



JUSTIFICATION FOR EXCEPTIONS TO COMPETITIVE PROCUREMENT

Form ID: SSA-Sin-

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: Cheryl Liu, Director of Procurement at (408) 491-7401.

Date of Submission:			
Submit Document via Requisition	Refer to the Contact and Commodity Assignment List for buyer code guidance.		
SECTION I			
Proposed Contractor/ Consultant:	HopSkipDrive, Inc.		06/30/2026
Total Estimated Value of the Award:	\$ 1,183,722 \$ 1,972,870.00	Start Date: 07/01/2023	End Date: 06/30/2028
Description of Good/Service:	Transportation services for foster youth to attend their school of origin and other necessary services for foster youth.		
User Budget Unit - Agency/Dept:	0501 - Social Services Agency	Agency/Dept Abbreviation:	SSA
Name of Requestor:	Sylvia Young	Phone #:	(408) 755-7754

SECTION II

Mark appropriate box for Contract's Signature Authority

<input checked="" type="radio"/>	Board of Supervisors
<input type="radio"/>	Delegated to Department Head or designee
<input type="radio"/>	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.*

<input type="radio"/>	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.
<input checked="" type="radio"/>	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.

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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.

The Every Student Succeeds Act, effective beginning December 10, 2016, builds upon the Fostering Connections to Success and Increasing Adoptions Act of 2008 with new provisions and enhancements to existing laws in order to assist students achieve school stability and success. This includes an obligation for local Child Welfare Agencies and Local Education Agencies to ensure foster youth are enrolled or remain in their school of origin, unless there is a determination that it is not in their best interest to do so, and to develop and implement clear written procedures for how transportation will be provided, arranged, and funded to ensure children and youth in foster care are properly transported to their school of origin for the duration of their time in foster care.

The Department of Family and Children's Services needs to secure the services of a transportation provider in order to transport foster youth to their school of origin and other child-oriented services as needed and determined by the school district, placement agency, and the Santa Clara County Office of Education (SCCOE).

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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.

The criteria to search for qualified vendors was as follows:

- Available to service the entire county.
- Available to maintain licensed, certified drivers who can pass a strict background check to work with youth.
- Experience providing similar services.
- Flexibility to work on-demand as clients are identified.
- Flexible pricing.

On May 31, 2017, the Social Services Agency released the request for proposal RFP-SSA-FY17-0247 for transportation services. This RFP included four programs, one of which was for DFCS Transportation. This RFP called for criteria very similar to the one outlined above. However, there were no qualifying bids for these services.

The Social Services Agency currently contracts transportation services from the Community Services Agency of Mountain View, Los Altos & Los Altos Hills and the Silicon Valley Independent Living Center. However, these organizations specialize in transportation for seniors and disabled adults and do not offer youth transportation services.

An online search for youth transportation services yielded the following results, but none of the organizations offer specialized services for transporting youth on both scheduled and on-demand bases or were focused on other areas of youth transport:

- 1.) Ride-sharing services such as Uber and Lyft prohibit minors from riding unaccompanied by an adult.
- 2.) Kango Rides does not offer services in the cities of Morgan Hill, San Martin, and Gilroy.
- 3.) Zum has a fleet comprised mostly of buses with a focus on transporting youth groups such as clubs and sporting teams. Additionally, only school districts who partner with Zum can request and schedule rides.
- 4.) GoKid is a phone and web application that connects parents with each other to coordinate free carpooling rides. The company does not directly hire drivers.
- 5.) Kids Kab has a main service area of Cupertino, South Sunnyvale, and Saratoga. Pick-ups or drop-offs outside of their main service area carries an additional surcharge of \$2.00 per mile.

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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.)

HopSkipDrive, Inc. specializes in on-demand, safe youth transport. The company subjects all drivers to stringent background checks and offers parents/caregivers real-time monitoring of the ride from their app. Their software system integrates with Zendrive, a software program that provides information about the driver's behavior to ensure safety. HopSkipDrive has a specific insurance policy designed for transporting children. Their service area spans the entire county and they offer both single occupant and carpool pricing options, based on a flat pick-up fee plus mileage.

Considering that RFP-SSA-FY17-0247 received no bids for similar services and that a search for other vendors did not yield any qualified candidates, HopSkipDrive is the most advantageous contractor to the County as they meet the criteria set forth by the requesting department.

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.

OCM will continue working with DFCS to better understand the requested services in order to expand the available pool of qualified contractors.



