

## “SOLE SOURCE” PROCUREMENT JUSTIFICATION

Sole source purchases are goods and services available from only one vendor. There may be just one vendor because of patents or copyrights or simply because the vendor is the only one which supplies the good or service. Using Department must provide a written explanation as to why only this particular product/service is acceptable and why no other will be suitable or acceptable to meet the need. A quote must accompany this form.

Department name:           DONA ANA COUNTY UTILITIES          

1. Name of product or service:           Bioxide and Bioxide Plus 71
2. Name of product manufacturer:           Evoqua Water Technologies
3. Name of “sole” product supplier or service provider:           Evoqua Water Technologies
4. Describe in general terms the product/service you are requesting and the intended application. *Bioxide Chemical is injected into various Lift Stations throughout Dona Ana County. This chemical is derived from Calcium Nitrate and Ammonia Nitrate and its main purpose is to prevent dangerous amounts of the highly corrosive and hazardous Hydrogen Sulfide gas from forming in the collection system. Hydrogen Sulfide gas creates a safety hazard for operations staff and the community. This chemical also prevents corrosion from occurring to the structure and equipment inside Lift Stations and prevents manholes from corroding which can lead to collapses that can endanger the communities. This chemical is noncorrosive and nonhazardous to equipment and staff.*  
  
*The amount I am requesting would cover all our feed sites (8) throughout our wastewater collection system in Dona Ana County for the fiscal year. And it would be the following cost:*  
  
*21 Loads x 4,000 gallons per Load x \$4.44/gal = \$372,960*
5. Describe the unique features/capabilities/characteristics that distinguish it from other products/services. *Another chemical that can be used is Ferrous Chloride, but this chemical is very corrosive and causes costly damage to Lift Station pumps and equipment. Ferrous Chloride is also hazardous and requires careful storage and handling due to its high corrosive characteristics which can cause severe burns to skin and eyes to operation staff. Evoqua Water Technologies provides all equipment needed to inject the chemical (Bioxide) into the wastewater stream. They also provide and include quarterly maintenance site visits to replace any parts needed for their injection equipment and to assist with any issues DAC operations staff could be having with chemical dosing. During the quarterly site visits they also provide testing of downstream sulfide levels to ensure correct dosing is being used to control corrosion and odors. This chemical is non-hazardous to operation staff and is easily injected into the collection system with their equipment.*

6. How did you determine there was only one source for the product or service? Provide information on the research that was performed to locate suppliers for this product(s) or service(s). (Please furnish names, addresses and other documentation). ***Bioxide is a patented product proprietary to Evoqua Water Technologies. Evoqua Water Technologies has existing US patents for their product, and they have provided us with their sole source letter which is attached. Various other State of New Mexico and local government entities use this product as a sole source due to its US patents. They include Dona Ana Mutual Domestic Water Consumers Association; Camino Real Regional Utility Authority; City of Hobbs and Southern New Mexico Correctional Facility.***
7. What product supplier or service provider has your Department used until now to satisfy similar requirements? ***This product has always been used by our Utilities Department due to its great effectiveness in removing the hazardous Hydrogen Sulfide gases to prevent costly corrosion conditions to our wastewater collection system and for the safety of our operation staff.***

*m. Bacon*

*7/25/24*

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Signature of Department Head

Date

(Attach Quote and Use Additional Sheets As Necessary)

\*\*This form is used by Purchasing Department to determine if a "Sole Source" procurement criterion is met. Completing this form does not guarantee approval of this type of procurement.



May 21, 2024

Mireya Carnero  
Dona Ana County Utilities  
845 N. Motel Blvd.  
Las Cruces, NM 88007  
Email: [mireyac@donaanacounty.org](mailto:mireyac@donaanacounty.org)

**RE: 2024 BIOXIDE® AND BIOXIDE® PLUS 71 FSOC PRICING  
DONA ANA COUNTY UTILITIES  
Evoqua Quote No. Q240312SB05**

Dear Ms. Carnero:

Evoqua Water Technologies LLC thanks you for your continued support of the Bioxide® Full-Service Odor Control<sup>SM</sup> (FSOC) program, which includes service every 45 days, technical support, and equipment (loaner tanks / feed systems and level indicators).

The new pricing for Bioxide® and Bioxide® Plus 71 will be as follows:

Product	Minimum Order Quantity	Price Per Gallon
<b>Bioxide®</b>	minimum loads of 4,000 gallons	\$4.44
<b>Bioxide® Plus 71</b>	minimum loads of 3,800 gallons	\$6.24

The above prices will be effective July 1, 2024 through June 30, 2025. These prices are good for split deliveries of full truck load quantities with other customers in your area. The above prices do not include any applicable taxes.

All Terms and Conditions of the existing contract will remain the same.

