CITY OF CARLSBAD
SOLE SOURCE AND EMERGENCY PROCUREMENT REQUEST AND DETERMINATION FORM

A sole source ***determination*** is not effective until the ***sole source request for determination*** has been posted for thirty (30) calendar days without challenge, and subsequently approved in writing by the Purchasing Manager. ***A purchase order will not be issued and orders may not be placed until the sole source determination as been posted for a minimum of 15 days.***

I. Name of Company: Cody Electric Date: 9/26/16

*See Page 2

Please Check One: New Sole Source ☐ Renewal of Existing Sole Source ☐

Please Check One: ☐ Product ☐ Services ☐ Product and Services

Type of Sole Source Requested: *(Please check the one that best describes the type of Sole Source you are requesting)*

☐ **Company Sole Source** (Only one company can provide the goods or services)

☐ **Brand Name Sole Source** (Only this brand will serve the intended purpose or function with existing equipment or systems, including software)

☐ **Unique Professional Services** (Only one company or individual can provide this service due to the creative nature of the service or custom delivery of goods or services that are unique and subject to custom design and/or fabrication.
**Please note- True Professional Services under $60,000 in value are considered a small purchase and does not require a sole source determination.

☐ **Proprietary Sole Source** (Only this company provides this product or service and only this company can provide after sale maintenance, repairs or service agreements)

☐ **Local Sole Source** (Only one company exists to provide this product or service locally and due to the nature of the purchase, it is not feasible or reasonable to obtain the product or service from non-local sources. Only one local vendor is able to respond to the need in a timely manner due to local proximity)

Amount of Purchase $ _____

II. ☑ **Emergency Procurement Request**

DEFINITION OF EMERGENCY CONDITIONS:
An emergency condition is a situation which creates a threat to public health, welfare, safety or property such as may arise by reason of floods, epidemics, riots, equipment failures or similar events. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

A. the functioning of government;
B. the preservation or protection of property; or
C. the health or safety of any person.

Please provide a detailed explanation for why the purchase required meets the above definition of an Emergency Condition.

Due to a lightning strike, the Orchard Lane booster pump station has severe electrical damage and needs to be repaired immediately. This booster station is needed to provide residencial and commercial water service to the East side of Carlsbad near the golf course and to businesses along the Hobbs Highway.

Cody Electric was the contractor that originally performed all the electrical work on the booster station when it was first built. Due to their extensive knowledge of the booster pump station construction and plans and the need for immediate repairs to avoid a water crisis, it is the determination of the CPO that the urgency of this situation qualifies as an emergency procurement under categories (A,C).

** The Emergency Determination will only be in effect as long as needed to alleviate the emergency conditions. Once the emergency condition has passed, regular procurement methods and procedures must be followed.

Amount of purchase: $ 6,813.00

Sole Source Determination

III. Provide a detailed, sufficient explanation of the reasons, qualifications, proprietary rights or unique capabilities of the prospective contractor that makes the prospective contractor ***the one source*** capable of providing the required professional service, service, construction or item(s) of tangible personal property. (Please do not state the source is the "best" source or the "least costly" source. Those factors do not justify a "sole source.")

_____

IV. Provide a detailed, sufficient explanation of how the professional service, service, construction or item(s) of tangible personal property is/are ***unique and how this uniqueness is substantially related to the intended purpose of the contract.***

_____

V. Explain why other similar professional services, services, construction or item(s) of tangible personal property ***cannot*** meet the intended purpose of the contract.

VI. Provide a narrative of the due diligence used in determining the basis for the procurement, including a review of available sources and include Include a list of businesses contacted (***do not state that no other businesses were contacted***), date of contact, method of contact (telephone, mail, e-mail, other), and documentation demonstrating an explanation of why those businesses could not or would not, under any circumstances, provide the goods or services; or an explanation of why the department has determined that no businesses other than the prospective contractor can provide the goods or services requested.

Certified by: Date: 9/26/16

Michael Hernandez MH

Department Director

APPROVED: Date: 9-26-16

Chief Procurement Officer

Authority to Proceed

1) the signature of the CPO on this form certifies the sole source has been posted for thirty (30) calendar days and has received no challenges;
2) the sole source is granted as of the date of signature by the State Purchasing Agent; and
3) the signature of the CPO on this form is the final signature required for this sole source procurement.