

"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: Camino Real Regional Utility Authority

1. Name of product or service: Airvac products (service and parts)
2. Name of product manufacturer: Bilfinger Airvac Water Technologies Inc.
3. Name of "sole" product supplier or service provider: Bilfinger Airvac Water Technologies Inc.
4. Describe in general terms the product/service you are requesting and the intended application.

The vacuum lift station at CRRUA requires OEM repairs and replacement parts to be furnished directly from Bilfinger Airvac.

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

The vacuum lift station at CRRUA is proprietary and competitors parts are not compatible.

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).

Bilfinger Airvac has proprietary ownership in the form of patents on the components required for the vacuum lift station. After searching the internet, non-compatible parts were located and it is confirmed that Bilfinger Airvac is the only supplier for parts and service.

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

Non- we use Bilfinger Airvac.



Signature of Department Head

3/24/14

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.

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Department name: CRRUA

1. Name of product or service: Controller/Sensor Unit, F-Model 3" Valve
2. Name of product manufacturer: AirVac Inc
3. Name of "sole" product supplier or service provider: AirVac Inc.
4. Describe in general terms the product/service you are requesting and the intended application. Product is used in a sewer vacuum station

DEM REPAIR AND/OR REPLACEMENT PARTS

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

**PROPRIETARY SYSTEM, COMPETITORS
PARTS NOT COMPATIBLE**

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).

Airvac Inc has proprietary ownership (patents) on these components

INTERNET SEARCH RESULTS - Now compatible parts located

7. What product supplier or service provider has your Department used until now to satisfy similar requirements? None - We use AirVac Inc.

K. M. [Signature]

Signature of Department Head

3/20/13

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.

Ernesto Carranza

From: White, Ron (Bilfinger Airvac Water Technologies) [ron.white@bilfinger.com]
Sent: Tuesday, April 15, 2014 11:48 AM
To: Ernesto Carranza
Cc: Ashley Firl
Subject: RE: Airvac Sole Source
Attachments: Sunland Park sole source letter March 2014.pdf; W9.pdf

Ernesto,

I apologize for the two names contained in the sole source letter. I changed that on the attached sole source letter.

We did have a company name change to Bilfinger Airvac Water Technologies, Inc.

We have been owned by Bilfinger for several years, and they are in the midst of an organization change, which led to a company name change.

I have attached our W9 form as well.

Please let me know if you need anything further.

Ron

From: Ernesto Carranza [mailto:ernestoc@donaanacounty.org]
Sent: Tuesday, April 15, 2014 12:39 PM
To: White, Ron (Bilfinger Airvac Water Technologies)
Cc: Ashley Firl
Subject: FW: Airvac Sole Source

Mr. White;

I am forwarding you some questions that came up about the sole source letter, It would be greatly appreciated if you could answer them.

Thank You for your attention to this matter

From: Kurt Moffat
Sent: Monday, April 14, 2014 10:07 AM
To: Ashley Firl
Cc: Ernesto Carranza
Subject: RE: Airvac Sole Source

Don had some questions: what is company's name now? There are 2 different names on attachments submitted. If a new company took over we need documentation. Don also needs a quote for the products. I can use the attached for repairs but need additional for new etc

From: Ashley Firl
Sent: Monday, April 14, 2014 10:02 AM
To: Kurt Moffat
Cc: Ernesto Carranza
Subject: Airvac Sole Source

Kurt-



BILFINGER

March 21, 2014

Dona Ana County
c/o CRRUS
845 N. Motel Blvd
Las Cruces, NM 88007

Ref: Sole Source

Ernie Carranza

Ernie,

This letter acknowledges that the Bilfinger Airvac Water Technologies Inc. components are of a sole source nature and can only be purchased through Bilfinger Airvac Water Technologies Inc.

Bilfinger Airvac Water Technologies Inc. doesn't publish a public price list. The pricing given to "Dona Ana County for the Sunland Park project" is comparable with pricing given to any other vacuum sewer owner that has Bilfinger Airvac Water Technologies Inc. products. The pricing given is the price in effect at the time a quote is issued.

Any purchase order issued will need to be directed to Bilfinger AIRVAC Water Technologies Inc. at our home office in Rochester, IN., P.O. Box 528, 46975.

Please contact our Service Department when placing your order. Mike Moss ext. 236 or Becky Murphy ext. 353. 574-223-3980 or fax 574-223-5566

AIRVAC's Regional Sales Manager, Mr. Dean Ouellete can be reached at the following number 321-356-4280. Please feel free to contact him at your convenience.

Our standard payment terms and conditions form part of this offer.

As a matter of importance, AIRVAC uses a unique two-phase, plugless vacuum sewerage transport system and certain of its components are protected by various United States patents. Obviously, the patented system and components may not be used or sold without authorization by AIRVAC. Purchase of an equipment package from AIRVAC and use according to its specifications is an authorized use.

