ATTACHMENT A
SOLE SOURCE FACILITY JUSTIFICATION TRANSMITTAL

Public Contract Code section 3400 provides, in pertinent part, that:

"(a) The Legislature finds and declares that it is the intent of this section to encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that function as well, in all essential respects, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.

(b) No agency of the state, nor any political subdivision, municipal corporation, or district, nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works, shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works, (1) in a manner that limits the bidding, directly or indirectly, to any one specific concern, or (2) calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In applying this section, the specifying agency shall, if aware of an equal product manufactured in this state, name that product in the specification. Specifications shall provide a period of time prior to or after, or prior to and after, the award of the contract for submission of data substantiating a request for a substitution of "an equal" item. If no time period is specified, data may be submitted any time within 35 days after the award of the contract.

(c) Subdivision (b) is not applicable if the awarding authority, or its designee, makes a finding that is described in the invitation for bids or request for proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:

(2) In order to match other products in use on a particular public improvement either completed or in the course of completion."

Von Duprin Panic Locking Hardware

This is a sole source procurement because:

- ☐ This is a sole provider of items compatible with existing equipment or systems.
- ☑ This is a sole provider of items compatible with existing equipment or systems.
- ☐ This is a sole provider of factory-authorized warranty service.
- ☐ This is a sole provider of goods or services that perform a unique function in order to meet the specialized needs of the District. Please provide specific detail below.

  Von Duprin panic locking hardware are needed for consistency and capability with on hand parts inventory.

- ☑ There are overriding circumstances which negate the benefit of compliance with applicable code and District policy regarding competitive bidding processes. Below are specific details below as to what those circumstances are, and why this sole source procurement would be in the best interest of the District.

  This brand of panic locking hardware has been used for over 15 years. The use of other types of panic hardware would require additional stock of supplies and additional training of staff. Below are risk factors and challenges which present overriding circumstances that negate the benefit that any competitive bid could offer:

- Durability of new brand of panic hardware unknown.
- Possible inability to coordinate panic locking hardware with the access control system.
- Cost of removal and replacement of existing panic hardware would be costly.
- Additional requirements for storage of and cost for additional parts and pieces.

What steps were taken to verify that these goods or services are not available elsewhere?

See Supplier and Contractor Information Page Below For Contact Details.
Each vendor was asked whether or not their firm could provide service, maintenance and monitoring to the Von Duprin Panic Locking Hardware without removing, replacing or otherwise modifying the current equipment?

This is a restricted brand or trade name, and no substitutions are allowed because:

☑ The requested product is an integral repair part or accessory compatible with existing security equipment and Access control systems.

Existing Equipment/System: Von Duprin
Manufacturer/Model Number: Von Duprin PA-RX-QEL-9947-NL-OP

☑ The District has standardized on the requested product, and use of another brand/model would require considerable time and funding to evaluate or implement. Please provide details below:

Over the last 15 years, the District has standardized on this brand of panic locking hardware. Any change in the current brand will incur considerable time for training of staff and storage needs for additional product parts and pieces.

The need for consistency and capability with the established Von Duprin panic locking hardware is required to keep the District's access control security system consistent and compatible between buildings and campuses.

Supplier or Contractor Information:

Allegion (Von Duprin)
11819 N. Pennsylvania Street
Carmel, IN 46032
United States
317-819-7011

RECOMMENDATION

Sufficient evidence has been provided upon which the Board can find that the exception found in Public Contract Code section 3400 (c) (2) applies to the identified product(s). Approve a finding to authorize use of the above stated exception for Panic Locking Hardware in the MiraCosta Design Standards Manual for all the projects in the MM program. Require that said finding be included in all pertinent bid/proposal documents for those projects where such product(s) will be used.

SIGNATURE:

Tom Macias, Facilities Director — **Date** 9/14/18

Geoff Bachanas, PMO Director — **Date** 9/13/18

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ATTACHMENT B
SOLE SOURCE ARCHITECT/ENGINEERING JUSTIFICATION SUMMARY REPORT TRANSMITTAL

September 1, 2018

Re: Von Duprin Panic Locking Hardware

Within the Design & Construction Standards MiraCosta CCD has identified or designed various proprietary systems or products that meet specific District performance requirements, allow for seamless integration into existing systems, provide ease of maintenance, and afford a lower total cost of ownership. In these instances, the District is requesting that these systems and products shall be provided without substitution. The following Specification Section 08 71 00 is one that meets these special requirements.

Our experience working with other Colleges and Universities shows that single sources for some materials, products, equipment, and systems is a common approach to achieving best value.

We have reviewed the facility justification transmittal for the above-referenced item and believe that the District's sole-sourcing of this specification section meets the requirements for District's benefit as described above.

Sincerely,

Joe Sion
Associate Principal/Senior Manager

523 W 6th Street #245
Los Angeles CA 90014

Von Duprin 33/35A and 98/99 Series Exit Devices

Part no. PA

Product isometric

Retrofittable to existing 33/35A and 98/99 exit devices

Sole Source Item #17 Von Duprin Panic Locking Hardware