



# City of Austin Purchasing Office

## Sole Source Certificate of Exemption

DATE: February 14, 2023

DEPT: Human Resources Department

TO: Purchasing Officer or Designee

FROM: Sonya Alexander-Harry

PURCHASING POC:

PHONE: 512-974-3228

Chapter 252 of the Local Government Code requires that municipalities comply with certain competitive solicitation procedures before entering into a contract requiring an expenditure greater than \$50,000, unless the expenditure falls within an exemption listed in Section 252.022 or other applicable law.

Refer to Local Government Code 252.022 for a complete list of exemptions:

[Link to Local Government Code](#)

This Certificate of Exemption must be complete, fully executed, and filed with the City Purchasing Office.

The City has deemed this procurement to be exempt from the competitive solicitation requirements of LGC Chapter 252 based on the following facts:

1. The undersigned is authorized and certifies that the following exemption is applicable to this procurement.

Please check the criteria listed below that applies to this sole source request:

- ☒ Items that are available from only one source because of patents, copyrights, secret process, or natural monopolies.
- ☐ Films, manuscripts or books that are available from only one source.
- ☐ Gas, water and other utilities that are available from only one source.
- ☐ Captive replacement parts or components for equipment that are only available from one source.
- ☐ Books, papers and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials.
- ☐ 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.

2. Describe this procurement including the following information as applicable:

- What it is for and why it is needed?  
**The Texas Department of Public Safety (DPS) provides Criminal History Record Information (CHRI) for the City's Criminal Background Investigations (CBI) process.**
- What is the municipal purpose that this procurement addresses or furthers?  
**CHRI is required to determine an applicant's fitness for duty in CBI-sensitive positions.**
- Why is the procurement a sole source?
- **The DPS is the state's only repository for CHRI that includes all 254 counties. The DPS partners with the Federal Bureau of Investigations (FBI) to provide CHRI from all other states. These agencies coordinate CHRI to provide a consolidated result.**
- Has this procurement or a similar procurement been competitively solicited in the past?  
**No**
- Why is the vendor the only viable solution?  
**The Human Resources Department (HRD) adheres to the Texas Government Code 411.129 which authorizes municipalities to access CHRI for employment purposes.**
- Are there any other alternative solutions? If so, why are those alternatives unacceptable?  
**Not under the government code under which HRD operates.**
- Is there a concern regarding warranty, compatibility, and/or routine safety?  
**HRD has had a relationship with the DPS for 15 years, there are no concerns at this time.**
- Are there territorial or geographic restrictions for the product distribution and sale?  
**No**
- Are there other resellers, distributors, or dealers in the market?  
**Not under the government code under which HRD operates.**
- What other suppliers or products/services were considered?  
**None**
- If the product is designed to be compatible with existing equipment/item/system, describe the age, value and useful life remaining of the current equipment/item/system. What is the estimated cost of buying new equipment/item/system? What is value of buying the addition versus buying all new?  
**There is interest in looking into other options but no formal plans have been made.**
- Is there a way to retrofit another brand? What is this estimated associated cost?  
**N/A**
- What specialized training or certifications are necessary to maintain or repair the equipment/item/system? Is it specific to the proposed vendor?  
**N/A**
- **Prices were determined to be reasonable based on the following (select all that apply):**
  - ☒ Prices are the same or similar to current City contract.  
Notes: **At a minimum, note the City of Austin contract number and title.**
  - ☐ Prices are the same or similar to current contract with another government.  
Notes: **At a minimum, note the contract number, title and government that created the contract.**
  - ☐ Prices are on a current and publicly available list price, for the same or similar products, available to all government and commercial customers.  
Notes: **At a minimum, note the list price title, source of the list price (catalog and catalog publish date or web address and download date).**
  - ☐ Prices are established by law or regulation.  
Notes: **At a minimum, note the legal or regulatory reference that established the prices.**
  - ☐ Other means of determining Price Reasonableness.  
Notes: **Describe any other source that was used to establish Price**

### **Reasonableness.**

\* The questions in the form are designed to justify why this purchase should be exempt from a competitive procurement process. Failure to provide adequate documentation to substantiate the request may lead to the request being rejected.


3. Forward the completed and signed Certificate of Exemption to the Purchasing Office along with the following documentation:
  - ☒ Scope of Work or Statement of Work or Vendor Proposal
  - ☐ Vendor's Quote
  - ☐ Project timeline with associated tasks, schedule of deliverables or milestones, and proposed payment schedule
  - ☐ Vendor's or Manufacturer's (if vendor is a sole authorized distributor) sole source letter: less than 6 months old, signed by an authorized representative, and on company letterhead, should clearly state they are the sole provider and explain why

4. Based on the above facts and supporting documentation, the City of Austin has deemed this procurement to be exempt from competitive procurement requirements pursuant to Texas Local Government Code section 252.022(7) and will contract with:

[Texas Department of Public Safety for CHRI or criminal history record information.](#)

5. Check the contract type (one-time or multi-term) and fill in the dollar amount and term as applicable:

- ☒ This is a one-time request for \$144,000.00 for 2-year contract
- ☐ This is a multi-term contract request for \_\_\_\_\_ (# months for base term) in the amount of \$\_\_\_\_\_ with \_\_\_\_\_ (# of renewal options) for \$\_\_\_\_\_ each for a total contract amount of \$\_\_\_\_\_.

Recommended Certification	Sonya Alexander-Harry <small>Digitally signed by Sonya Alexander-Harry Date: 2023.02.15 10:12:29 -06'00'</small>	Date
Approved Certification	 Department Director or designee (For Austin Energy, Deputy General Manager or designee)	02/16/2023 Date

Assistant City Manager or designee*	Date
(For Austin Energy, General Manager or designee*)	
* Only needed for procurements requiring Council approval)	

Purchasing Office Review	Authorized Purchasing Office Staff	Date
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Purchasing Office Management Review (If required due to signature authority level)	Purchasing Officer or designee	Date
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