

# 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: Whitewater West Industries Date: 10/15/18

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 \$ 12,123.75

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.

N/A

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\*\* 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.”)

Whitewater Industries is the manufacturer of the slide in need of repair.

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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.*

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The City of Carlsbad needs to have to repair and recertify one of body slides at the Carlsbad Water Park. Due to warranty and liability issues, Whitewater Ind. is the only vendor able to perform the necessary repairs in order to re-certify the slide.

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

Whitewater Industries is the manufacturer of the slide. No other company is able to provide the repairs without nullifying the warranty.

- 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.

Attempting to locate other sources was unnessessary, due to the fact that the company in question is the original manufactuerer of the slide and the only company able to perform the work without nullifying the warranty.

Certified by:

Date: 10/18/18

Ken Britt  
Department Director

APPROVED:

Date: 10-18-18

[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.



Quotation and  
Scope of Work  
Statement

October 3, 2018

Project : Carlsbad Activity Pool  
Location : 193 Resort Drive, Tannersville, PA 18372  
Client : Brad K Alpers (bkalpers@cityofcarlsbadnm.com)  
Project # : 40544 (Legacy Project 35115)

This quote includes the supply of the equipment as stated herein.

SiteServices      Scaffolding Rental      1 @ \$588.75 each

**Section 1: Repair & Recertification Services**

- 1) To provide 1 Whitewater Technician for the duration of 6 days for the repair and recertification of Slide AB. To perform body slide repair work to correct stress cracks and joint openings in Slide AB and recaulk joints as needed by a Whitewater Technician, in accordance with commonly accepted principles of good workmanship
- 2) To provide and pay for flights to the site and all meals for the Technician during repair and recertification. It is understood that the specified duration is continuous, and if supervisor must make additional trips then costs for return trips are reimbursable at actual cost.
- 3) To supply tools to service and install all of the quoted equipment unless noted "by others".

The purchaser agrees to provide at no extra charge to Whitewater, the following:

- 1) To provide a treated water supply to the connection points including all pumps, piping, piping supports, valves, electrical, filters and so on.
- 2) To provide electrical connections and field wiring to any supplied electrical equipment.
- 3) To provide all building permits, licenses, and make all submissions as required by building authorities.
- 4) To provide adequate water and electrical supplies at convenient locations throughout the job site to enable crews to perform the work.
- 5) To provide adequate access to the site for trucks, cranes, forklifts, and other equipment necessary for the repair and recertification of Slide AB .
- 6) To provide adequate lay-down area for equipment pre-assembly and for storage of the equipment, convenient to the site and close to the final position of the equipment.
- 7) To provide adequate security to protect the construction materials, tools and equipment during the project.
- 8) Any other expenses not specifically defined in Whitewater's obligations.

DWASNE

**Section 4: Pricing in USD Dollars**

Supervision Labor with Expenses	\$11535.00
Site Services	\$588.75
Quote Total	\$12123.75

The price quoted is valid for forty-five (45) days and does not include any applicable taxes.

Work and  
Recertification

It is understood that sufficient resources will be supplied to complete the work in the specified duration of services. If for any reason the services extend past the specified period, the purchaser shall reimburse Whitewater at a daily rate of \$875 USD plus actual expenses. Any services not included in this proposal shall be performed by Whitewater only when requested in writing. Any additional cost for such extra services shall be agreed to in writing, in the form of a change order, by both parties.

Required Terms of Payment:

Deposit : 50%

Upon completion : 50%

If you have any questions or require additional information, please contact me.

Regards,

Kelly Wilkie

Whitewater West Industries

604-273-1068 ext. 360

[kelly.wilkie@whitewaterwest.com](mailto:kelly.wilkie@whitewaterwest.com)