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:
08/09/2019

### Submit Document via Requisition
Refer to the Contact and Commodity Assignment List for buyer code guidance.

<table>
<thead>
<tr>
<th>SECTION I</th>
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<tbody>
<tr>
<td>Proposed Contractor/Consultant:</td>
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<tr>
<td>Total Estimated Value of the Award:</td>
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<tr>
<td>Start Date:</td>
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<tr>
<td>End Date:</td>
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<tr>
<td>Description of Good/Service:</td>
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<td>User Budget Unit - Agency/Dept:</td>
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<tr>
<td>Agency/Dept Abbreviation:</td>
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<td>Name of Requestor:</td>
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<td>Phone #:</td>
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</tbody>
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### SECTION II
Mark appropriate box for Contract’s Signature Authority

- [ ] Board of Supervisors
- [ ] Delegated to Department Head or designee
- [x] 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.

- [ ] **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.

- [x] **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.
SECTION III (cont.)

**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.

**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:

- (i) Replacement parts or components for equipment – performs the same function in the equipment.
- (ii) Replacement parts or components for equipment – prevent compromise of safety or reliability of product or void or invalidate manufacturer’s warranty or guarantee.
- (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.

Provide vegetarian, Vietnamese congregate meals in 95112 through June 30, 2020. The purpose of this request to add $90,893 to the previously approved exception request and to extend the term of the original agreement until June 30, 2020. Remaining FY19 funds have also been rolled over to allow 115 meals per day, 3 days per week.

**Original Agreement**
Term: 6/19/2018 - 6/30/2019
FY17-18 Amount: $10,279
FY18-19 Amount: $244,881
Total: $255,160

**Amended Agreement**
Term: 6/19/2018 - 6/30/2020
FY17-18 Amount: $10,279
FY18-19 Amount: $139,980.68
FY19-20 Amount: $195,793.32
Total: $346,053
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.

This is a request to extend the term of an inventory item. Initial term ended 6/30/2019, FY20 Inventory Item #56 (Leg file #97071) extends the term through 6/30/2020. The original contract was approved by the Board on June 16, 2017, as agenda item #115 (Leg File 86826). The award falls within the Board Policy 5.6.5.1(D)(2), Exceptions to Competitive Procurement (Single Source) as a Board-initiated exception. See Legislative File #86826 for Board approval of the exception request.

Original approved single source exception form and a copy of the approved inventory item for FY20 are attached.
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.)

Continuation of this inventory item was approved by the Board of Supervisors on 6/19/2019.

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.

Continuation of this inventory item was approved by the Board of Supervisors on 6/19/2019.
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.

Provide catered vegetarian, Vietnamese meals at Di Lac Temple in the 95122 zip code through June 30, 2020.
# JUSTIFICATION FOR EXCEPTIONS TO COMPETITIVE PROCUREMENT

## SECTION IX

| Requesting Agency/Department Contracts Manager: | Print Name:  
Jorge Montes  
Signature:  
Jorge Montes  
Phone:  
408-755-7746  
Email:  
Jorge.Montes@ssa.sccgov.org |
|--------------------------------------------------|--------------------------------------------------|
| Requesting Agency/Department Director: | Print Name:  
Debra Porchia-Usher, SSA Deputy Director  
Signature:  
Debra Porchia-Usher  |

## SECTION X

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

<table>
<thead>
<tr>
<th>Decision</th>
<th>Required Steps</th>
</tr>
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</table>
| Approved | Attach to Legislative File  
Attach to Delegation of Authority Coversheet  
Attach to Service Agreement Checklist  
Attach to PO/Contract File |
| Approved with Conditions | Comments: |
| Additional Information Required | Comments: |
| Denied with Recommended Action | Comments: |

## SECTION XI

Office of Countywide Contracting Management/Procurement Department Signature

<table>
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<tr>
<th>Date:</th>
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EXCEPTIONS TO COMPETITIVE PROCUREMENT:
SOLE/ SINGLE SOURCE
(For Professional Services)

