



Sole Source Justification Form

This form must be completed for all Sole Source purchase requests prior to submitting for Board approval or entering a requisition in the County's financial system.

Instructions: Please complete the form and provide as much detail as possible. Sign the form electronically and return completed form to MeckPro@MecklenburgCountyNC.gov for review. Once a decision is made the form will be returned to you.

Date: 4/15/25

North Carolina General Statute 143-129(e)(6) requires that Mecklenburg County procure all apparatus, supplies, materials and equipment ("Goods") totaling \$30,000 or more by competitively bidding unless:

- i. Performance or price competition for a product is not available;
- ii. A needed product is available from only one source of supply; or
- iii. Standardization or compatibility is the overriding consideration.

1. Requestor Information

Name: Jeffrey Smithberger
Phone Number: (980) 314-3863

Title: Solid Waste Director
Department: LUESA

2. Recommended Supplier

Supplier Name: LSC Environmental Products, LLC

Address: 2183 Pennsylvania Avenue City, State, Zip: Apalachin, NY 13732

Contact Name: Robert Moskovitz

Telephone: (804) 310-8370

Email: rmoskovitz@lscenv.com

3. Sole Source Justification

a) Is the recommended supplier also the manufacturer? X Yes ☐ No

b) Does the manufacturer sell the item(s) through distributors? ☐ Yes X No

c) Please explain why performance or price competition (i.e. only one source can supply the items or meeting the requirements) is not available for the desired commodity.

LSC Environmental Products produces and distributes Posi-Shell Environmental Coatings. The Solid Waste Program utilizes Posi-Shell as an alternative daily cover (ADC) at the Foxhole Landfill. Using an ADC as opposed to dirt is more economical and saves on landfill space.

LSC holds the patent for the formula of Posi-Shell and is the sole supplier of the product.

d) Please explain why compatibility and standardization are the overriding considerations for this purchase.

See description in letter c above. LSC Environmental are the only known suppliers of this specialty product, that is used to cover landfill material in lieu of dirt.

e) The specific supplier is the only source of the required item because (check all that apply):

N/A A specific item is needed to be compatible or interchangeable with existing hardware.

N/A A specific item is needed as spare or replacement hardware.

N/A A specific item is needed for the repair or modification of existing hardware.

☐

A specific item is needed for technical evaluation or test.

☒

There is a substantial technical risk in contracting with any other contractor, thereby making that an unacceptable course of action (e.g., where only one contractor has been successful to date in implementing a difficult manufacturing process). In a brief explanation, provide supporting evidence of other contractor's with relevant capabilities and emphasize their inability to overcome the substantial technical risk.

f) Why are the requested goods the only item that can satisfy your requirements? Indicate the unique features of the product that are not available in any other product. Provide specific, quantifiable factors and qualifications.

LSC holds the patent for the formula of Posi-Shell and is the sole supplier of the product. Posi-Shell is the only ADC approved by the North Carolina Department of Environmental Quality (NCDEQ) for use on landfills. Mecklenburg County is approved by the NCDEQ to use this specific material at the Foxhole Landfill.

g) Were alternative goods evaluated? ☐ Yes ☒ No

a. If yes, what were they and why were they unacceptable? Please be specific regarding features, characteristics, requirements, capabilities and compatibility.

b. If no, why were alternatives not evaluated?

There are no other alternatives approved by NCDEQ for this type of landfill daily cover material.

TERM: ☐ One Time Purchase ☒ Ongoing Purchase

LUESA Solid Waste anticipates spending less than \$100,000 annually for this product, but will expend more than \$30,000, thus requiring this approval process.

I certify that the above information is true and correct and that I have no financial or other beneficial interest in the recommended vendor or deliverable services.

Jeffrey M. Smithberger, Director, Solid Waste

(Enter name), Department Manager Signature

(Electronic signature is sufficient)

Date: April 15, 2025

Ebenezer Gujjarlapudi, Director, LUESA
(Enter name), Department Director Signature
Electronic signature is sufficient)

Date: Per email dated 4/25/25

Leslie Johnson, DCM
(Enter name), Deputy County Manager Signature
(Electronic signature is sufficient)

Date: Per email dated 4/28/25

To Be Completed by Procurement Division Staff

Date Received: 4/15/25

☒ Approved ☐ Denied Approval or Denial Reason: Required product per NCDEQ standards. Estimated spend to be \$60-70K per year according to J. Smithberger, Solid Waste Director. All required signatures obtained through email vs on this form.

Procurement Signature (electronic signature is sufficient): *Teresa Rausch*

Rev. 8/30/24; 02/2020