



BID WAIVER OR SOLE SOURCE JUSTIFICATION FORM

Important Notice: It is a felony to knowingly circumvent a competitive process for commodities or services by fraudulently specifying sole source; Florida Statute 838.22(2)

It is the policy of the City of Doral to consistently purchase goods and services using full and open competition. The citizens and residents of the City are best served when sound business decisions are made based on competitive bids or proposals. There may be instances when other than full and open competition may be justified. When a City department determines that other than full and open competition is necessary or in the best interest of the City, appropriate justification must be submitted to the Purchasing Manager for review and approval to waive the competitive bid/proposal process.

Please provide the information requested below to support the need and feasibility for waiving the competitive bid/proposal process:

1. Department: Public Works Contact Person: Carlos Arroyo
2. Estimated Cost: \$ 157500 Requisition No.: _____
3. Proposed Vendor Name: XYGO Vendor Number: _____
4. Type of Waiver (check): ☒ Sole Source** ☐ Single Source ☐ Standardization/ Compatibility
☐ Emergency ☐ Non-Competitive

****A signed Sole Source letter is required from the manufacturer/ provider.**

5. Describe the minimum requirements of the item and how it will be used:

Complete service and creation of a right-of-way 3-D survey which identifies
right-of-way deficiencies and issues, analyzes these deficiencies and creates work orders.

6. Explain why a waiver of the formal bidding process is in the City's best interest (e.g. product standardization, compatibility, proprietary item (patent or copyright), restricted access, etc.):

XYGO provides "Inspector 3D Services, which provides an end-to-end solution that incorporates third party technological components existing in the market

and incorporated components created by Mapas Digitales S.A. and XYGO USA which are the owners and have property rights.

Please see attached letter that defines the proprietary components.

Department Director's Approval:

Signature

5/18/23
Date/Approved

Procurement Manager's Approval:

Donna Rockfeld (FD)
Digitally signed by Donna Rockfeld (FD)
Date: 2023.05.27 19:49:05 -04'00'
Signature

5/27/2023
Date Approved

GUIDE FOR REQUESTING A BID WAIVER OR SOLE SOURCE PURCHASE

Emergency

Urgent need or the item or service does not permit soliciting competitive bids, as in cases of emergencies, disasters, etc. Emergency - Life will be endangered, property will be destroyed, or considerable cost will be incurred because of events beyond the control of the department if the procurement is not completed without delay.

Monopoly

A market situation where there is one seller and many buyers of a product or service that has no close substitution and where the seller has considerable control over price because of the lack of competition. A monopoly is a company or group having exclusive control and ownership. A monopoly exists as in the case of the U.S. Post Office, Florida Power & Light, Miami-Dade County, etc.

Noncompetitive Justification

Bids have been solicited and no responsive bid (conforming to the central requirements of the solicitation) has been received.

Single Source

A procurement decision whereby purchases are directed to one source because of standardization, warranty, or other factors, even though other competitive sources may be available. In order to justify a single-source purchase, one or more the following criteria must be substantiated in support of the justification:

- Compatibility with existing equipment - This justification may be used if the goods or services are being purchased to directly interface with or attach to equipment of the same manufacturer, and no other manufacturer's goods will correctly interface with existing equipment.
- Compatibility for standardization - This justification may be used if the goods are being purchased to supplement existing equipment in operations. The goods must match the existing equipment and is being purchased to provide uniformity for cost savings purposes such as training and inventory.

Sole Source

A situation created due to the inability to obtain competition. May result because only one vendor or supplier possesses the unique ability or capability to meet the particular requirements of the solicitations.

When providing a justification based on the availability of one supplier, the goods or services must be defined in generic terms. Specifying patented products or processes, when not necessary to meet functional requirements, is not acceptable as a sole source justification.



March 24, 2022

City of Doral
Public Works Department
8401 53rd Terrace,
Doral, FL 33166

RE: Sole Source Vendor

To whom it may concern:

This letter is to confirm that the "Inspector 3D Service" is a sole-source service/ product, created, sold, and distributed exclusively by XYGO USA and its owner Mapas Digitales S.A. (Chilean company).

The following are the sole-source reason(s):

The "Inspector 3D Service" is an end-to-end solution that incorporates third party technological components existing in the market and incorporates components created by Mapas Digitales S.A. and XYGO USA which are owners and have the property rights, these proprietary components are:

- Artificial Intelligence algorithms that work on lidar point cloud and images to detect anomalies and elements of urban infrastructure.
- Application Programming Interface or APIs developed to integrate ESRI software, ORBIT 3DM software, QUICK Terrain software, and Geospatial Databases.

The "Inspector 3D Service" must be acquired in the USA directly from XYGO USA at the address listed below. There are no agents nor authorized resellers to represent this service at this time. As mentioned, Mapas Digitales S.A., the owner of XYGO USA, has the property rights of these components (AI Algorithms and APIs), which are registered in Chile.

There is no other service "end-to-end solution" that can be replicated with 'Inspector 3D Service' which include the proprietary components (listed above) that are available for purchase that would serve the same purpose or function, and there is only one price for the above-named item(s) or service(s) because of exclusive distribution or marketing rights.

For additional information, please do not hesitate to contact me at (786) 705-9910 at any time or visit our website at www.xygo.com. Thank you for your interest in our products.

Sincerely,

Alfredo Escobar M
President, XYGO USA

