

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: E.H. Wachs

Date: 11/20/18

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.

** 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: \$ _____

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.")

The VMT/VMS equipment and accessories are designed, manufactured, assembled and distributed solely by E.H. Wachs.

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: 11-20-18

Ron Myers
Department Director

APPROVED:

Date: 11-20-18

[Signature]
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.



A Division of ITW

The Valve Maintenance Experts

turnvalves.com

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November 20, 2018

This letter serves as a sole source document for the Valve Maintenance Trailer (VMT) & Valve Maintenance Skid (VMS) line of products (including the Hydro-Excavation units) manufactured by E.H. Wachs, Utility Products Division.

The VMT/VMS equipment and accessories are designed, manufactured, assembled and distributed solely by E.H. Wachs. The design of this tool is so unique; it has been awarded multiple US patents:

Patent Number 9,523,443 – Position locking system for valve operating machine

Patent Number 9,188,240 – Positioning system for valve operating machine

Patent Number 9,038,667 – Dual arm valve operating machine

Patent Number 8,025,078 - Vehicle mountable arm for valve operating machine

Patent Number 5,937,373 (expired) - Method of controlling an underground fluid flow system

Patent Number 5,381,996 (expired) - Valve operator

In the domestic US, regional distribution is through direct salesmen or exclusive territory dealers; for your area Jeff Brehm is the only outlet to purchase these products.

To the best of our knowledge, no other vendor manufactures and distributes units with these unique feature sets. Please let me know should you need further details.

Jeff Swiatowy
Business Unit Manager
Wachs Utility Products