

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: Harrells Date: 10/19/21

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 \$ 25,000

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.”)

Harrell's is a chemical company that supplies their own fertilizer, wetting agents, fungicides, tank cleaners, herbicides, ect and they are the only ones who sell these products as it is their own product.

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.***

Harrell's using a polyon technology on their fertilizers that is patented and therefore they are the only company who can sell it.

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

Harrell's polyon technology is very valuable as is a temperature released system versus other brands are water released.

- 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.

Harrell's has patented technology and formulate their own products. They are the only company that can sell these products. Exclusivity letters will be attached.

Certified by:


Date: 10-19-21



Department Director

APPROVED:

Date: 11-2-21


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.



January 1, 2019

Harrell's, LLC
P.O Box 807
Lakeland, FL 33802

To Whom It May Concern,

Harrell's, LLC is proud to be the exclusive formulator and distributor of all Harrell's branded products:

- **Harrell's MAX®** and **Bio-MAX®**- Liquid Foliar Nutritional including 18-3-6 with UMAXX®, Potassium plus Calcium 4-0-8, Minors, Root Enhancer, N30 Plus, 12-0-0, and Title Phyte®.
- **Harrell's SprayMAX®** - Adjuvants and Colorants including PAR® SG
- **Harrell's HydroMAX®** - Soil Surfactants including Fleet® and Symphony®

These products are proprietary products of Harrell's LLC that are manufactured by Hocking International Laboratories.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory Nicoll', is written over a white background.

Gregory Nicoll
Vice President of Turf Sales and Marketing - East
Harrell's, LLC



January 1, 2020

Harrell's, LLC
P.O Box 807
Lakeland, FL 33802

To Whom It May Concern,

Harrell's is proud to be the exclusive United States owner, formulator, and distributor of all POLYON® branded products which includes POLYON® NPK, POLYON® Kmag, POLYON® SOP, POLYON® MOP, and POLYON® MAP.

Any fertilizer products containing POLYON® purchased from the United States must be purchased from Harrell's, LLC or its authorized distributor. This includes all nitrogen, phosphorous, potassium and minor elements which have been coated with POLYON®.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Nicoll', written in a cursive style.

Greg Nicoll
Vice President of Turf Sales and Marketing - East
Harrell's, LLC