

MEMORANDUM

TO: Executive Director – Office of Climate Action, Sustainability & Resiliency
FROM: Drew Halpern – Senior Energy Project Manager
SUBJECT: Justification for Exemption to Procurement Requirements to Issue Public Bids and Limiting Contract Duration
DATE: April 17, 2025

The purpose of this memorandum is to request approval for exception(s) to procurement and bidding requirements, as stated in Executive Order 8, Memorandum 8B.

City contracts should be competitively bid or selected, absent special circumstances. Such special circumstances may include, among others: emergency situations; supplies or services indispensable to the City that are obtainable only from a single source; situations where standardization of equipment or continuity of service is required; acquisition of interests in real property through purchase or lease; supplies or services required by reason of preferences based on professional advice or judgment; situations where competition does not exist, such as membership in professional organizations, attendance at meetings or conventions; supplies or services provided by other governments, or supplies or services which cost \$25,000 or less. In addition, the duration of City contracts should be to three (3) years at which time a new solicitation should be initiated absent special circumstances. Such special circumstances may include, among others: contracts that require a contractor to make significant capital investments to meet the City's needs, like some concession agreements; supplies or services indispensable to the City that are obtainable only from a single source; situations where standardization of equipment or continuity of service is required; situations where competition does not exist; supplies or services provided by other governments; or situations where economic factors make it unfavorable for the city to re-bid a contract.

Requests are as follows:

1. Allow a contract term to extend beyond three (3) years for the following reason(s): Continuity of Service

Support for Term Extension:

The CASR Capital Projects team is midstream on numerous projects and extension of the current contract is necessary to complete the work that has been or is expected to be awarded prior to the expiration of the existing contracts. This continuity of service allows CASR to continue important climate action without delay, prevents rework for activities already in progress that will not be completed by the end of July, and leverages the experience gained with these contractors to efficiently and effectively deliver our challenging projects.

This request applied to each of the three, identical on-call contracts:

Contract Information

Vendor Name: McKinstry Essention, LLC
Contract Start Date: August 1, 2022
Contract End Date: July 31, 2025
Contract No.: CASR-202263646 / SC-0007129
Maximum Contract Amount: \$3,000,000

Current Projects Requiring Term Extension

1. DPL Green Valley Ranch Solar and Storage
2. Fleet 1 (DOTI) EVSE Design and Installation

This contract **has not** been amended before.



Vendor Name: Intermountain Electric
Contract Start Date: August 1, 2022
Contract End Date: July 31, 2025
Contract No.: CASR-202263648 / SC-0007130
Maximum Contract Amount: \$3,000,000

1. DHS East Offices Solar and Storage
2. DPL Corky Gonzales Solar and Storage
3. DPL Sam Gary Solar and Storage
4. DPL Public EVSE Installation (4 Locations)
5. DPD Fire Line Shop EVSE Installation

This contract **has not** been amended before.

Vendor Name: Spark Community Investment Company
Contract Start Date: July 27, 2022
Contract End Date: July 26, 2025
Contract No.: CASR-202475347-01_CASR-202263662-01 / SC-00009934
Maximum Contract Amount: \$3,000,000

1. Women's Shelter Solar and Storage
2. DHS Castro Public EVSE Installation
3. DPR Northeast Maintenance Headquarters Solar
4. Animal Shelter Public EVSE Installation

This contract **has** been amended before.

It is in the best interests of the Office of Climate Action, Sustainability & Resiliency and the City at large to waive the bidding requirements and extend this contract for two additional years, providing an expiration date of July 1, 2027 and a maximum contract amount of \$3,000,000 each.

The combination of factors listed above provides the justification for these exceptions to Executive Order 8, Memorandum 8B and D.R.M.C. Sec. 20-63. Please let me know if you have any additional questions or concerns.

Thank you for your consideration.

Sincerely,

Project Manager

Reviewed by:

Approved by:

Group Manager

Executive Director