



REQUEST FOR SOLE SOURCE DETERMINATION

NOTICE # SS 2020-730

CITY WEBSITE POSTING DATE: 12/05/2019

STATE WEBSITE POSTING DATE: 12/05/2019

00-M0005-19-CP304

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 Specialist, Chief Procurement Officer and City Manager (if required).

DEPARTMENTS COMPLETE PAGES 1 & 2, DEPARTMENT HEAD SIGNATURE ON PAGE 2 CERTIFYING THE SOLE SOURCE JUSTIFICATION AND SUBMIT ENTIRE FORM ELECTRONICALLY TO THE PURCHASING OFFICE

To: Purchasing Specialist

From Department Head: Stephen R. Morse Dept./Division Public Works

Subject: Sole Source Request for the Purchase of: 5/8", 1" and 1-1/2" Badger Disc Series Meters
and all appurtenances and accessories (registers, shrouds, housings, screens, chamber assemblies, bottom plates, and bottom liners) needed for operation, maintenance and repair of these meters.

Requested Vendor: Baker Utility Supply

Annual Cost Estimate: \$30,000 Purchase Term: 3 yrs 01/2020-12/2023

NIGP Code(s): 890-44, 890-45

Sole Source purchases are defined as clearly and legitimately limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological grounds such as operational compatibility with existing equipment and related parts or upon a clearly unique and cost effective feature requirement. The use of sole source purchases shall be limited only to those specific instances, which are totally justified to satisfy compatibility or technical performance needs.

*Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation.

**Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of this item.

Property or Service Required:

Meters, registers, shrouds, housings, screens, chamber assemblies, bottom plates bottom liners and/or other accessories for Badger 5/8", 1" and 1-1/2" Disc Series cold water flow meters.

Prior Procurement (RFP/BID #/PO #):

None recently

Please describe the item or service and its function:

Badger Disc Series flow meters are used by the City to measure water usage and bill customers

This is a sole source* because (mark all that apply):

- sole provider of a licensed or patented good or service
- sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
- sole provider of goods and services for which the City has established a standard**
Standard established 2019 (year)
- sole provider of factory-authorized warranty service
- sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (please detail below or in an attachment)
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (please attach information on market price survey, availability, etc)

What necessary features does this vendor provide which are not available from other vendors? Please be specific.

The City has set a standard that all 5/8", 1" and 1-1/2" water flow meters for usage measurement and billing be Badger Disc Series meters. This vendor (Baker Utilities) is the sole supplier of these sizes of Badger meters and parts in this region.

What steps were taken to verify that these features are not available elsewhere?

- Other brands/manufacturers were examined (please list phone numbers and names, and explain why these were not suitable)

NA, Badger Disc Series meters are the City standard meter for 5/8", 1" and 1-1/2" water meters.

- Other vendors were contacted (please list phone numbers and names, and explain why these were not suitable).

Two other vendors were contacted and did not provide quotes: 1) Mountain States Pipe and Supply, Jerry Uhlman 719-238-7912; 2) Resource Wise, Aaron Burke 505-359-5763

STATEMENT OF NEED:

My department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Refer to the attached sole source justifications as prepared by our department, to the attached review of available products/services and to the completed Purchase Requisition.

Stephen R. Morse Digitally signed by Stephen R. Morse
Date: 2019.12.05 08:21:23 -07'00'

December 5, 2019

Department Head Signature

Date

PURCHASING OFFICE FINDINGS:

Letter from Badger confirming Baker Utility is authorized sole distributor in New Mexico and email clarifying sole source status for badger meters and parts for municipalities/utilities for billing purposes.

**REQUIRED SIGNATURES
(AFTER 30 DAY POSTING PERIOD WITH NO PROTESTS)**

If this sole source relates to a procurement of general services or tangible property and is less than \$10,000

- 1) the signature of the City Purchasing Specialist 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 the last signature;

If this sole source relates to a procurement of general services or tangible property and is greater than \$10,000 or is for professional services

- 3) the signature of the Chief Procurement Officer on this form is the final signature required for this sole source procurement, unless procurement exceeds \$20,000; and

If this sole source relates to a procurement of general services, tangible property or professional services and is greater than \$20,000

- 4) the signature of the City Manager is the final signature required.

