



**C4220.1F Rev. 4 Chapter VI.3.i.(1)(b) Defines a sole source as:**

- A. When required supplies or services are available from only one responsible source, and no other supplies or services will satisfy its requirements.
- B. When an existing contractor makes a change(s) to its contract that is beyond the scope of the original contract.

**This justification form MUST be complete, include all supporting documentation, and approved by the General Manager prior to any purchase being made.**

**Are FTA Funds being used?** No

**Vendor name and address:**

Lamar Transit, LLC  
Ted Mann  
tmann@lamar.com  
(503) 223-9796

**Requested Amount:**

**\$ REVENUE AGREEMENT**

**This is a sole source because**

- ☐ One-of-a-kind – there are no alternatives available on the market with the same or similar characteristics that WTA has a documented requirement for.
- ☐ Patent, Copyright, Data Rights, or Warranty – vendor has obtained a patent or copyright, owns data rights, or award to another supplier will invalidate WTA's warranty for the good or service required.
- ☐ Substantial Duplication Costs – award to another vendor will result in costs that will not be recovered through competition.
- ☐ Unacceptable Delay or Declared Emergency – Award to another contractor would result in an unacceptable delay to a project or an emergency has been declared. Failure to plan a purchase appropriately is not justification.
- ☒ Single Bid or Proposal Received. Despite adequate competition, only one bid or proposal was received.

**Describe the specific, necessary features that this product or vendor provides.**

WTA's Transit Advertising contract with Lamar is expiring in January 2021. WTA's transit advertising program is designed to maximize revenue in a manner that supports its overall mission of providing efficient and safe public transportation services. While the revenue share is less than what the current 2015 contract pays out, staff feels the minimum proposed in Option 2 is still lucrative. Similarly, staff understands that the primary reason for the reduction in revenue share proposed is due to COVID. WTA has limited service on the street, and many of Lamar's advertisers are cutting costs due to lost revenue because of shut downs.

**How was availability determined? List possible alternative sources. What compatible parts or equipment are available? If there are none, provide detailed information on the measures used in your determination.**

WTA ran a public solicitation which closed 11/30/2020. Lamar was the only proposer.




**Whatcom  
Transportation  
Authority**

## Sole Source Justification

**SS# 2020-294RFP**

Form #SETU04 v.b

**Procurement & Contracts**

<b>Who prepared the specification or statement of work? Did a vendor or contractor assist? If so, provide their information.</b>	WTA
<b>Is this a one-time Procurement?</b> <u>Yes</u>	*If on-going sole source procurement is <u>required</u> , attach an estimate that shows total annualized expenditure (for each year).
<b>FAIR AND REASONABLE PRICE DETERMINATION</b>	
<p><b><u>Check all that apply and attach back-up documentation</u></b></p> <p><input checked="" type="checkbox"/> Comparison of the proposed price to previously paid prices for the same or similar goods or services.</p> <p><input type="checkbox"/> Comparison of the proposed price to current published catalog, price lists, market prices, or prices given to other public agencies with similar requirements, and the proposed price is similar.</p> <p><input type="checkbox"/> Comparison of the proposed price to documented yardsticks (such as dollars per pound or per horsepower, or other units of measure) and no significant inconsistencies that warrant additional pricing inquiry were found.</p> <p><input type="checkbox"/> The price is set by law or regulations</p>	
<p><b>STATEMENT OF NEED AND CERTIFICATION:</b></p> <p>I certify that this justification for sole source procurement is accurate and complete to the best of my knowledge and belief. My personal familiarity or preference with particular brands, types of equipment, materials, or firms has not influenced my request to sole source this purchase if other suppliers exist. My Sole Source recommendation is based upon an objective review of the product or service required and is in the best interest of Whatcom Transportation Authority. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors, or compromising actions have taken place.</p>	
<p><b><i>Maureen McCarthy</i></b></p> <p>Signed: Wednesday, December 2, 2020</p> <p>Printed Name: Maureen McCarthy</p> <p style="text-align: right;">Department: Community Relations &amp; Marketing</p>	
<b>First Endorsement: DEPARTMENT DIRECTOR</b>	<b>Second Endorsement: PROCUREMENT</b>
<p>I endorse this purchase as necessary for WTA business. No conflict of interest has occurred between the vendor or department staff.</p> <p></p> <p>Signed: Wednesday, December 2, 2020</p>	<p>I endorse this purchase. Procurement policies and procedures have been followed. All supporting documentation has been included in the request.</p> <p><b><i>Magan Waltari</i></b></p> <p>Signed: Wednesday, December 2, 2020</p>
<b>Third Endorsement: FINANCE DIRECTOR</b>	<b>Sole Source Approval: GENERAL MANAGER</b>
<p>I endorse this Sole Source. The purchase is within the department budget.</p> <p><b><i>Shonda Shipman</i></b></p> <p>Signed: Wednesday, December 2, 2020</p>	<p>I approve this Sole Source.</p> <p><b><i>Peter L. Stark</i></b></p> <p>Signed: Wednesday, December 2, 2020</p>





## Exhibit D: Pricing Sheet

Each year of the agreement, the contractor shall be bound by the following minimum guarantee amounts per contract year based upon the list of buses in Attachment A:

Contract Year	Annual Minimum Guarantee	Minimum Revenue Share %
Contract Year 1	\$90,000-3 year; \$100,000 5 year	61%-3 year; 62% 5 year
Contract Year 2	\$90,000-3 year; \$100,000 5 year	61%-3 year; 62% 5 year
Contract Year 3	\$90,000-3 year; \$100,000 5 year	61%-3 year; 62% 5 year
Optional Contract Year 4	\$90,000-3 year; \$100,000 5 year	61%-3 year; 62% 5 year
Optional Contract Year 5	\$90,000-3 year; \$100,000 5 year	61%-3 year; 62% 5 year

**The agency will not consider or accept proposals with less than 60% minimum revenue share of annual advertising sales.**

The vendor shall pay WTA the proposed percentage, or, 60% of the annual net sales, or the yearly minimum guaranteed payment, whichever is greater.

WTA is willing to sign a contract for the full 5 years if doing so will provide WTA with a larger revenue share.

WTA reserves the right to increase or decrease the number of vehicles listed on Attachment A during the term of the contract. In the event the fleet should increase or decrease by 15 or more vehicles, the minimum guarantee will be adjusted proportionately.

Proposers shall also include a proposed rate card and/or fees to be charged to commercial clients, non-profit clients and public service clients.

The vendor will not offer discounts, Buy One-Get One offers, or any other marketing hook to potential advertisers that results in a reduction of potential revenue<sup>5</sup>

**THIS FORM MUST ACCOMPANY PROPOSAL**

<sup>5</sup> Washington State Constitution Article VIII, Section 7 "Credit Not To Be Loaned"