



MEMORANDUM

**Austin Police Department
Administrative Bureau**

TO: Art Acevedo, Chief of Police

FROM: Albert Banda, Contract Compliance Specialist Sr.

DATE: April 7, 2014

SUBJ: Signature on sole source memo – to purchase a Preventative Maintenance Service for the Liquid Chromatograph/Mass Spectrometer in use at the Forensics Laboratory of the Austin Police Department, purchased on 12/12/11 on CT870011112900263. The PM is to start from 1/20/2014 – 1/19/2015, (\$22,762.48) with four (4) twelve (12) month extension options to renew (year 2, \$23,445.34), (year 3, \$24,148.69), (year 4, \$24,873.17), & (year 5, \$25,619.36). The total cost of the PM for this equipment is \$120,531.90 from Waters Corporation.

Chief, attached for your review and signature is a sole source memo for the above referenced purchase. This purchase is for a PM Service for the Liquid Chromatograph/Mass Spectrometer which is highly sensitive and specialized equipment for use at the APD Forensics Laboratory. The PRF and supporting sole source documents are attached.

Please call me when ready for pick up.

If you have any questions, please contact me at 974-5273.

AB/ab



City of Austin FSD Purchasing Office

Certificate of Exemption

DATE: 04/07/2014 DEPT: Austin Police Department
TO: Purchasing Officer or Designee FROM: Albert Banda
BUYER: Erin D'Vincent PHONE: (512) 974-5273

Chapter 252 of the Local Government Code requires that municipalities comply with the procedures established for competitive sealed bids or proposals before entering into a contract requiring an expenditure of \$50,000 or more, unless the expenditure falls within an exemption listed in Section 252.022.

Senate Bill 7 amended Chapter 252 of the Local Government Code to exempt from the requirements of such Chapter expenditures made by a municipally owned electric utility for any purchases made by the municipally owned electric utility in accordance with procurement procedures adopted by a resolution of its governing body that sets out the public purpose to be achieved by those procedures. The Austin City Council has adopted Resolution No. 040610-02 to establish circumstances which could give rise to a finding of critical business need for Austin Energy.

This Certification of Exemption is executed and filed with the Purchasing Office as follows:

1. The undersigned is authorized to submit this certification.
2. The undersigned certifies that the following exemption is applicable to this purchase. (Please check which exemption you are certifying)
 - ☐ a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality
 - ☐ a procurement necessary to preserve or protect the public health or safety of municipality's residents
 - ☐ a procurement necessary because of unforeseen damage to public machinery, equipment, or other property
 - ☐ a procurement for personal, professional, or planning services
 - ☐ a procurement for work that is performed and paid for by the day as the work progresses
 - ☐ a purchase of land or right-of-way
 - ☒ a procurement of items available from only one source, including: items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies; films, manuscripts, or books; gas, water, and other utility services; captive replacement parts or components for equipment; books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits
 - ☐ a purchase of rare books, papers, and other library materials for a public library
 - ☐ paving, drainage, street widening and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements
 - ☐ a public improvement project, already in progress, authorized by voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes as authorized by the voters

- ☐ a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212
- ☐ personal property sold: at an auction by a state licensed auctioneer; at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391
- ☐ services performed by blind or severely disabled persons
- ☐ goods purchased by a municipality for subsequent retail sale by the municipality
- ☐ electricity
- ☐ advertising, other than legal notices
- ☐ Critical Business Need (Austin Energy Only)

3. The following facts as detailed below support an exemption according to Section 252.022 of the Local Government Code for this purchase. Please verify the steps taken to confirm these facts. If you are citing the following exemptions, please provide the additional information requested below. A more detailed explanation of these exemptions is attached.

