## "SOLE SOURCE" PROCUREMENT JUSTIFICATION

Sole source purchases are goods and services available from only one vendor. There may be just one vendor because of patents or copyrights or simply because the vendor is the only one which supplies the good or service. Using Department must provide a written explanation as to why only this particular product/service is acceptable and why no other will be suitable or acceptable to meet the need. A quote must accompany this form.

Department name: Health and Human Services and Facilities & Parks

1.	Name of product or service: The Fitness Court®
2.	Name of product manufacturer: National Fitness Campaign, LP (NFC)
3.	Name of "sole" product supplier or service provider: National Fitness Campaign, LP
4.	Describe in general terms the product/service you are requesting and the intended application.
	The NFC provides design and planning services, a trademarked outdoor infrastructure product, the Fitness Court <sup>®</sup> , an integrated digital ecosystem mobile application for free outdoor exercise use at the County Vado – Del Cerro Community Center. This product is in alignment with Plan 2040, Goal 3.4 to "Encourage Active Recreation Options to Improve County Health." The Facilities and Parks department applied for grant funding

5. Describe the unique features/capabilities/characteristics that distinguish it from other products/services.

for site preparation to include the concrete slab base and full installation.

The Fitness Court® is a patented system trademarked and owned by the National Fitness Campaign, LP (NFC) which is solely procured through NFC. Any other organization that wants to install a Fitness Court® must do so through NFC. All individual elements of the system are each named and registered with a unique design and serial number. None of the elements are licensed to any other organization or distributor.

from NFC to support the procurement of the system. The grant amount is \$30,000 for technical assistance approved by the Board of County Commissioners on May 9, 2023, for the technical assistance and cost of the equipment. The cost to the County is \$125,000

- 6. How did you determine there was only one source for the product or service? Provide information on the research that was performed to locate suppliers for this product(s) or service(s). (Please furnish names, addresses and other documentation).
  - An internet search for "outdoor fitness equipment" displayed only the equipment and not a complete system with a coordinated mobile application for use. Companies included many various providers for equipment such as the following, but none that offered the fully integrated and patented system of the Fitness Court<sup>®</sup>. Additional documentation from the NFC is included in this sole source procurement justification.

- Adventure Playground Systems
   https://adventureplaysystems.com/product/categories/outdoor-fitness-equipment
- · GameTime, https://www.gametime.com/outdoor-fitness-equipment
- Kompan, https://www.kompan.com/en/us/products/outdoor-fitness
- 7. What product supplier or service provider has your department used until now to satisfy similar requirements?

The Facilities and Parks department purchases various equipment through cooperative procurements such as CES or Statewide Pricing Agreements or other procurement vehicles such as small purchases, three quotes, and bids if needed. Two vendors are provided below:

School Equipment, Inc., 7800 Phoenix NE, Suite A, Albuquerque, NM 87110 BSN Sports, 14460 Varsity Brands Way, Farmers Branch, TX 75244

Signature of Department Head

Date

5/10/2023

(Attach Quote and Use Additional Sheets As Necessary)

\*\*This form is used by Purchasing Department to determine if a "Sole Source" procurement criterion is met.

Completing this form does not guarantee approval of this type of procurement.



#### National Fitness Campaign LP | PO Box 2367, San Francisco CA 94126 | info@nfchq.com

August 22, 2022

To Whom it May Concern,

National Fitness Campaign LP is a consulting firm that partners with public and private organizations to impact quality of life through changing the built environment and community wellness practices. The NFC initiative provides design and planning services, a trademarked outdoor infrastructure product, the Fitness Court®, an integrated digital ecosystem, the Fitness Court® mobile app and engagement wall, and integrated public art wall to approved cities, schools, and organizations that apply to receive an NFC partnership and bring the program to their selected site location.

This program is highly specialized, and NFC is the only organization in the world that delivers these elements either individually, or as part of an integrated program. For the reasons listed below, the trademark ownership of the system and infrastructure, and the integrated nature of the initiative including services, products, tools and grant funding, it is approved as a sole source across the United States.