Date of Submission:
Submit Document via email to: PreApproval.PS@prc.sccgov.org

SECTION I

Proposed Contractor/Consultant: Viet Tu Te Charity
Total Estimated Value of the Service Agreement: $255,160.00
Start Date: Upon Approval
End Date: 06/30/2019
Description of Service: Provide senior congregate meals service targeting Vietnamese Community in 95122 zip code.
User Agency/Department: Social Services Agency, Senior Nutrition Program
Budget Unit #: 509
Name of Requestor: Vanessa Merlano, Senior Nutrition Program Manager

SECTION II

Mark appropriate box for Contract’s Signature Authority

☑ Board of Supervisors (approval needed from OCCM)
☐ Delegated to Department Head or designee (approval needed from OCCM)
☐ Director of Procurement (approval needed from Procurement)

SECTION III

Pursuant to Board Policy 5.6.5.1 (D) (2) (a), the following are EXCEPTIONS to Competitive Procurement for Professional Services. Select the appropriate exception.

(i) Sole Source: 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 specifications.

Sound procurement practice requires that a Sole Source procurement occur if it has been determined that there is only one source for the required service and not as an attempt to contract with a favored service provider.

(ii) Single Source: 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.

Agencies/ Departments must show through documentation that the selection of the source was based on an objective basis and justifiable reason, and the source selected is the most advantageous for the County to fulfill a given requirement as defined in the Scope of Work or specifications.
SECTION IV
COMPLETE THE FOLLOWING:

A. NEEDS ASSESSMENT (What is the need? Why is there this need?)

In FY18, the Senior Nutrition Program (SNP) has no congregate meals sites that target the Vietnamese Community or in the 95122 zip code. In 2011, the Public Health Dept. published the “Status of Vietnamese Health”. According to this report, 18% of the County population age 55 or older is Vietnamese and of the older adults surveyed, 48% did not have enough to eat, 47% had difficulty finding services in Vietnamese, and 65% had difficulty with transportation. Despite this, only 7.5% of SNP participants in FY17 were Vietnamese indicating Vietnamese are under-served by the SNP.

Attachment A is a map created by SSA’s Office of Research and Evaluation. It shows zip codes in Santa Clara County with seniors age 65 and older living below 185% of the Federal Poverty Level and FY18 Congregate Meals Sites. It shows that 95122 has a high occurrence of low income seniors but no congregate meal sites. Thus, 95122 is a high need area for SNP services.

The Health Trusts Food for Everyone report (2015) identified that 35% of seniors in 95122 have ambulatory difficulties. The Census’ American Community Survey data also estimates that 19.1% of the population in 95122 in 2016 was Vietnamese. Together, these factors make 95122 an ideal location for a Vietnamese meal site.

B. MARKET RESEARCH (Identify the contractors that can meet this need. Identify the method(s) of research.)

This contract was approved by the Board on June 16, 2017, as agenda item #115 (Leg File 86826). This award falls within the Board Policy 5.6.5.1(D)(2), Exceptions to Competitive Procurement (Single Source) as a Board-initiated exception. See Legislative File #86826 for Board approval of the exception request.
C. WHY IS THIS PARTICULAR CONTRACTOR MOST ADVANTAGEOUS TO THE COUNTY?

This contract was approved by the Board on June 16, 2017, as agenda item #115 (Leg File 86826). This award falls within the Board Policy 5.6.5.1(D)(2), Exceptions to Competitive Procurement (Single Source) as a Board-initiated exception. See Legislative File #86826 for Board approval of the exception request.

D. FURTHER JUSTIFICATION (If this particular contractor is being used by other department(s) and would further justify this exception request, provide a brief but concise explanation. If the justification is based on “impracticability,” please explain why a competitive procurement would be impracticable.)

