

CITY OF HOBBS
SOLE SOURCE/EMERGENCY

TO: CPO
FROM: Peter Zacharias
DATE: 08-03-2020

CHECK ONE: SOLE SOURCE ☒ EMERGENCY PURCHASE ☐

ITEM(S)/SERVICE(S) TO BE PURCHASED: Design, Programming and Commissioning of additional Reservoir Update's

Award To (If new vendor make sure address is on this form):

Tesco Controls INC.

8440 Florin Road

Sacramento, CA 95828

916.395.8800 , 916.429.2817
Phone/Fax No.

Michael R. Prosser

Point of Contact

COST: \$ _____

JUSTIFICATION FOR SOLE SOURCE OR EMERGENCY PURCHASE: _____

SEE EXCLUSIVE SOLE SOURCE LETTER

FROM TESCO CONTROLS, INC. DESCRIBING

THEIR EXCLUSIVE RIGHT TO SUPPLY SIEMENS

RELATED PRODUCTS AND SERVICES IN THE

STATE OF NEW MEXICO

Tesco is the exclusive provider of Siemens automation systems for the Water/Waste Water industry in the State of New Mexico.

Account No.

614061-44901-00207

Prepared By:

Peter Zacharias

Department Approval:

Jim Warner

CPO:

[Signature] Shelly Raulston

See back of form for further information

City of Hobbs Sole Source Procurement Policy

SOLE SOURCE: If, after conducting a good-faith review of available sources, the using department or office make the determination that there is only one source for the required goods, services, or construction, then it is to submit a completed sole source approval form to Purchasing. If approved by the Purchasing Office, a sole-source procurement may be made in accordance with Sec. 13-1-126.

New Mexico State Statutes 1978 - Annotated Chapter 13 Public Purchases and Property

Section 13-1-126: A contract may be awarded without competitive bids or competitive sealed proposals regardless of the estimated cost when the state purchasing agent or a central purchasing office make a determination, after conducting a good-faith review of available sources and consulting the using agency, that there is only one source for the required service, construction or item of tangible personal property. The state purchasing agent or a central purchasing office shall conduct negotiations, as appropriate, as to price, delivery and quantity in order to obtain the price most advantageous to the state agency or a local public body. A contract for the purchase of research consultant services by institutions of higher learning constitutes a sole source procurement.

City of Hobbs Emergency Procurement Policy

If the using department or office makes a determination that there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions, the appropriate officer in the purchasing office is to be contacted for verbal authorization. If so approved, the emergency procurement may be made as directed by said officer, but is to be limited to those items of the duty of the using department or office to document emergency purchase approval and maximize such competition as is practicable in the circumstances, and comply with section 13-1-127.

New Mexico State Statutes 1978 - Annotated Chapter 13 Public Purchases and Property

13-1-127 Emergency Procurements:

- A. The state purchasing agent, a central purchasing office or a designee of either may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions; provided that emergency procurement shall be made with competition as is practicable under the circumstances. A written determination of the basis for the emergency procurement and for the selection of the particular contractor shall be submitted with requisition requesting payment of the related services, etc. Emergency procurements shall not include the purchase or lease purchase of heavy road equipment.
- B. An emergency condition is a situation which creates a threat to public health, welfare or safety 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:
 - 1. the functioning of government;
 - 2. the preservation or protection of property; or
 - 3. the health or safety of any person

August 3, 2020

City of Hobbs, NM
200 East Broadway
Hobbs, NM 88240

Attn: Peter Zacharias
Utility Systems Specialist
Water/Wastewater Utilities Department

Re: **City of Hobbs, NM**
SCADA & PCS System Sole-Source Procurement

Mr. Zacharias,

This letter is being provided in direct response to your request for Siemens-related products and services to support the City of Hobbs, NM water/wastewater utilities department. The current Siemens process control system was designed, built, and supplied to the City by Tesco Controls, Inc. (TESCO) as part of a direct-to-owner, design-build procurement process. The scope of services provided as part of that procurement process included SCADA and process control system engineering design, custom fabrication, programming, and system integration services. The system included many Siemens hardware and software components, including WinCC-OA SCADA software, Siemens S7 PLC hardware, Scalance network equipment, and Siemens/Ruggedcom RF communication equipment.

TESCO is the exclusive provider of Siemens automation systems for the water/wastewater industry in the state of New Mexico. Additionally, we are the only Siemens "Solution Partner" dedicated to the development of automation systems and solutions for the water and wastewater utility market in the U.S. Based on this information, TESCO is uniquely qualified to provide the requested services to the City of Hobbs under a **sole-source procurement contract**. Furthermore, the design, programming, and configuration services provided to the City are custom in nature. Much of the development effort and professional services are TESCO's intellectual property, as special software libraries were developed for use on this project. Additionally, TESCO provided custom fabrication services as part of our overall integrated solution.

I hope the above information helps provide you with the support and confidence in both Siemens and TESCO for your future process control system needs.

City of Hobbs, NM / Water-Wastewater PCS
Sole-Source Procurement Letter

SIEMENS / TESCO CONTROLS, INC.

Please feel free to contact us at (916) 395-8800 to discuss any questions or comments you may have regarding this sole-source procurement letter.

Sincerely,

TESCO Controls, Inc.

Michael R. Prosser

Director of Special Projects | Design-Build Engineering Services Group
mprosser@tescocontrols.com