A competitive analysis has been conducted by hundreds of cities and institutions across the country, who have concluded that the products and services have no equal. This group includes cities like Sacramento California and Las Vegas Nevada, and institutions such as Stanford University and The University of Colorado at Boulder, where the Fitness Court® and associated tools and services were successfully sole sourced, evidenced by public documentation and approvals which have been documented widely. Further, the Fitness Court® is trademarked and owned by National Fitness Campaign.

While the integrated nature of the products and services is grounds for sole source by most national standards, there are three primary differentiators that validate the sole source justification of the Fitness Court® and national campaign resources, which are described below. In addition to the below descriptions of these three primary items, an appendix is provided as an attachment to this document that provides graphic aids and further detailed information regarding the differentiation of this program and its associated products and services.

## 1. Patented Fitness Court® System

- A. Fitness Court® is trademarked and owned by National Fitness Campaign LP.
  - a. As such, this product cannot be procured from any other organization.

    Any organization seeking to fund and install a Fitness Court® must do so through National Fitness Campaign LP.
    - i. See Appendix for Trademark Document from the United States Patent and Trademark Office
- B. The Fitness Court® and each element is manufactured only by National Fitness Campaign LP. It is impossible to not only procure the elements as a system, but individually. Every aspect of the Fitness Court®, including the functional design of all equipment, structural engineering, elements are the property of National Fitness Campaign LP. The individual elements are each named and registered with a unique design and serial number. Because the design of the elements is owned by National Fitness Campaign LP and not licensed to any other organization or distributor, it is not possible to procure them anywhere else.
- C. The Fitness Court® is available only in a single configuration, shown in the



appendix materials. The system includes over 118 unique elements. There is absolutely no variation in the layout of the elements. Elements can not be added or removed. Spacing cannot be altered. Like many integrated products, Individual elements can not be procured separately.

- D. The Fitness Court® has a patented training envelope that accommodates more users per square foot than any other system in the world. The Fitness Court® is a comprehensive outdoor circuit training system, laid out in 32'x32' of space, for a total of 1024 sq ft of training area. NFC's patented design is able to support 28 simultaneous users on 30 integrated bodyweight training components, derived from the previously stated 118 elements. This configuration is impossible to re-create in only 1024 square feet without NFC's patented equipment and components due to specific requirements set forth by other manufacturers.
- E. Public Art Mural and Digital Engagement Wall
  - a. Each Fitness Court® is designed as a one-of-a-kind work of art that includes a 32'x5.5' public art mural. The mural is an integral component of the Fitness Court design, and makes each Fitness Court® a one-of-a-kind public art installation.
  - Further, the mural can be periodically re-designed and introduced, to create a rotating art mural.
    - i. NFC provides integrated consulting and design services to assist in this process.
  - c. Digital Engagement Wall
    - On the opposite side of the mural wall, the Fitness Court includes a custom digital engagement wall.
      - This wall provides digital QR codes and embedded, proprietary information regarding the use of the Fitness Court<sup>®</sup> and Fitness Court App.
      - This information is unavailable from any other organization because it is the IP of National Fitness Campaign LP.
      - Tracking Fitness Court® usage wouldn't be possible without the built in GPS tracking features available on the Fitness Court® digital engagement wall.
  - d. NFC is unaware of any other outdoor fitness element that provides an integrated art mural of any kind.
  - Eurther, NFC has an in-house art studio that designs, produces, and creates the art and custom graphics that are integrated into each Fitness Court.
    - i. This scope of services for design and production of commercial grade, anti-graffiti laminate vinyl specific to the Fitness Court® is not provided by any other organization as an integrated service.

