



**CITY OF FORT WORTH  
CHAPTER 252 EXEMPTION FORM**

Instructions: Fill out the entire form with detailed information. Once you have completed this form, provide it to the Purchasing attorney for review. The attorney will review the information you have provided to determine whether an exemption to Chapter 252's bidding requirements is defensible. If you are printing this form to provide to Legal, please do not provide the Primer portion. Failure to provide sufficient information may result in follow up questions and cause a delay in the attorney's determination.

**Section 1: General Information**

Requesting Department: TPW

Name of Contract Manager: Lakeesha Dodson

Department's Attorney: Doug Black

Item or Service sought:

Goods:

Service:

Anticipated Amount: \$300,000

Vendor: Allstates Coatings

Current/Prior Agreement for item/service: Yes  No

CSC or Purchase Order #: [N/A]

Amount: [N/A]

Projected M&C Date: [N/A]

How will this item or service be used? Material for our crack seal program, which is part of street maintenance.

Has your department started a requisition or otherwise contacted the Purchasing Division related to obtaining this good/service? Yes  No

If yes, please provide requisition number or brief explanation of contact with Purchasing Division: [N/A]

## **Section 2: Claimed Exemption and Justification (Other than sole source)**

NOTE - For a claimed sole-source exemption, complete Section 3.

Please indicate the non-sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions:

- A procurement necessary to preserve or protect the public health or safety of the City of Fort Worth's residents;
- A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
- A procurement for personal, professional, or planning services;
- A procurement for work that is performed and paid for by the day as the work progresses;
- A purchase of land or a right-of-way;
- Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
- Personal property sold:
  - at an auction by a state licensed auctioneer;
  - at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
  - by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
  - under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;
- Services performed by blind or severely disabled persons;
- Goods purchased by a municipality for subsequent retail sale by the municipality;
- Electricity; or

Advertising, other than legal notices.

Please provide details and facts to explain why you believe the exemption applies to the purchase. You may also attach documentation to this form.[INSERT DETAILED EXPLANATION AS TO HOW/WHY CLAIMED EXCEPTION APPLIES TO THIS PURCHASE]

### **Section 3: Claimed Sole-Source Exemption and Justification**

NOTE - For any non-sole-source exemption, complete Section 2.

Please indicate the sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions

\*A procurement of items that are available from only one source, including:

- items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
- films, manuscripts, or books;
- gas, water, and other utility services;
- captive replacement parts or components for equipment;
- books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

How did you determine that the item or service is only available from one source?

The company produces their own products and they have provided sole source letters to prove it.

Attach screenshots and provide an explanation of any independent research you conducted, through internet searches, searching cooperatives, or discussions with others knowledgeable on the subject matter that corroborate that the item is available only from a single source.

I did not conduct my own independent research. Attached are the sole source justification letters.

Did you attach a sole source justification letter?  Yes  No

Describe the uniqueness of the item or service (e.g. compatibility or patent issues, etc.). This is a crack seal product that can be applied year round as opposed to the current product that we use. This material is also a cold applied product, which means we do not need expensive equipment to apply it. They have created their own material pump.

**Section 4: Attorney Determination**

With the facts provided by the department, is the use of the claimed exemption defensible if the City were to be challenged on this purchase?  Yes  No.

Was there anything attached to this form that was relied on in making this determination?  Yes  No.

If yes, please explain: The department provided sole source letters.

Was there anything not included on this form or attached hereto that was relied on in making this determination?  Yes  No.

If yes, please explain: [EXPLAIN OUTSIDE SOURCE OF INFORMATION]

Will the standard terms and conditions apply?  Yes  No.

Will the contract require special terms?  Yes  No.

Will the contract require review by the department attorney?  Yes  No.

**Approved By:**



Jeremy Anato-Mensah  
Assistant City Attorney

Date: 12/6/2022



# Allstates Coatings Company®

100 N. LEE DR. • GLADEWATER, TEXAS 75647

903-845-6436 • FAX: 903-845-5626

*MANUFACTURERS OF PAVING MAINTENANCE PRODUCTS, SPECIALTY COATINGS AND PAINTS*

March 20, 2020

To Whom It May Concern:

This letter is to confirm that the **Crac Shot™ Drum Pump System** offered by Allstates Coatings Company, is designed to work with our cold pour crack sealants by maximizing product flow and reducing resistance due to viscosity. **The Crac Shot™ Drum Pump** is a double diaphragm-Teflon lined pump capable of moving 100+ K.U. adhesive liquids through a ½" discharge system and redirectional emulsion enhancement with no clogging, adverse flow factors or emulsion shearing. It is manufactured, sold and distributed exclusively by **Allstates Coatings Company**. Other than Allstates distribution network, no other company, makes or sells a similar or competing product.



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*MANUFACTURERS OF PAVING MAINTENANCE PRODUCTS, SPECIALTY COATINGS AND PAINTS*

February 21, 2018

To Whom It May Concern:

This letter is to confirm that the **ALT-671 Flex Crete™** is a **sole source** product. It is the only waterbased gray single-component, ready-to-use, ultra-low modulus, pourable, neutral cure elastomeric emulsion that meets ASTM Standards for Elastomeric Joint Sealants. It is manufactured, sold and distributed exclusively by **Allstates Coatings Company**. Other than Allstates distribution network, no other company, makes or sells a similar or competing product.



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MANUFACTURERS OF PAVING MAINTENANCE PRODUCTS, SPECIALTY COATINGS AND PAINTS

June 1, 2022

To Whom It May Concern:

This letter is to confirm that the **ALT-674 SealFlex™ 6690** is a **SOLE SOURCE** product. SealFlex™ 6690 is the ONLY product that meets both ASTM D6690 (Standard Specification for Joint and Crack Sealants, Hot Applied, for Concrete and Asphalt Pavements) and ASTM C920 (Standard Specification for Elastomeric Joint Sealants).

It is manufactured, sold and distributed exclusively by **Allstates Coatings Company**. Other than Allstates distribution network, no other company, makes or sells a similar or competing product.



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*MANUFACTURERS OF PAVING MAINTENANCE PRODUCTS, SPECIALTY COATINGS AND PAINTS*

February 21, 2018

To Whom It May Concern:

This letter is to confirm that the **ALT-654 Super Flex®** is a **sole source** product. It is the only cold-applied, asphalt-based, one-part fuel resistant sealant that also meets the performance characteristics of ASTM D3405 and D6690. It is manufactured, sold and distributed exclusively by **Allstates Coatings Company**. Other than Allstates distribution network, no other company, makes or sells a similar or competing product.