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SECTION VIII

SCOPE OF WORK/SPECIFICATIONS - Please provide all scopes of work or stated specifications. 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.

The contractor will provide professional, demand-responsive transportation for any foster youth referred by the County of Santa Clara to their school of origin and to other child-oriented services including but not limited to health/mental health services, pro-social activities, and other transportation needs resource families cannot accommodate. The estimated number of rides will be 1,500 per fiscal year.

DELIVERABLES AND STANDARDS FOR PERFORMANCE:

SERVICE AREA

The Service Area will be the county limits of the County of Santa Clara.

HOURS OF SERVICE

Hours of service shall be governed by the school schedule for the foster youth. Typical hours of service are Monday through Friday between 7:00 AM and 4:00 PM, but may change subject to the school district's needs.

DIRECT ROUTE

Contractor's drivers must take the most time-efficient route while transporting passengers.

VEHICLE INSPECTION AND DISQUALIFICATION

The Contractor will develop policies and procedures for verifying the safety and maintenance of vehicles used to transport passengers. At a minimum, the Contractor must inspect vehicles every twelve months.

DRIVER BACKGROUND CHECKS, TRAINING, AND DISQUALIFICATION

The Contractor will develop and maintain policies and procedures for verifying the capabilities, competency, and safety of their drivers, including standards for disqualification, training and appropriate supervision of drivers. The Contractor must perform a background check on all drivers, including a Live Scan criminal background check, on all drivers assigned to work on this project. The Contractor must develop policies for disqualifying drivers that do not pass a background check.

INCIDENTS

Contractor shall notify County by telephone immediately, as is feasible, and provide written notification within 24 hours of any incidents involved in providing services under this Contract, including, but not limited to vehicle collisions.

FARE POLICY AND COLLECTION

Contractor's drivers may not accept any payment from passengers for transportation that is covered by this contract. Contractor shall, through policy and policy enforcement, ensure that drivers do not request or receive gratuities.

DRIVER CODE OF CONDUCT

The Contractor must develop, implement and monitor compliance with its policies regarding driver conduct will providing services under this Contract.

SCHEDULING WINDOW

The Scheduling Window will be 36 hours prior and up to 5 weeks ahead of a requested ride.

CURB-TO-CURB SERVICE

"Curb-to-Curb Service" means a type of transit service where, on both the origin and destination ends of the trip, the driver gets out of the vehicle and assists the passenger between the vehicle and a sidewalk or other waiting area no more than 15 feet from the vehicle. Contractor shall provide Curb-to-Curb Service to all eligible passengers.

NO PASSENGER STRANDED

At the time of the ride reservation the scheduler/dispatcher will confirm the need for a round trip and schedule accordingly. In the event a driver does not respond to the scheduled trip and a call is received from the passenger, immediate use of backup systems will ensure the trip is provided. CONTRACTOR shall monitor all rides and driver progress in real time so if a replacement driver is required, CONTRACTOR will deploy a new driver for a timely pick up. CONTRACTOR will only cancel a ride and not send a driver if COUNTY requests cancellation because alternative transportation has been secured.

ADMINISTRATIVE CAPACITY

Contractor must maintain sufficient administrative capacity to professionally carry out the services described.

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SECTION IX

Requesting Agency/Department Contracts Manager:	Print Name: Jorge Montes
	Signature: DocuSigned by: Jorge Montes 12/21/2022 <small>728AF1F5C6334BA...</small>
	Phone: (408) 755-7746
	Email: jorge.montes@ssa.sccgov.org

Requesting Agency/Department Director:	Print Name: Sandhya Hermon
	Signature: DocuSigned by: <i>Sandhya Hermon</i> 12/23/2022 <small>3FA560E1E81149A...</small>

SECTION X

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

<input type="radio"/>	Approved	<input checked="" type="checkbox"/> Attach to Legislative File <input type="checkbox"/> Attach to Delegation of Authority Coversheet <input type="checkbox"/> Attach to Service Agreement Checklist <input type="checkbox"/> Attach to PO/Contract File
<input checked="" type="radio"/>	Approved with Conditions	Comments: SSA must prepare for and issue another competitive vendor selection process in FY23. This justification is valid only up to 06/30/2026.
<input type="radio"/>	Additional Information Required	Comments:
<input type="radio"/>	Denied with Recommended Action	Comments:

SECTION XI

Office of Countywide Contracting Management/Procurement Department Signature

DocuSigned by: <i>Chanthavy Sivongxay</i> <small>66FE20FA1926480...</small>	Date: 12/30/2022
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