"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.

   The Bioxide chemical is injected at the various different lift Stations throughout Dona Ana County. This chemical is a nitrate salt and its main purpose is to prevent dangerous amounts of Hydrogen Sulfide gas from creating a safety hazard for staff\community, prevent the complete corrosion of the wastewater collection system and manholes. This chemical is not corrosive on any equipment of the lift station and is not hazardous for staff to be around in.

5. Describe the unique features/capabilities/characteristics that distinguish it from other products/services.

   There are other chemicals that can be used like Ferrous Chloride, Ferric Chloride but this chemical are very corrosive on lift station pumps and equipment at the wastewater facilities. Evoqua Water Technologies (EWT) provides the equipment and tanks to store the chemical as well as the equipment to inject the chemical into the wastewater control system. An additional service EWT provides is they will on a quarterly basis visit the system (at no additional cost) to assist with any equipment problems Dona Ana County staff may be having with chemical pumping equipment or odors within the system.

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).

   Requested information from the City of Las Cruces Purchasing Department on this product and they stated that it is a sole source based on ETW having a patent on the

chemical. ETW also provided three sole source letters for our file and a list of US patents.

7. What product supplier or service provider has your Department used until now to satisfy similar requirements?

The product we have used has been Bioxide based on its effectiveness to prevent corrosive conditions in the system and it being safe for equipment and staff.

Flore A. Oliver 3/18/16

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.

evoqua
WATER TECHNOLOGIES

February 26, 2016

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

RE: YOUR SOLE SOURCE FOR BIOXIDE® PRODUCTS

Dear Ms. Carnero:

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℠ 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 1-(801) 361-9580.

Sincerely,

Evoqua Water Technologies LLC

Lee Kainer

Lee Kainer
District Manager

2650 Tallevast Rd.
Sarasota, FL 34243 USA

Tel: +1 (800) 345 3982
Fax: +1 (941) 359 7985

www.evoqua.com

evoqua
WATER TECHNOLOGIES

February 26, 2016

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

RE: SOLE SOURCE BIOXIDE® PIUS 71

Dear Ms. Carnero:

Evoqua Water Technologies LLC is the sole source provider of Bioxide® Plus 71.

The purchase of Bioxide® Plus 71 product from Evoqua constitutes an implied license to practice the processes described in United States Patents #7,553,420B2, #7,779,224 B2, and #7,186,341B2. Bioxide® is a registered trademark of Evoqua Water Technologies LLC.

Should you have any questions or require additional information, please feel free to contact me at (801) 361-9580.

Sincerely,

Evoqua Water Technologies LLC

Lee Kainer

Lee Kainer
District Manager

2650 Tallevast Rd.
Sarasota, FL 34243 USA

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