

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: Zoll Medical Date: 2/15/2024

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 \$ \$381,334.88

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

**** 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.”)

After an extensive selection process, Carlsbad Fire Department has selected the Zoll X-Series Advanced cardiac monitor to replace the current inventory of cardiac monitors that are at or near the end of serviceable life. The Zoll X-Series Advanced has all the required specifications and capabilities for CFD's needs, along with proven durability to withstand damage and wear in the field. Currently, Zoll Medical is the sole source of *NEW* X-Series monitors as stated in a provided letter from Zoll. X-Series that are sold in new condition qualify for warranties and support directly from Zoll Medical not available through other parties.

- 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*.

Cardiac monitors are required equipment for EMS services such as CFD. These monitors must have the ability to operate as an AED for BLS capable clinicians, as well as with advanced capabilities such as manual defibrillation, cardiac pacing, and advanced monitoring. There are currently two cardiac monitors on the market that meet all the CFD's requirements for use in the out-of-hospital environment - the LIFEPAK 15 and Zoll X-Series.

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

CFD currently uses the LIFEPAK 15, which was originally approved for use in 2008. There have not been any significant improvements to the design or capability of this monitor. The Zoll X-Series Advanced, approved for use in 2021, has considerable improvement in design, function, and reliability over the LP15. For these reasons, CFD has selected the X-Series to replace the current LP15 cardiac monitors, which is currently only available for purchase in new conditions from Zoll Medical.

- 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.

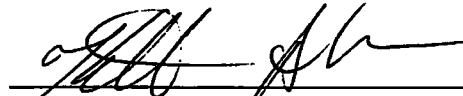
CFD's requirements for cardiac monitors limits the available in-market models to two - the LIFEPAK 15 and the Zoll X-Series.

Since CFD currently utilizes the LP15, familiarity of its capabilities and performance is well understood. A representative of Stryker, the maker of the LP15, stated that no new model or upgrade of the LP15 is being offered at this time. This information was obtained by face-to-face meeting with Stryker rep on 2/13/2024.

Representatives from Zoll Medical have conducted numerous demonstrations of the X-Series with CFD personnel, and will also provide further integration and training support following purchase. This information was obtained by face-to-face meeting with Zoll rep on 2/6/2024.

Certified by:

Date: 2-15-2024



Department Director

APPROVED:

Date: 3-1-24



Chief Procurement Officer

Effective Date

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.



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January 30, 2024

Carlsbad Fire Department
401 South Halagueno Street
Carlsbad, NM 88220

Dear Chief Tony Souza,

We appreciate your selection of ZOLL® products. This letter serves as confirmation that ZOLL® Medical Corporation at 269 Mill Road in Chelmsford, Massachusetts, is the sole manufacturer and source of X Series® and X Series Advanced Defibrillators for the EMS Market. ZOLL® or Lavern Smith, Senior Territory Manager, will not sell an X Series® and X Series Advanced Defibrillator to Carlsbad Fire Department, through any vendor or dealer and no vendor or dealer is authorized to provide warranty or service.

Should you have any questions or require additional information please contact me at contracts@zoll.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Irene Soth', is written over a horizontal line.

Irene Soth (Jan 30, 2024 11:06 PST)

Irene Soth
Contract Specialist