With the volatility of the current fuel and chemical markets, Evoqua reserves the right to update pricing with thirty (30) days written notice. Any price increase or decrease will be provided with financial data from Consumer Price Index, Producer Price Index, or Manufacture Price List documentation. We hope this will be a short-term policy and look forward to the future when we can again offer our valued customer long-term pricing.

The purchase of Bioxide® products from Evoqua constitutes an implied license to practice the processes described in United States Patents #6,309,597, #7,087,172 and 7,285,217. Bioxide is a registered trademark of Evoqua Water Technologies LLC.

**PLEASE NOTE:** Effective April 2022, you may be assessed a 3% fee if paying via Credit Card. Find more info on our website here > <https://www.evoqua.com/en/about-us/terms-conditions-sale-products-services/credit-card-fee-faqs>. Ask us how to avoid paying fees by migrating to ACH CTX payment type.

Evoqua appreciates your business and support and looks forward to continuing to provide you the quality products, services and lowest cost solutions. If you have any questions or should you require additional information, please feel free to contact me at (303) 349-0520. We look forward to providing you with the "Best in Class" service for years to come.

Sincerely,

**Evoqua Water Technologies LLC**

*Michael Trefry*

Michael Trefry  
Technical Sales Representative



July 8, 2024

Mireya Rascon  
Assistant Manager - Operations  
Dona Ana County Utilities  
845 N. Motel Blvd.  
Las Cruces, NM 88007  
Phone: (575) 621-5084  
Email: [mireyar@donaanacounty.org](mailto:mireyar@donaanacounty.org)

**RE: YOUR SOLE SOURCE FOR BIOXIDE® PRODUCTS**

Dear Mireya Rascon:

Evoqua Water Technologies LLC is the sole source provider of Bioxide® products (Bioxide®, Bioxide-AQ®, Bioxide® AE, Bioxide® Plus 71 and AQUIT® solutions). Related services that we offer to our customers are provided under the Full Service Odor Control<sup>sm</sup> program.

A license to use Bioxide® products is included with the product sale. Patents that cover aspects of the use of Bioxide® products include, but are not necessarily limited to, United States Patent Nos. 6,309,597, 7,087,172, 7,186,341 B2, US 7,779,224 B2, US 7,799,215 B2 and 7,553,420 B2. Bioxide, Bioxide-AQ, Bioxide AE, Bioxide Plus, AQUIT and Full Service Odor Control are trademarks of Evoqua Water Technologies LLC.

Should you have any questions or require additional information, please feel free to contact me at (303) 349-0520.

Sincerely,

**Evoqua Water Technologies LLC**

*Michael Trefry*

Michael Trefry  
District Manager

**Thank you for your submission.**

**The procurement will be reviewed by one of our buyers.**

In the future, any amendment to a sole source contract that adds to or changes or impacts in any way any of the terms and conditions listed below (which are set forth in statute, see Section 13-1-126.1. NMSA 1978), the sole source must be reposted for a new, additional 30 day period.

- if the parties to the proposed contract change;
- if the nature and quantity of the service, construction or item of tangible personal property being contracted for, changes; and
- if the contract amount changes.

Print

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**Agency :** C0009 - DONA ANA COUNTY  
**Procurement Number :** 50-C0009-24-CP320  
**Next Step :** REVIEW  
**Uploaded Files :** Sole Source Determination: Evoqua\_Sole Source\_Request.pdf  
**Completed date :** Monday, August 5, 2024 9:28 AM  
**Completed by :** Michael Perez

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**From:** [GSD.SPInfo@state.nm.us](mailto:GSD.SPInfo@state.nm.us)  
**To:** [Michael Perez](#)  
**Subject:** State of New Mexico :: Sole Source / Emergency Submission  
**Date:** Monday, August 5, 2024 9:28:32 AM

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Greetings,

Your Sole Source/Emergency Procurement request has been SUCCESSFULLY SUBMITTED and is pending State Purchasing Division approval for posting to the GSD Website. Once approved, you will receive an email notification advising that your request has been posted. Please keep the document number referenced below in a convenient place. You will need this number to search the Sole Source/Emergency website for status updates to your request.

Document Number ID: 50-C0009-24-CP320

For Sole Sources:

In the future, any amendment to a sole source contract that adds to or changes or impacts in any way any of the terms and conditions listed below (which are set forth in statute, see Section 13-1-126.1. NMSA 1978), the sole source must be reposted for a new, additional 30 day period.

- (1) If the parties to the proposed contract change;
- (2) if the nature and quantity of the service, construction or item of tangible personal property being contracted for, changes; and
- (3) if the contract amount changes.

Please email all inquiries to:[GSD.SPInfo@state.nm.us](mailto:GSD.SPInfo@state.nm.us).

Sincerely,

General Services Department

State Purchasing Division