The reports listed in Section A. Needs Assessment can be found online at the addresses indicated below:

Status of Vietnamese Health (Santa Clara County Public Health Department, 2011),

Food for Everyone (The Health Trust, 2015),
SECTION V

Requesting Agency/Department Contracts Manager:

Print Name: Jorge Montes, Contracts Manager

Signature: Jorge Montes

Phone: 408-755-7746

Email: Jorge.Montes@ssa.sccgov.org

Requesting Agency/Department Director:

Print Name: Debra Porchia-Usher, Chief Deputy Director

Signature: Debra Porchia-Usher

SECTION VI

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

☑ Approved

☑ Attach to Legislative File

☐ Attach to Delegation of Authority Coversheet

☐ Attach to Service Agreement Checklist

☐ Approved with Conditions

Comments:

☐ Returned for Possible Reconsideration

Comments:

☐ Denied

Comments:

SECTION VII

County Executive - OCCM

Miriam Singer, Chief Procurement Officer

Date: 3/29/2018

Procurement

Date:
Under advisement from the Children, Seniors, and Families Committee meeting of May 22, 2017 (Item No. 5j): Consider Inventory Item No. 39 relating to a pilot program for providing senior meals for the Vietnamese community. (Cortese)

Information

Department: Supervisor Dave Cortese  
(Supervisory District Three)  
Sponsors:  
Category: Budget

Attachments

Printout  
Item No. 5j - Public Comment  
Consider Inventory Item No 39 providing senior meals for the Vietnamese community and forward to the Board of Supervisors for consideration  
FW_Meal services to the Vietnamese seniors - Pilot Project  
Di Lac Temple  
Viet Tu Te SI_100  
Vietnamese Community Letter to District 3 Supervisor Dave Cortese  
No.39 Invent Form for Vietnamese senior lunch program  
Item No. 154 - Public Comment

Multiple Recommendations

Possible action:
  a. Allocate $255,216 of one-time funds for the nonprofit Viet Tu Te to provide a pilot senior meals program for the Vietnamese community.
  b. Approve usage of Board Policy 5.6.5.1(D)(2)(a), Exceptions to Competitive Procurement (Single Source), relating to Agreement with Viet Tu Te.
  c. Refer item for final consideration and approval on June 16, 2017.

Body

FISCAL IMPLICATIONS

There is a one-time cost of $255,216.00.

REASONS FOR RECOMMENDATION

There is a strong need for a program that provides meals to Vietnamese seniors. At this point, there is no site within the Senior Nutrition Program dedicated to serving the language and cultural needs of the Vietnamese community. Given the high language barriers reported among older adult Vietnamese, it is crucial that a site be set up to serve this needy population. As the Social Services Agency is preparing to release an RFP this fall, this is the ideal time to pilot a program to serve meals to the Vietnamese community to gather information regarding program need which can be considered during the contract awarding process.
The Viet Tu Te is a nonprofit that has been serving meals at the Unify Center for 5 years. The Unify Center has a commercial kitchen and a large room in which hundreds of senior meals can be served. Located in Little Saigon, the Unify Center is well-known in the Vietnamese community. It is conveniently located near transit and would be an ideal location for to pilot the Senior Nutrition Program for the Vietnamese population. The program also includes opportunities for physical and mental well-being through tai chi lessons and teaching meditation techniques. This funding will allow the Viet Tu Te to serve 200 seniors three days a week.

**CHILD IMPACT**

The recommended action will have no/a positive impact on children and youth and help them develop healthy attachments to seniors.

**SENIOR IMPACT**

The recommended action will have a positive impact on seniors who participate in the program.

**SUSTAINABILITY IMPLICATIONS**

The recommended action will have a positive impact on sustainability as it will provide an opportunity for sustainability education.