#### 2. Fitness Court® App and Digital Tracking System

- a. Each Fitness Court® is supported by a mobile app called the Fitness Court® App. All IP, including the app itself are owned by National Fitness Campaign LP. The training resources, world-class workout programs, challenges and data analytics features are only available for Fitness Court® users and site partners.
- No other outdoor fitness equipment provides a mobile app with the following four categories of functionality:



- c. Mobile App Primary Features
  - Mark Lauren Training Series
    - a. Mark Lauren is a US Special Operations Trainer and Bestselling Author. He has developed 18 proprietary workout programs specifically for the Fitness Court® system. They are only available on the Fitness Court® App. Mark Lauren has no other programs for outdoor fitness equipment available.
  - 2. Fitness Court® App Live Challenge Feature
    - a. This is a proprietary feature that allows a user to score a 7 station circuit on the Fitness Court® using their mobile device. This feature is not available for any other outdoor fitness product of any kind.
  - 3. Annual Data Analytics Reporting
    - Each site partner who builds a Fitness Court® receives an annual data report tracking usage on their Fitness Court®.
    - To NFC's knowledge, no other manufacturer of any type of outdoor exercise component provides regular, annual report of key usage metrics using digital, GPS based systems.
      - The Report is provided by NFC, and includes annual demographic data, user age ranges, Fitness Court app downloads and other important information.
      - ii. This information is generated by NFC's proprietary GPS based data analytics services for each Fitness Court® in America.
    - c. See appendix for sample annual user data report.
- d. See appendix for additional information regarding the Fitness Court® App.

#### 3. National Grant Funding

- a. National Fitness Campaign LP builds and maintains a National Grant Fund, supported each year by sponsors and partners of the campaign. This funding takes tremendous effort to build, and it is provided by National Fitness Campaign and partners and sponsors to support the mission of making wellness infrastructure free and accessible across America in partnership with leading cities, schools and organizations.
- b. For 2023, National Campaign sponsors include:
  - i. The Keith Haring Fitness Court® Signature Series Collection
  - ii. Engineered Installation Solutions
  - iii. Regupol America
  - iv. USA Shade and Fabric Structures
  - v. Badger Sport
- c. To procure a Fitness Court®, an organization must complete a formal application and be approved for funding and participation. Each partner organization that succeeds in submitting a successful application is eligible to receive a Grant Award which is deducted from the funds required for the NFC program from sponsors of the National Fitness Campaign.



- d. This funding is administered in the preferred method of receipt for each partner organization. Methods include a credit on final invoices for remaining funding, and direct grant disbursements provided by National Fitness Campaign.
- e. This funding is available for a limited number of partners in each state on an annual basis, and is awarded based on merit of application from a qualified site partner, including the requirement for the Fitness Court to build in a publicly accessible location.
- f. For more information, see: https://nationalfitnesscampaign.com/grants

No other vendor, distributor or organization makes these materials available for procurement by any city, school, or organization. They must be acquired from National Fitness Campaign LP. If you have further questions regarding this sole source letter or require additional information, please contact us per the information provided on this letterhead.

Sincerely,

Mitch Menaged, Founder and Director National Fitness Campaign LP



#### **National Grant Funding**

National Fitness Campaign is a quality of life consulting firm builds and maintains a National Grant Fund, supported each year by sponsors and partners of the campaign. This funding takes tremendous effort to build, and it is provided by National Fitness Campaign and its sponsors to support the mission of making wellness infrastructure free and accessible across America in partnership with leading cities, schools and organizations. Distributions from this Grant Fund are provided directly to cities, schools, and organizations who qualify for, and are approved to become, campaign partners.

For the 2023 Campaign, National Campaign sponsors include:

- 1. The Keith Haring Fitness Court® Signature Series Collection in partnership with Artestar and the Keith Haring Foundation
- 2. Engineered Installation Solutions
- 3. Regupol America
- 4. USA Shade and Fabric Structures
- 5. Badger Sport

Additional state and regional sponsors are now joining the campaign, as well as state recreation agencies and other partners. Sponsor funding and grant distribution varies per state and location, based on participating partners and the presence of campaign sponsors and partners within that region. Funding distributions can vary annually based on these factors, and the overall size of NFC's National Grant Fund.

#### Participating as a partner in the National Fitness Campaign

To become a partner in the NFC program and bring a Fitness Court® and associated services to a location, an organization must engage in a qualification and feasibility process, and be approved to complete a formal application and be approved for funding and participation.

NFC's feasibility and qualification process is led by consultants that assist eligible cities and schools in determining if they are qualified for participation. Limited funding exists on an annual basis for partners to participate based on NFC grant maximums established for America and each of the fifty states.

