant tracking processes. NEOGOV has provided the City with customer-specific functionality for the past ten years. This service has allowed for efficient and smooth online hiring processes. Attached is the City's current service agreement with NEOGOV.

Soliciting further proposals is undesirable since the Personnel Department and NEOGOV are currently in a contractual agreement for the same services and have been since January 2010. Additionally, the NEOGOV software meets the City's requirements in an applicant tracking system as directed by Civil Service Rules and Personnel Regulations. In fact, the NEOGOV software is currently utilized by over 6,000 public sector organizations and educational institutions. This contract and our longstanding relationship with NEOGOV demonstrates the benefit of directly sourcing to NEOGOV to allow for continuity and avoid any unnecessary disruption in the City's ability to fill its vacancies.

Vendor Contact Information:
Governmentjobs.com, Inc. (dba "NEOGO")
300 Continental Blvd., Suite 565
El Segundo, CA 90245

Sole Source Request and
Certification Rev. August 26, 2020
OCA Document No. 1845155

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.

___ Emergency verified with the department.

CV Pricing ^{agreement} has been reviewed.

CV 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.



Claudia C. Abarca, *Interim* Director, Purchasing and Contracting

May 26, 2021
Date

| NEOGOV ORDERING FORM | | | |
|---------------------------------|---|--|---------------------|
| Permitted FTE: | | Governmentjobs.com, Inc. (dba "NEOGOV") 300 Continental Blvd., Suite 565 El Segundo, CA 90245 accounting@neogov.com | |
| Customer Information | | | |
| Customer Name: | City of San Diego | Customer Contact Name: | Christia Davis |
| Customer Address: | Civic Center Plaza 1200 Third Ave, Ste. 300 San Diego, CA 92101 | Email Address: | DavisC@sandiego.gov |
| SaaS Subscription Fees | | | |
| Description of Subscriptions | | Initial Term | Fee |
| Insight Enterprise Subscription | (IN) | 2/19/2021 to 2/18/2022 | \$77,968.80 |
| Biddle Software Subscription | (BD) | 2/19/2021 to 2/18/2022 | \$17,618.14 |
| Candidate Text Messaging | | 03/24/2021 – 2/18/2022 | \$2,724.14 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | Fee Subtotal | \$98,311.08 |

A. Agreement and Applicable Modifications to the Agreement.

1. Agreement. This Ordering Document and the Services purchased herein are governed by the terms of the NEOGOV Services Agreement either attached hereto or the version most recently published prior to execution of this Ordering Document available at: <https://www.neogov.com/service-specifications>, as well as the Service Specifications and applicable Schedules incorporate therein. The defined terms in the NEOGOV Services Agreement, Service Specifications, and Schedules shall have the same meaning in this Ordering Document unless otherwise specified herein.
2. Effectiveness & Modification. Neither Customer nor NEOGOV will be bound by this Ordering Document until it has been signed by its authorized representative. This Order Form may not be modified or amended except through a written instrument signed by the parties.

B. General Terms.

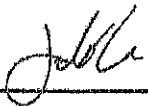

1. Summary of Fees. Listed above is a summary of Fees under this Order. Once placed, your order shall be non-cancelable and the sums paid nonrefundable, except as provided in the Agreement.
2. The Effective Date. This Order is made and entered into as of the date of Customer signature on this Order Document (the "Effective Date").
3. SaaS Subscription(s) Start Date. The Effective Date.
4. Billing Frequency. Annual.
5. Order of Precedence. This Ordering Document shall take precedence in the event of direct conflict with the Services Agreement or applicable Schedules.
6. Offer Validity. This order is valid for 30 days from the date of Customer receipt of this Ordering Document unless extended by NEOGOV and shall become binding upon execution by Customer and acceptance by NEOGOV.

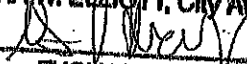
C. Special Conditions (if any).

1. Attachment 1 – City’s Revised General Terms and Provisions affixed hereto is incorporated into the Agreement by Reference.

NEOGOV™

IN WITNESS WHEREOF, the parties have caused this Order to be executed by their respective duly authorized officers as of the date set forth below, and consent to the Agreement.

| Customer | Government Jobs.com, Inc. (dba: NEOGOV) |
|---|---|
| Entity Name: <u>City of San Diego</u> | Signature: <u></u> |
| Signature: <u></u> | Print Name: <u>John Closs</u> |
| Print Name: <u>Claudia C. Abarca</u> | Date: <u>5/13/2021</u> |
| Date: <u>May 14, 2021</u> | |

Approved as to form
this 2nd day of June, 2021
MARA W. ELLIOTT, City Attorney
By: 
THOMAS J. BRADY
Deputy City Attorney