If you have any questions regarding the sole source issue, please feel free to call our office.

Sincerely,
Bilfinger Airvac Water Technologies, Inc.

Ron White
Inside Sales Manager

RW cc: Mark Jones, Dean Ouellete, Service Department, Julie Kotterman

Bilfinger Airvac Water
Technologies Inc.

200 Tower Drive, Suite A
Oidsmar, FL 34677
USA

Phone +1 813 855 6297
Fax +1 813 855 9093
info@airvac.com
www.water.bilfinger.com

**Request for Taxpayer
 Identification Number and Certification**

Give Form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)
Bilfinger Airvac Water Technologies Inc.

Business name/disregarded entity name, if different from above
Airvac

Check appropriate box for federal tax classification:
 Individual/sole proprietor C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____

Other (see instructions) ▶ _____

Exemptions (see instructions):
 Exempt payee code (if any) **5**
 Exemption from FATCA reporting code (if any) _____

Address (number, street, and apt. or suite no.)
PO Box 528

City, state, and ZIP code
Rochester, IN 46975

List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

| | | | | | | | |
|--|--|--|---|--|--|--|--|
| | | | - | | | | |
|--|--|--|---|--|--|--|--|

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number

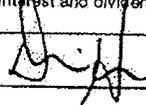
| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 3 | 5 | - | 1 | 3 | 1 | 5 | 8 | 2 | 2 |
|---|---|---|---|---|---|---|---|---|---|

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below), and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶  Date ▶ **2-11-14**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.
Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.



BILFINGER

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Contact Us

Request a Free System Layout & Cost Estimate

markets U.S. municipal regional managers

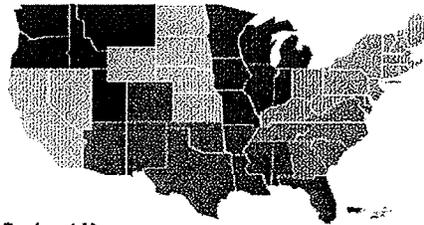
U.S. Municipal Regional Managers | U.S. Manufacturer's Representatives

For U.S. municipal projects, Bilfinger Airvac Water Technologies has six regional sales territories: Northwest, Southwest, Midwest, Northeast, Mid-Atlantic and Southeast (PR & VI); each of which is covered by a Regional Manager and the National Sales Manager.

For land development projects in the U.S. contact our Land Development Mgr.

For other markets and applications, contact our Environmental Group.

Click on any region above or in the legend for contact information.



Southwest Regional Manager

Dean Ouellette
Oldsmar, Florida
(813) 855-6297
(813) 855-9093 fax
deano@airvac.com

- Northwest
- Southwest
- Midwest
- Open
- Northeast
- Mid-Atlantic
- Southeast, PR, VI

Bilfinger Airvac Water Technologies Inc
 4217 N. Old US Highway 31
 P.O. Box 528
 Rochester, IN 46975 USA
 Tel no : 1- 574-223-3980



BILFINGER

Sold-to address
 Company
 Dona Ana County
 CRRUA
 845 N. Motel Blvd.
 Las Cruces NM 88007

Ship-to address
 Company
 Camino Real Regional Utilities
 4950 McNutt Road
 Sunland Park NM 88063

Repeat printout

| Quotation | |
|--------------------|--------------------------|
| Number/Date | 20001704 / 04/16/2014 |
| Reference no./Date | |
| Sold-To | 10000296 |
| Validity period | 04/16/2014 to 05/16/2014 |
| Sales person name | |
| Entered by | Jennifer Smith |

We deliver according to the following conditions:
 Currency USD
 Terms of payment: Within 30 days without deduction
 Terms of delivery: EXW Rochester

Common Carrier

| Item | Material Description | Qty | UoM | Price | Value |
|----------------------|--|------------------|---------------|-----------------------|--------------------------|
| 000010 | P12055 VACPUMP,RA0255.D5Z6.1013 BUSCH | 1.000 | EA | 11,840.44 USD | 11,840.44 |
| 000020 | P10039 CRANKCASE HTR, RCO250&160 | 1.000 | EA | 286.75 USD | 286.75 |
| 000030 | P12002-1 RA0255 FILTER KIT | 1.000 | EA | 314.56 USD | 314.56 |
| 000040 | P12002 FILTER KIT RC0250 993.900.557 *This filter kit is for the 0255 pump— *This filter kit is for the 0250 pump | 1.000 2 | EA | 266.10 USD | 266.10 532.20 |
| Items total | | | | | 12,707.85 |
| Tax Jur Code Level 1 | | | | | 0.00 |
| Final amount | | | | | 12,707.85 |