**BACKGROUND**

As of the 2010 Census, there are 134,525 Vietnamese people living in Santa Clara County. In performing its 2011 study *Status of Vietnamese Health*, the Santa Clara County Public Health Department found that between 2007 and 2009 roughly 1 in 10 Vietnamese families in Santa Clara County lived in poverty. This study also stated that 5% of Vietnamese adults reported going hungry because they couldn’t afford food. The Santa Clara County Public Health Department found that in surveying older adults, more than 8 in 10 reporting difficulties communicating with others because of difficulties with the English language.

**STEPS FOLLOWING APPROVAL**

Forward to the Board of Supervisors for consideration.

**Meeting History**

*Jun 14, 2017 1:30 PM Video Board of Supervisors Continued Budget Hearing*

At the request of President Cortese, the Board directed Administration to develop a culturally competent Preliminary Request for Proposals (RFP) through the pilot program to ensure proper outreach to organizations in the Vietnamese community; that if timely implementation of the pilot program is not possible due to questions, obstacles or difficulties, then direct Administration to refer the applicant into the RFP process without proceeding with the pilot program; and, that if the pilot program proceeds, that Administration provide a framework for Board consideration in August or September 2017 including stipulations that the pilot program meets all requirements relating to senior nutrition standards, environmental health standards, and Older Americans Act funding compliance.

**RESULT:** APPROVED [UNANIMOUS]

**MOVER:** Dave Cortese, President

**SECONDER:** Cindy Chavez, Supervisor

**AYES:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

**Transcript**

*Jun 14, 2017 1:30 PM Board of Supervisors Continued Budget Hearing*

[Transcript content]

2:33 PM Unanimously. Item 152, brought for by supervisor chavez. This is teatro vision item.

: thank you, this is an opportunity to make sure that our foster youth get a chance to participate and attend fabulous play. A move by chavez, is there a second? There is by yager. Questions, commenters? We'll conclude the voting then. We'll need win more participant. All votes pass carry 5 - 0. Item 153 unless there are questions, I'll make the motion to approve.

2:34 PM: no questions evident. move by yager, second by simitian. We're going to go ahead and approve the voting. Carry 5 - 0. Item 154, inventory item I brought forward. Let me try to clarify a couple of things here before we get to a motion on the item. So the history, there was a few things said. Again I want to clarify or add a little information to what we heard in terms of testimony. This non-profit which we've seen the formation papers on was formed in 2016 by the same ceo who runs an adjacent temple facility that's been there for a number of years and also runs a adjacent facility called the unified center which is a banquet hall with a full kitchen in it. Many of us us, elected officials who district encompass the area of east san jose has been present when up to seven or 800 folks have been fed or served meals at this facility. Some of you may have remembered it as the former gi forum facility, also used as a banquet banquet halls. That's the unified center. I probably visited over the last eight years, upwards of half a dozen times a year. I've visited a senior nutrition lunch program going on in the unified center. When I asked the purveyor if he was receiving any funding for the program. He said, no, but formed a non-profit and interested in learning how to get involved in the senior nutrition program. He was then referred to social service and the senior nutrition program and the idea came about it might be useful given the fact that for whatever reason, we're under represented in geographic locations, relevant to the vietnamese community and to the vietnamese american culturally competent applicants in the past April at least in terms of the senior nutrition program. There is a two fold recommendation that came out of social services. One, I think it answers an earlier question that the representative from I can brought up. There is an rfp process, the entire congress gant program ask coming out this october. It's right around the corner. This voluntary yet tattoo day, a non-profit has been referred to that process. We actually don't think that the maximum would be realized, but the calculation, as most of the supervisors know is on a per meal basis. So this amount that's in the inventory item is up to or not to exceed amount. It's based on 200 meals at a time. It would be one of the largest senior musician program that's we have. The expectation is probably it has to be smaller than that. The pilot program cost is smaller than that. At any cases a little over $8 a meal which is the growing rate of the program. The whole idea is to develop the cultural compensatory pre-rpd to determine what we need to determine what we do to inform an rfd process to make sure that the other organizations in the vietnamese communities are reached out to properly. We have a little head start. Some other organizations referred into the process. The October rfp process -- if this pilot cannot get underway because of questions, obstacles or difficulties with any number of things, what my motion would include is to refer the applicant into the rfp process without proceeding with the pilot. If the pilot is to proceed, they request in the inventory item would be that the county executive come back with the framework for that pilot in the august or September timeframe, so we can take a look at what has been developed whether or not the questions about the non-profit organizations have been fully answered with that i'm going to make a motion, ask to move the item with those clarifications or qualifications. I see Mr. Tour yet not nodding his head. If I confused the items, i'm open to questions. I'm absolutely willing to try to answer any other questions that come up that I didn't address. 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recommended for them to acknowledge those necessary modifications, that would not be funding that could be authorized through the proposed funding with this particular inventory item. The second issue we've discussed internally is the issue of a senior component meal. It has to meet one-third of the daily recommended lack of foundation for an individual, we're not familiar at this point, although we haven't had conversations with the temple as to the dietary staff, they may need to engage to work with the process and what a meal would look like with respect to older americans act funding which is what all of the senior programs receive funding to, there are compliance aspect for accounting for an individual as to whether they meet the criteria to be a senior. I would urge the board registration whether or not those requirements are considered. I am want to make sure if this is going forward, we would be serving a senior population as opposed to a general population.

