



Suspension of Competition Acquisition Request

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1. Fully describe the product(s) and/or service(s) being requested.

The vendor provides layout, printing, and translation of County Voter Information Guide(CVIG) booklets produced in accordance with California Elections Code Sections 13300-13317. These booklets include descriptions of contests and measures, candidate statements, impartial analysis of measures, ballot arguments, measure text, voting instructions, and lists and maps of vote centers and drop boxes. The booklet text and information are provided by the Department. CVIGs are mailed to registered voters for each election 40 to 15 days before Election Day.

2. Identify the selected vendor and contact person; include the address, phone number and e-mail address for each.

Leslie Harwood, Elections Sales Manager
Toppan Merrill
1600 N. Kraemer Blvd.
Anaheim , CA 92806
Mobile: (818) 384-4659

3. What is the total cost of the acquisition? If an agreement, state the total cost of the initial term and the amounts for potential renewal terms.

The total cost of the agreement term including the option one-year extension is \$1,500,000.00. The agreement is for 2 years.

4. Identify the unique qualities and/or capabilities of the service(s) and/or product(s) that qualify this as a Suspension of Competition acquisition.

In January 2021 the Department, in consultation with the Purchasing Manager, approached the vendor to ascertain their interest in offering the Department a discounted rate in lieu of a formal bid process. The vendor agreed to reduce rates for per page booklet formatting and printing by approximately 7% from 2015 prices. Translation and Programming fees were held at 2015 levels and press set-up fees were increased from \$98 to \$215 per ballot type. In our discussions with the vendor it was disclosed that in RFP responses the company is proposing fees 10% higher than those in our current agreement which was executed in 2015. Savings would be approximately \$50,000 per major election. This is a significant savings for the Department in relation to potential rates offered during a Request for Proposals process.

Toppan Merrill has been providing services to the County Clerk – Elections Department since 2015 when they were unanimously selected through an RFP process. The vendor's performance has exceeded departmental expectations throughout this time and the department has enjoyed a positive and collaborative relationship with the vendor in service of county deadlines and specifications.

5. Identify from Administrative Policy #34 what circumstances constitute a Suspension of Competition.

- In an emergency when goods or services are immediately necessary for the preservation of the public health, welfare, or safety, or for the protection of County property.
- When the contract is with a federal, state, or local governmental agency.
- When the department head, with the concurrence of the Purchasing Agent, finds that the cost of preparing and administering a competitive bidding process in a particular case will equal or exceed the estimated contract amount or \$2,500 whichever is more.
- When a contract provides only for payment of per diem and travel expenses and there is to be no payment for services rendered.
- When obtaining the services of expert witnesses for litigation or special counsel to assist the County.
- When in unusual or extraordinary circumstances, the Board of Supervisors or the Purchasing Agent/Purchasing Manager determines that the best interests of the County would be served by not securing competitive bids or issuing a request for proposal.

6. Explain why the unique qualities and/or capabilities described above are essential to your department.

Toppan Merrill has been providing services to the County Clerk – Elections Department since 2015 when they were unanimously selected through an Request for Proposals process which received two responses. The vendor's performance has exceeded Department expectations throughout this time and the department has enjoyed a positive and collaborative relationship with the vendor in service of county deadlines and specifications. The Department is required to provide CVIG booklets to registered voters in Fresno County and the vendor has the qualified personnel, facilities and resources to provide CVIG booklets in a timely manner and in accordance with Elections Code requirements.

7. Provide a comprehensive explanation of the research done to verify that the recommended vendor is the only vendor with the unique qualities and/or capabilities stated above. Include a list of all other vendors contacted, what they were asked, and their responses.

Other vendors were not contacted. Toppan Merrill is the department's current vendor and was approached to ascertain their interest in offering the Department a discounted rate in lieu of a formal bid process. The vendor agreed to provide price discounts as described in section 4.

bhill 4/30/2021 10:07:02 AM

Requested By:

Business Manager

Title

[\[✕ Sign\]](#) Double click!

I approve this request to suspend competition for the service(s) and/or product(s) identified herein.

jkus 4/30/2021 10:24:44 AM

Department Head Signature

[\[✕ Sign\]](#) Double click!

gcornuelle 4/30/2021 11:01:54 AM

Purchasing Manager Signature

[\[✕ Sign\]](#) Double click!