APPROVED

Purchasing Specialist Signature

Date

APPROVED

Chief Procurement Officer Signature

Date

APPROVED (City Manager is the FINAL signature if required):

City of Aztec City Manager

Date



4545 W Brown Deer Road
PO Box 245036
Milwaukee, Wisconsin 53224-9536
414-355-0400 | 800-876-3837
www.badgermeter.com

November 6, 2019

RE: Sole Source Letter

To Whom it May Concern:

This correspondence confirms that Baker Supply is the sole provider of Badger Meter utility products for the State of New Mexico.

In the event you have any questions regarding this correspondence, we can be reached by telephone at 414-371-7290 or via email at bids@badgermeter.com. You may reach your Account Manager, Chip Woods at 414-371-7204 or via email at RWoods@badgermeter.com

Sincerely,

BADGER METER, INC.

A handwritten signature in blue ink, appearing to read 'Chris D. Washington', with a long horizontal flourish extending to the right.

Christopher D. Washington
Assistant Secretary

RE: {EXTERNAL} New Mexico Badger Distributor?

Woods, Chip <RWoods@badgermeter.com>

Wed 11/13/2019 3:43 PM

To: Kathy Lamb <klamb@aztecm.gov>

Cc: Kris Farmer <kfarmer@aztecm.gov>; Amos Trujillo <atrujillo@aztecm.gov>

Good Afternoon Kathy and Team,

We do have contracts with both Baker Supply (utility sales) and Rust Automation (flow/industrial) for the State of NM. How we discern the two are by the following:

Baker is authorized as our sole source for any and all meters that a City/Utility might use for billing purposes to include our utility software platforms and AMI/AMR solutions. With regards to the meters, these encompass typical small/residential meters as well as large meter applications the City/utility might use that are used for producing a bill and/or generating revenue for the utility. These large meters can include ultrasonic, positive displacement, turbine, compounds, and in some cases mag meters.

<https://www.badgermeter.com/business-lines/utility/>

Rust Automation is our flow instrumentation distribution partner that sells our industrial/commercial meters and applications. As an example, some overlap with the meters can happen. These could also be mag meters but utilized for waste water applications.

<https://www.badgermeter.com/business-lines/flow-instrumentation/>

I hope this helps differentiate between the two. I would suggest by either starting with Baker or if you feel more comfortable, you're welcome to have your team reach out to me for what the City needs and I can help guide who can help assist.

I can be reached here or anytime on my cell at 210.305.0221

Thank you for taking the time to reach out.

Best Regards,
Chip

SMART WATER IS: BADGER METER

Chip Woods | Account Manager | Office: 210.305.0221 | rwoods@badgermeter.com | www.badgermeter.com | Badger Meter, Inc. | 1600 Clovis Barker Rd., Ste. 202 | San Marcos, Texas 78666 | Badger Meter Technical Support | 1-800-616-3837

From: Kathy Lamb <klamb@aztecm.gov>

Sent: Wednesday, November 13, 2019 11:22 AM

To: Woods, Chip <RWoods@badgermeter.com>

Cc: Kris Farmer <kfarmer@aztecm.gov>; Amos Trujillo <atrujillo@aztecm.gov>

Subject: {EXTERNAL} New Mexico Badger Distributor?

Good morning

We have received a letter which identifies Baker Supply as the sole provider of badger meter utility products for New Mexico (attached). However, the City was contacted by Rust Automation and Controls in October who indicated that Baker Supply is the authorized provider for residential meters, inferring that Baker is not the sole source for larger meters.

Would you please clarify this for the City? If there is a difference in products for which there are authorized providers in New Mexico, would you also provide a product list?

Thank you for your assistance.

Kathy Lamb

Finance Director

City of Aztec

#AztecStrong

201 W Chaco, Aztec NM 87410

505-334-7653 (O), 505-334-7649 (F)

Monday - Thursday, 7:00 a.m. to 6:00 p.m.

Light *tomorrow* with **TODAY**

Elizabeth Barrett Browning