2:43 PM | I have to think about that for the next couple of minutes, thank you.

2:44 PM | so the idea so to refer several questions brought up by the community. I've tried to answer the obvious ones that clarify the intent of the inventory item, but other questions and the community members who spoke here brought up, do we have accountability issues vetted properly. I call for the framework of the program to be called back. It's clearly called out to be a senior nutrition program, however, that is defined by the social program. I would like this set aside in the project and then have the opportunity to bring this back without, again without having to go into the rfp process without learning more about our own capacity to serve the Vietnamese community.

2:45 PM | I'm sorry. I don't know if supervisor yager is ahead of me in line or no. Would you be willing to stipulate in referral that the pilot has to meet all three requirements that has been articulated. The nutritional, environmental, and senior.

2:45 PM | yes, to bring all that back to a final board approval.

2:45 PM | I'm not trying to throw up roadblocks, I'm trying to make the case -- thank you, let me take yes, for an answer, if we're going to move forward, it's a little more nibble than we tapeically might, we do it with the three sets of standard. With that assurance, I vote on the item, thank you.

2:45 PM | if I didn't make it clear enough already, the written submittals that we received with the speakers, I want to make sure on the records forwarded as part of the process to the department, I think they've seen most of the concerns already, but just to make sure they are formally awarded in and brought back if and when a proposed -- are brought back. All votes passed.

2:45 PM | Carry 5 - 0. With a stipulation requested by vice president shouldon.
DATE: June 12, 2019
TO: Board of Supervisors
FROM: Dave Cortese, Supervisor

SUBJECT: Budget Inventory Item 56 - Viet Tu Te Senior Nutrition Program

RECOMMENDED ACTION
Consider Inventory Item No. 56 relating to Viet Tu Te Senior Nutrition Program. (Cortese)
Possible action:
   a. Approve one-time sponsorship of $90,893 relating to continuing the Viet Tu Te Senior Nutrition Program through July 1, 2020.
   b. Refer item for final consideration and approval on June 14, 2019.

FISCAL IMPLICATIONS
There is a one-time cost of $90,893.

REASONS FOR RECOMMENDATION
$90,893 is the amount that will be needed to help Viet Tu Te Senior Nutrition Program continue until July 1, 2020.

BACKGROUND
Santa Clara County’s first Senior Nutrition Program for Vietnamese residents opened last fall at the Di Lac Temple, serving meals three times a week to 200 seniors for the year. Viet Tu Te, is the nonprofit group working with the Temple on this project.

ATTACHMENTS:
   • Viet Tu Te Form (PDF)