Each partner organization that succeeds in submitting a successful application and is approved by the NFC Grant Committee is eligible to receive a Grant Award which is deducted from the funds required for the NFC program from sponsors of the National Fitness Campaign.

This funding is administered in the preferred method of receipt for each partner organization. Methods include a credit on final invoices for remaining funding, and direct grant disbursements provided by National Fitness Campaign.

For more information, see: https://nationalfitnesscampaign.com/grants

# United States of America United States Patent and Trademark Office

# THE FITNESS COURT

Rcg. No. 4,307,958

MITCH MENAGED (UNITED STATES INDIVIDUAL)

Registered Mar. 26, 2013 SAN FRANCISCO, CA 94133

Int. Cl.: 41

FOR: PROVIDING OUTDOOR FACILITIES FOR RECREATION ACTIVITIES AND BODY

BUILDING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SERVICE MARK

FIRST USE 0-0-1979; IN COMMERCE 0-0-1979.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F).

SER, NO. 85-600,534, FILED 4-17-2012.

KIMBERLY FRYE, EXAMINING ATTORNEY











### 21st Century Healthy Infrastructure

National Fitness Campaign's Fitness Court is the centerpiece to its holistic health and wellness initiative. The Fitness Court is an outdoor bodyweight circuit training center with functional fitness DNA. The best-in-class system provides a full-body workout to adults of all ability levels. With 7 functional fitness zones, the Fitness Court can be used in thousands of ways. The Fitness Court is the world's best outdoor gym!



7 Minutes 7 Movements



Strategic Planning Studies
Strategic Planning & Feasibility
Study, Site Design Consulting



Campaign Funding Support Sponsor Strategy, Best Practices, National Installation Team Support



Fitness Court App
Free digital App Delivering
Programing, Workouts & Content



Ambassador Training
NFC Fitness Court Ambassador
Training ACE Certified (America
Council of Exercise)



Launch & Public Relations
Featured Stories Highlighted
through Press and Local Media



#### **Annual Fitness Season**

Spring/Summer/Fall national & local training, classes & challenges series









Made & Manufactured in the USA

Designed by NFC in California.





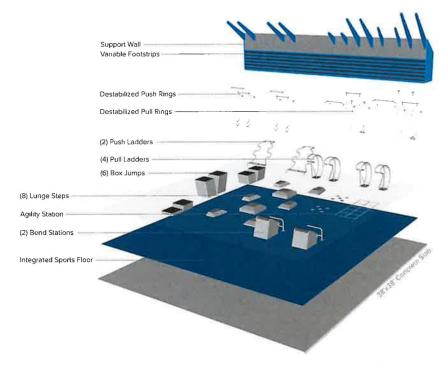
**High Quality**Dual-layer powder-coating carbon steel



**Durable Materials** Tamper-resistant, galvanized & stainless steel bolts and fittings.



**Best In Class** Anti-graffiti laminate vinyl decals



Each Fitness Court® includes an integrated sports floor made from durable 2'x2' tiles which adhere directly to the concrete slab. Available in our standard NFC Blue or Gray to match any custom design.



Top (Blue Option)



Top (Grey Option)



Bottom



Reducer





2023 PROGRAM SUMMARY: All items and services below are delivered to approved partners as part of the 2023 Campaign.

#### **HEALTHY INFRASTRUCTURE**

#### **FITNESS COURT**

- Fitness Court® Description:
  32'x35' outdoor bodyweight circuit training system with the following components:

  Seven station circuit training system providing full-body workout modules

  Fitness Court body-weight training wall 32'W x 2'D x 6' H with custom graphics

  Thirty pieces of body-weight fitness elements for simultaneous use by 28 users at one time. Fitness Elements anchored and grouped within seven stations.

