



**DOÑA ANA COUNTY PURCHASING DEPARTMENT
INTER-DEPARTMENTAL MEMORANDUM**

TO: Procurement File	DATE: 04/25/2014
FROM: Donald E. Bullard, Purchasing Manager	<i>DB</i>
SUBJECT: Sole Source Procurement Determination	

The Dona Ana County Utilities Department submitted a Sole Source Justification form and required attachments for the procurement of Flygt Pumps, EG Controls and Repair Services from James, Cooke, and Hobson (JCH) on January 31, 2014.

Section 13-1-126 NMSA 1978 states in pertinent part that "A. A contract may be awarded without competitive sealed bids or competitive sealed proposals regardless of the estimated cost when the state purchasing agent or a central purchasing office determines, in writing, that:

- (1) there is only one source for the required service, construction or item of tangible personal property;
- (2) the service, construction or item of tangible personal property is unique and this uniqueness is substantially related to the intended purpose of the contract; and
- (3) other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract.

B. The state purchasing agent or a central purchasing office shall use due diligence in determining the basis for the sole source procurement, including reviewing available sources and consulting the using agency, and shall include its written determination in the procurement file."

The Purchasing Department has:

- Reviewed the justification submitted to this office;
- Reviewed the steps taken by the User Department in "conducting a good-faith review of available sources";
- Reviewed the Vendor's Sole Source letter;
- Conducted research on other firms offering similar products.

The Sole Source Request was posted on the Dona Ana County website on February 14, 2014. The County received a protest letter from PureOps indicating they could provide equal or better Pumps and EG Controls. No protests were received for the repair services. It was determined that PureOps could provide equal replacement pumps and EG Controls for some of the existing Pumps and Controls. Therefore the Sole Source request for Flygt Pumps and EG Controls from JCH is denied. The Sole Source request for repair services for Flygt Pumps and Controls from JCH is approved.