2 weeks lead time

Plus shipping

\$12,659.39

+\$675.00

\$13,334.39

AF/

Bilfinger Water Technologies, on behalf of its designated affiliates and subsidiaries (such term shall include any subsidiary, division or affiliate of Bilfinger Water Technologies as designated hereinafter Bilfinger WT) will furnish requested equipment, materials or services (hereinafter Goods) to buyer. Such provision shall be governed by Bilfinger WT's terms and conditions published at: www.water.bilfinger.com (include the link to Johnson Deere's product page. The Terms and Conditions are located on the bottom right of the landing page) and/or that are forwarded with the order request (hereinafter Terms). These Terms shall control and govern all transactions between Seller and Bilfinger WT, whether under subsequent verbal and/or written requests, unless subject to an express, duly executed agreement (which is not a pre-printed form for the particular subject matter effective either upon buyer signing the Terms or order confirmation or quote, or upon Bilfinger WT shipping the Goods or otherwise commencing performance, whichever occurs first. The Terms, together with the specifications, drawings and other requirements specifics, constitutes the entire agreement between the parties, and all prior negotiations are proposals rejected thereto and superseded and of no effect. Any written confirmation by buyer containing additional or different terms from the Terms shall be of no effect, unless Bilfinger WT expressly agrees, in writing, to such additional or different terms.



The World Leader in Vacuum Sewer Technology

WORK ORDER# 470
RMA# 2737
DATE: 03/20/14

SERVICE REPAIR ESTIMATE

PROJECT: Sunland Park

ATTN: Ernie

PHONE:

FAX:

THE FOLLOWING IS AN ESTIMATE FOR THE REPAIR OF THE ITEM(S) THAT WERE SENT IN ON THE ABOVE RMA#.

PART #

QTY RETURNED

NS-CNTRL REPAIR

20

ESTIMATED REPAIR COSTS: \$3057.33

+ \$250 est. shipping

REPAIR WILL NOT BEGIN UNTIL THIS FORM IS RETURNED TO THE AIRVAC SERVICE DEPARTMENT. YOU WILL BE NOTIFIED IF REPAIR COST IS MORE THAN 10% OVER ESTIMATED PRICE. ESTIMATE DOES NOT INCLUDE FREIGHT OR ANY APPLICABLE TAXES.

\$3307.33

AF/

SIGNATURE:

DATE:

PURCHASE ORDER #:



P.O. BOX 528
ROCHESTER, IN 46975

TELEPHONE: 574-223-3980
SERVICE EXT. 236
353
FAX: 574-224-5566

Ernesto Carranza

From: Murphy, Becky (Bilfinger Airvac Water Technologies) [becky.murphy@bilfinger.com]
Sent: Thursday, April 17, 2014 9:12 AM
To: Ernesto Carranza
Subject: Pump Quote
Attachments: quote20001704.pdf

Hi Ernie,

The estimated freight for the quoted pump & heater is \$675.00. Actual freight will be added when invoiced. The lead time for this pump is estimated at 2 weeks, this does not include the shipping time.

Please let me know if you have any questions or if you would like to place an order.

Have a good day,

Becky Murphy
Part Sales/Training Instructor
Global Business Unit - Vacuum Technology

Bilfinger Water Technologies.

4217 N. Old U.S. Highway 31
P.O. Box 528
Rochester, IN 46975
USA

Phone +1 574 223-3980 Ext.353
Fax +1 574 224-5566
Mobile
becky.murphy@bilfinger.com
www.water.bilfinger.com

Trademarks of reliable technology:
AIRVAC®

March 5, 2013

Camino Real Regional Utility Authority
Purchasing Office
P.O. Box 470
1000 McNutt Rd. Suite "B"
Sunland Park, NM 88063

Ref: "City of Sunland Park" Sole Source

Purchasing Agent

This letter acknowledges that the AIRVAC, Inc. components are of a sole source nature and can only be purchased through AIRVAC, Inc.

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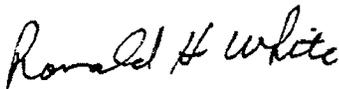
AIRVAC's Regional Sales Manager, Mr. Dean Ouellette can be reached at the following number 321-356-4280. Please feel free to contact him at your convenience.

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If you have any questions regarding the soul source issue, please feel free to call our office.

Sincerely,
AIRVAC, Inc.



Ron White
Inside Sales Manager

RW

cc: Mark Jones
Dean Ouellette
Service Department
Julie Kotterman

AIRVAC[®]
THE WORLD LEADER IN
VACUUM SEWER TECHNOLOGY

TAMPA OFFICE
AIRVAC, INC.
200 Tower Drive, Suite A
Oldsmar, FL 34677 U.S.A.
Phone: (813) 855-6297
Fax: (813) 855-9093
Web: www.airvac.com