  Bolts, attachments and anchors required for installation

# Fitness Court Surface - Tile Surface Specificatio Outdoor Sports Floor Size: 1,024 SF (32'x32') Color: NFC Blue Thickness: 1\* Tiles ADA Border Included

- All structural components are made from high-grade carbon steel
- All structural components are made from high-grade carbon steel 
  Structural components receive high-grade due layer powder coaling 
  All cladding (skins) made from high-grade aluminum and powder coated 
  Graphics and signage printed with anti-graffiti over-lamination material 
  Manufactured in the United States 
  Resilient to heavy, repeated daily use 
  Over 30 Individual pieces of equipment 2 

  Over 30 Individual pieces of equipment 
  Powder-Coated Structural Components 
  Galvanized fittings and boits Included 
  Statnless steel cables 

  I Conceive 
  Notices

- Full installation guide provided Warranty through NFC

- Made for all climates
- Almost no moving parts (only cables)
  Equipment Is anchor bolted into concrete
  Replacement parts available through NFC
- No requirement for disassembly in winter
- Maintenance guide, including touch-up

paint & necessary tooling included See Official Warranty for Full Coverage Detail

## **CAMPAIGN SERVICES**

#### **FITNESS COURT' APP**

The Fitness Court App Free mobile app for iOS / Android teaches proper use, routines and challenges to all users

- Classes: schedule, run and track attendance using the Fitness Court App back-end scheduling tool, providing live class management through the OnSched platform. Training and basic setup provided by NFC within 30 days of launch event.

  Learn: video guides deliver workouts, and teach the basics for beginners on the Fitness Court. New content released quarterly, and updated by NFC National Training Team.

  Train: individual audio guides. New centent released quarterly, updated by NFC National Training Team.

  Challenge: competitive tracking allows users to participate in timed, scored challenges, with an option to submit their scores to a national Leaderboard. Acts as a regional and national event qualification tool.

#### **CERTIFIED AMBASSADOR TRAINING**

#### Programming and Training Tools

Fitness Court Ambassadors build and sustain a healthy culture around the Fitness Court ecosystem

- Learn: education modules provided by the NFC Training Team are eligible for a range of industry certifications, are offered both in-person and remote, and provide a range of class templates, coaching tips and more to qualified Ambassadors. Pathneship Includes program vouchers for up to 12 individual Ambassadors per Fitness Court, individually eligible for up to 3 continuing education credits (CECs), approved through the American Council on Exercise (ACE). Train: classes, clinics and challenges become the building blocks of a Fitness Soason, led by Ambassadors, that engage all ages and fitness levels. These guided workout options expand the user community and increase long-term usage and adoption. Share: continuous celline and print storytelling, engagement and social connection further build out a healthy culture on each Fitness Court. Up to five focal Ambassadors are eligible to attend an in-person regional training event of their choice in 2023. "Region of training schedule provided May 2023

## **HEALTHY INFRASTRUCTURE DESIGN SERVICES**

- ategic Planning & Feasibility Study City-wide Impact analysis and master plan integration plan Site Design and Visibility Analysis

- stom Fitness Court Design Services & Construction & Installation Support
  Customized Fitness Court powder-coating and decal design no two Fitness Courts are the same!
  stamped and certified design plans, concrete slab drawings, and contractor management are provided by the NFC Activation Team.
  With all ready-to-build plans Houlded, most installations require less than 90 days to complete from ground-breaking to launch,
  NFC National Installation Partner Access EiS (contracted separately)

I Concrete Pad

## **GRANT FUNDING, CONSENSUS BUILDING, SPONSOR SUPPORT**

#### NFC Grant Funding Qualification

Access to qualify for NFC's Grant Funding through NFC's national partners to support seeding the program.

#### sus Building Consulting

NFC has industry experts in project management, and from conception through execution, they will collaborate on an average of 2 intensive monthly planning calls to drive success.

onsor Strategy Consulting Support
Up to 10 custom renderings provided by NFC Design Team to support outreach to local sponsors and partners. Up to 5 custom slide
presentations provided for in-person meetings and internal stakeholder consensus-building.

## MEDIA, PRESS, & PROMOTIONS

Promotions and Marketing Package
Media support and community engagement materials excite users and strengthen program adoptive

- Custom Grant Announcement Kit promote the development of the program in your community with NFC support through tradillonal and social media channels Including a custom Press Release, site rendering, and outreach planning tools.

