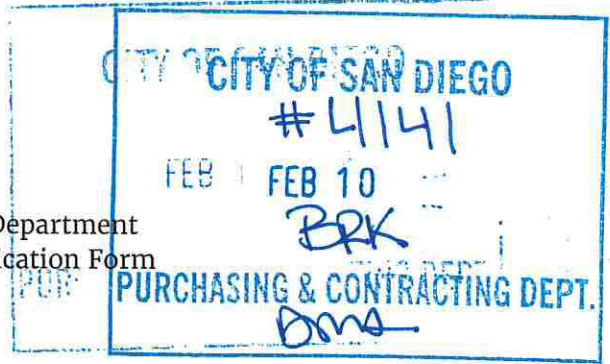


- URGENT -



Purchasing and Contracting Department
Sole Source Request and Certification Form

To: Director of Purchasing and Contracting
Cc: Deputy Chief Operating Officer, Internal Operations
From: Jonnabelle Domingo, Sr Human Resources Officer
Date: February 7, 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.

On June 7, 2018, the City issued a Request for Proposals (RFP) to prospective proposers to complete Total Compensation Surveys in advance of contract negotiations with the City's recognized employee organizations (REOs). The award of the contract went to Kaneko and Krammer Corp (dba Koff and Associates). The City determined that Koff and Associates had the expertise, experience, and personnel necessary to provide the services. During ongoing contract negotiations, the REOs raised several issues collateral to the completed total compensation survey, which require additional services from the Koff and Associates. In this instance, a competitive solicitation process would not be of advantage to the City nor produce an outcome where a different consultant could do this work.

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.
- ___ Pricing agreement has been reviewed.
- 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.

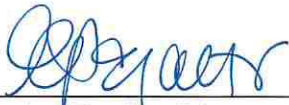
The length of the contract must be consistent with the sole source approval. A sole source request must be submitted and approved by the Purchasing and Contracting Director prior to the award of each new contract and prior to each extension of an existing contract that was not contemplated in the initial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

10 FEB 2020

Date

**FIRST AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT BETWEEN
THE CITY OF SAN DIEGO AND KANEKO & KRAMMER CORP. d/b/a KOFF &
ASSOCIATES FOR PROFESSIONAL SERVICES RELATED TO TOTAL
COMPENSATION SURVEYS.**

This First Amendment to the Consultant Services Agreement for Professional Services related to Total Compensation Surveys) (First Amendment) is made and entered into by and between the City of San Diego (City) and Kaneko & Krammer Corp. d/b/a Koff & Associates (Consultant), also referred to individually as "Party" and collectively as the "Parties."

RECITALS

1. City issued Sole Source Request and Certification Form # 4141 (Sole Source # 4141), resulting in a contract between the City and Consultant (Contract). The Contract is comprised of Sole Source # 4141, the executed agreement, 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 its term and increase the total compensation to \$148,232 for Consultant to provide the City with additional professional services related to Total Compensation Surveys.

TERMS

1. Section 2.1 of the Contract is revised in its entirety to read as follows:

"Term. Unless otherwise terminated, this Agreement shall retroactively begin on January 1, 2020 until completion of the Scope of Services or February 1, 2022, whichever date is earlier. The term of this Agreement shall not exceed five years unless approved by the City Council by ordinance."
2. Section 3.1 of the Contract is revised in its entirety to read as follows:

"Amount of Compensation. City shall pay Consultant for performance of all Services rendered in accordance with this Agreement in an amount not to exceed \$148,232."
3. This First Amendment will be effective when signed by both Parties and approved by the City Attorney in accordance with Charter section 40.
4. All provisions of the Contract not addressed in this First Amendment remain in full force and effect.

Contract Amendment
Effective: October 13, 2014
OCA Document No. 861155_3

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

Consultant

By: 

Name: Catherine B. Kaneko

Title: President

Date: August 26, 2020

City of San Diego

By: 

Name: Christiana Gauger


Name: Interim Director
Purchasing and Contracting

Title: _____

Date: 8/31/2020

Approved as to form this 2nd day of
September, 2020

MARA W. ELLIOTT, City Attorney

By: 
Deputy City Attorney

Miguel Merrell
Print Name