- **Preserve and Protect the Public Health and Safety** – Describe how this purchase will preserve and protect the public safety of residents.
- **Sole Source** – Describe what patents, copyrights, secret processes, or natural monopolies exist. Attach a letter from vendor supporting the sole source. The letter must be on company letterhead and be signed by an authorized person in company management.
- **Personal Services** – Describe those services to be performed personally by the individual contracted to perform them.
- **Professional Services** – Describe what mainly mental or intellectual rather than physical or manual and/or disciplines requiring special knowledge or attainment and a high order of learning, skill, and intelligence are required to perform this service.
- **Planning Services** – Describe the services primarily intended to guide governmental policy to ensure the orderly and coordinated development of the state or of municipal, county, metropolitan, or regional land areas.
- **Critical Business Need** – Describe the procurement necessary to protect the competitive interests or position of Austin Energy.

The Austin Police Department is purchasing a Preventative Maintenance for the Liquid Chromatograph/Mass Spectrometer for the Chemistry Section of the Austin Police Department, purchased on 12/12/11 on CT870011112900253. The LC/MS analyzes in a liquid state and the GC/MS analyzes in a gas state. The infrastructure of service and support that Waters provides to these systems is unique and cannot be alternatively sourced. Customer technical support on Waters instruments, informatics and chemistry is only available from Waters on Waters systems. Waters service engineer support is only available to Waters service engineers.

4. Please attach any documentation that supports this exemption.
5. Please provide any evaluation conducted to support the recommendation. Include the efforts taken to ensure the selected vendor is responsible and will provide the best value to the City (Ex (valuation of other firms, knowledge of market, etc)).

6. Because the above facts and documentation support the requested exemption, the City of Austin intends to contract with Waters Technology which will cost approximately \$ 120,531.90 (Provide estimate and/or breakdown of cost)

Recommended
Certification

Alfred Banda
Originator

4-7-14
Date

Approved
Certification

Alicia Autu
Department Director or designee

4-15-14
Date

[Signature]
Assistant City Manager / General Manager
or designee (if applicable)

4/21/14
Date

Purchasing Review
(if applicable)

[Signature]
Buyer

5-13-14
Date Manager Initials

Exemption Authorized
(if applicable)

[Signature]
Purchasing Officer or designee

5/15/14
Date

02/26/2013

February 24, 2014

Sole Source Justification

Over the course of fifty years, Waters has provided service and support on all of its systems globally. Waters systems are defined as integrated platforms of instruments, informatics, chemistry and applications. The infrastructure of service and support that Waters provides to these systems is unique and cannot be alternatively sourced. This infrastructure has evolved based on the requirements of our customers as they push the boundaries of current technology. Service is more than just the delivery of repair and maintenance. It is the delivery of systems support to our customers, who have varying levels of experience and expertise, which enables them to meet their objectives.

Waters service and support delivers:

1) Waters Quality Parts

- i) Approximately 50% of all Waters HPLC and UPLC parts are manufactured by Waters directly. The majority of these parts cannot be alternatively sourced.
- ii) Waters manufactures its parts using specific quality standards, packaged under proprietary critical clean conditions.
- iii) Waters stocks the largest inventory of parts so that global supply is assured.

2) Technical Expertise

- i) Customer technical support on Waters instruments, informatics and chemistry is only available from Waters on Waters systems.
- ii) Applications support on Waters systems is only available from Waters.**
- iii) Waters service engineer support is only available to Waters service engineers.

3) Training

i) Waters service engineers are trained by Waters factory-certified trainers who are kept up to date on all system updates and global customer feedback. This cannot be replicated by any other service organization.

ii) Customer training on Waters systems is only available from Waters.

iii) Only Waters offers complete systems-certified training to Waters service engineers.

4) Upgrades

i) Waters instruments may be entitled to factory-directed updates and these are produced only by Waters.

ii) Instrument and software upgrades for Waters systems are only available from Waters.

5) Compliance

i) Waters offers the only automated qualification protocols on Waters systems.

6) Remote monitoring & diagnostics

i) Waters offers the only platform capable of accessing instrument diagnostics remotely on Waters systems.

Sincerely,



Dave Terricciano

Vice President, Global Operations and Support

Waters Corporation