  Launch Event Promotions Toolkit announce the launch of the Fitness Court on traditional media channels with a separate customized press release, outreach support and unliquely branded assets for social media.

  NFC Website Feature Story, NFC hosted custom storyfelling showcases the partnership and program development in your community. Fitness Court Gear: minimum \$750 credit towards the official NFC gear store gear and giveaways (provided in part by national Campaign sponsor, Badger Sport\*) nurture Ambassador relationships, honor stakeholders and excite event attendees, to amplify launch activities.

  Opening Day Launch Support: NFC provides event management templates, guldance for launch event planning, and custom promotional materials (flyers, media assets).

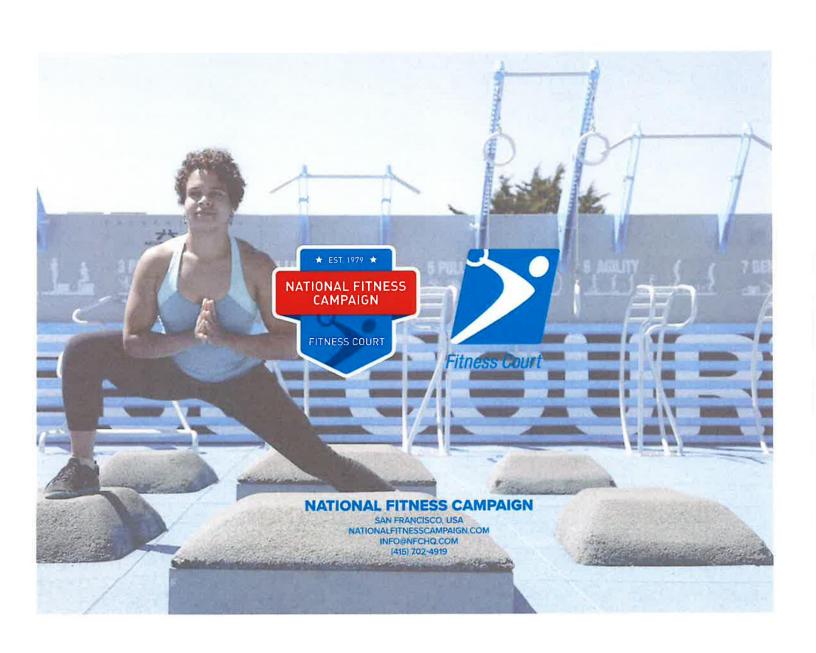
#### **FITNESS SEASON 2023**

al Activation Series: 2023 Fitness Season the Latest Events & Programs to Your Fitness Court® this Year!

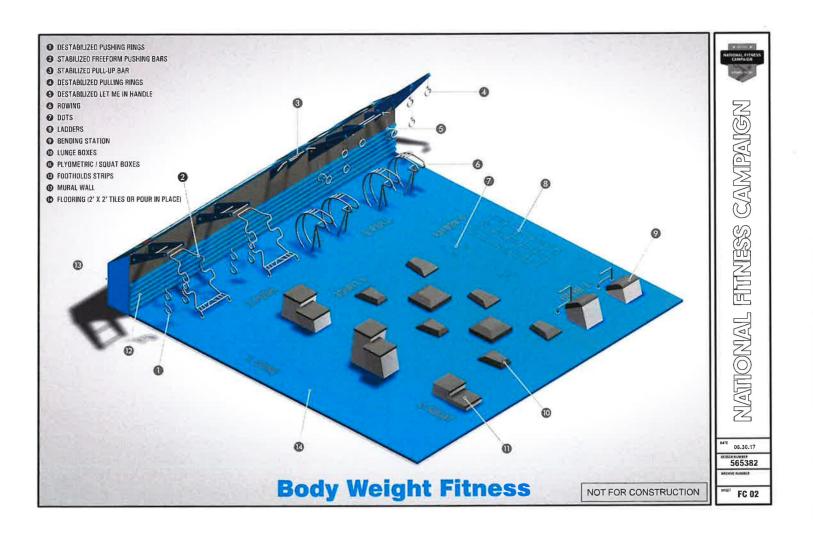
- Spring 2023: 18 new workout routines & video tutorials introduced to the Fitness Court App, featuring pro trainer, Mark Lauren. Summer 2023: Classes and Clinics support ongoing programming for group exercise and app-based class Fall 2023: Challenge series builds competition & strengthers community, Marks the success of year's activation program for all

