



## Exemption to Competitive Purchase

An Exemption to Competitive Purchase shall be approved before routing the purchase requisition for purchases expected to total less than \$35,000 in one fiscal year. This form shall be used to justify Emergency, Single-Source, Sole-Source and Standardization purchases.

### SECTION A: General

Date: 4/21/21	Account: 421-4010-536.31-00	Amount Requested: \$ 50,000.00
Dept/Div: 4010 Utility/Administration	Requester: J. Walsh	Quote Attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Vendor (Name, Phone, Email)	de la Parte and Gilbert	Emergency Purchase: <input type="checkbox"/> Yes <input type="checkbox"/> No
Is Vendor Original Equipment Manufacturer (OEM)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Single Source Purchase (If YES, attach no quote from vendor or email attempt to justify use of single source selection.) <input type="checkbox"/> Yes <input type="checkbox"/> No
Can multiple vendors provide the same or salient product / service?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sole Source Purchase (If YES, attach vendor memo, letterhead, stating sole source of product / service with OEM dealer, distributor, reseller authorization) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is this purchase or project to be capitalized?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Standardization Purchase (If YES, provide detailed description, attach supporting documentation if applicable) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### SECTION B: Justification

Use section to provide a detailed explanation of services or products and why an exemption to competitive purchase is justified. Include the purpose of the services or products and how it directly impacts department operations.

Product or Service Description (Include Model / Part No., if applicable)	de la Parte and Gilbert will provide legal services and act as lead counsel for the consumptive use permit renewal with SJRWMD. If necessary, they will act as lead counsel in any challenges to the CUP and lead a team of experts to legally protect the city's rights.
Describe purpose of product or service.	The City of Cocoa will be renewing its CUP and legal services are necessary in order to protect our current rights and to negotiate terms and conditions to be associated with the new CUP.
What features of product or service makes this unique and exceptional to other comparable products or services?	de la Parte and Gilbert have previously represented the City of Cocoa on previous water matters with respect to the water plant, the Deseret Ranch and other issues concerning the rights of the potable water system. No other attorney has prior history and understanding of the Cocoa system and this is great benefit to the City to use them.
If applicable, describe why this product or service is compatible to existing equipment, instrumentation or services. If not enter N/A.	N/A
If applicable, is this purchase in effort to support standardization of equipment or services? Provide description of how it will benefit department or operations. If not enter N/A.	N/A

### SECTION C: Justification of Due Diligence

Use this section to document effort to identify other sources of product or services. This section does not apply for Emergency Products or Services.

Brief description of efforts made to resource other providers of product or services.	de la Parte and Gilbert has worked with the city and has propriatory knowldge that other vendors do not have. In addition, de la Parte and Gilbert specialiize in water rights permitting and law.
Describe consequence to operations if exemption is not declared.	The city needs a specialized water rights attorney to move its CUP forward. Delays to the CUP will also delay the potential agreements to the Taylor Creek Reservoir negotiations with SJRWMD and the other water suppliers.
How will department or program function if product or service is discontinued?	The city would not be able to start the CUP renewal with SJRWMD and impact negotiations with SJRWMD and the other water suppliers for the TCR project.
Describe how pricing was determined to be most responsive, responsible and best value to department.	de la Parte and Gilbert has offered services via their engagement letter outlining their hourly costs and reimbursable expenses. Since the time and effort necessary to complete the CUP process is highly variable and unpredictable, the time and material proposal is recommended and acceptable.

Florida Statute 838.22(2), BRIBERY, MISUE OF PUBLIC OFFICE, which applies to public servants working for municipal government agencies, reads as follows: "It is unlawful for a public servant or a public contractor who has contracted with a governmental entity to assist in a competitive procurement to knowingly and intentionally obtain a benefit for any person or to cause unlawful harm to another by circumventing a competitive solicitation process required by law or rule through the use of a

Requesting Department Director Approval	John "Jack" Walsh	<small>Digitally signed by John "Jack" Walsh Date: 2021.04.21 14:40:18 -0400</small>	4/21/21
Purchasing Manager Approval	Heath Hancher	<small>Digitally signed by Heath Hancher Date: 2021.04.21 16:45:36 -0400</small>	4/21/21
Finance Director Approval	Rebecca Bowman	<small>Digitally signed by Rebecca Bowman Date: 2021.04.21 17:04:53 -0400</small>	
Finance Staff Comments			