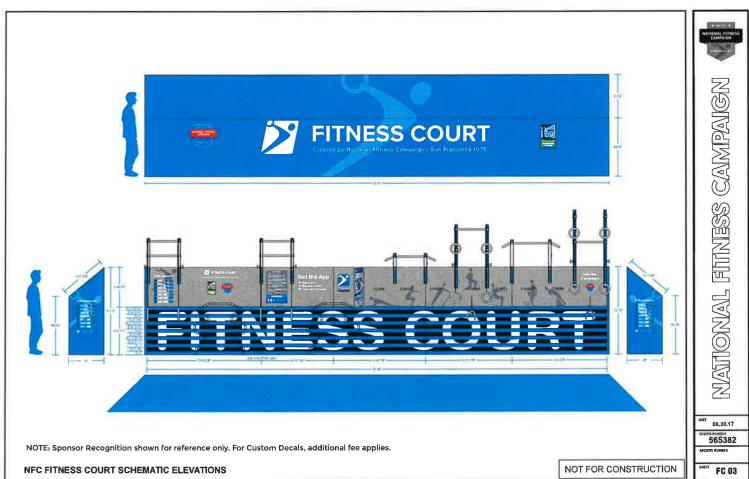
- users. Healthy infrastructure Awards: annual recognition program highlighting exceptional partners and leaders nationwide, winners receive custom awards, decals and press support to announce

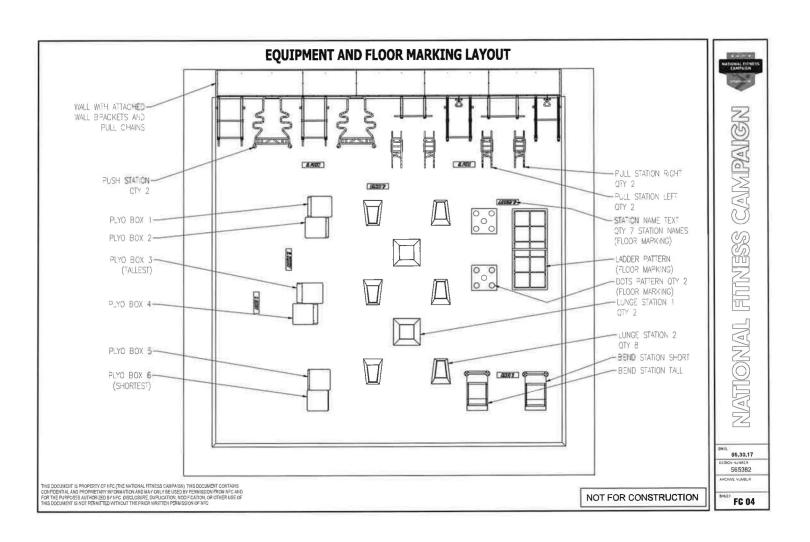












## 2023 CAMPAIGN FUNDING REQUIREMENT

#### **NFC PROGRAM FUNDING**

The Fitness Court® and National Campaign Services

\$ 155,000

OPTIONAL

NFC Grant Funding Award (\$30,000)

Art & Custom Color Options



Included

\$10.000

\$25,000



Featured Artist \$50,000

**NFC PROGRAM TOTAL** 

\$125,000

**CONCRETE SLAB** 

Can be performed in-house or in-kind

est.\$ 0-20,000

\$ 25,000

NFC APPROVED INSTALLER NETWORK - INSTALLATION TEAM

Turn Key Fitness Court Assembly Art & Graphic Installation

Installation Partner (separate agreement)

 $\textit{Filness Court installation is a specialized installation that requires expertise, proper certifications, and proven field experience$ 

**INSTALLATION & CONCRETE TOTAL ESTIMATE** 

\$ 25,000-47,000

With Prevailing Wage Rates: \$27,000

# STEP 3

