

SOLE SOURCE PURCHASE REPORT

To: Purchasing Officer

From: Shawn Hardeman, Program Manager Water Quality Laboratory

Date: February 01, 2021

1. Name and address and contact information of supplier:

Idexx Laboratories  
1 IDEX Drive  
Westbrook, ME 04092

2. Goods and/or services to be purchased:

Colilert reagent  
Colilert Comparator  
Colilert – 18 reagent  
Colisure reagent  
Enterolert reagent  
Pseudalert reagent  
Legiolert reagent  
IDEXX Vessel  
Quanti-Tray Sealer PLUS  
Quanti-Tray  
All Colilert Starter Kits  
All 20-pack, 100-pack, and 200-pack  
Combo Packs  
IDEXX-QC  
Quanti-Cult QC kit  
SimPlate for HPC test kit  
HPC for Quanti-Tray reagent  
Filtat-Max xpress Filter modules  
Filtat-Max express pressure Elution station  
Filtat-Max manual wash station  
Filtat-Max filter modules

3. Estimated total dollar amount of expenditures pursuant to this request: \$ 35,000 per year

4. Term for which goods and/or services will be purchased pursuant to this request (mark only the option which applies):

- a. ☒ Two (2) Years Months/Weeks/Days (circle one)  
b. ☐ This is a one-time sole source purchase, to be completed within the next fiscal year.

5. Identify the specific circumstances that require a sole source purchase of the goods and/or services requested:

## SOLE SOURCE PURCHASE REPORT

- a. Brief description of the purpose of the goods or services to be purchased:

The consumables purchased from IDEXX are for EPA approved microbiological analysis used for compliance samples. We conduct these analyses to satisfy federal regulators by meeting our permitting requirements. These requirements help to protect public health and the Rio Grande.

- b. Reasons for need of goods and/or services from the specific supplier. Any one reason, by itself, does not necessarily justify a sole source purchase (mark all that apply):

- i. ☐ A diligent inquiry failed to identify any source for the same or similar goods and/or services that will substantially accomplish the same or similar functions to those provided by the source identified above. If so, identify which of the following steps were taken to establish a good-faith review of available alternative sources and provide written justification verifying the actions below were taken (mark all that apply):

1. ☐ Contacted various suppliers of similar goods to discuss alternative options;
2. ☐ Performed product research for potential alternative sources;
3. ☐ Consulted with subject matter experts to identify potential alternative sources;
4. ☐ Other (specifically describe any actions taken, attach additional sheets if necessary):

(Inability to locate other sources via internet search will not suffice as acceptable due diligence.)

- ii. ☒ The goods and/or services offered are unique or proprietary in form, fit, and function. If so, describe the unique or proprietary qualities of the goods and/or services; if available, provide documentation of their unique or proprietary nature, e.g. evidence of patent/copyright/secret processes/limited rights in data (attach additional sheets if necessary):

Idexx is the only company in the United States that produces its own proprietary consumables and equipment for EPA approved analysis. Idexx has standardized and certified the process of creating the media used for analysis to increase productivity and confidence for its customers. Our only alternative would be to create the media ourselves for analysis or use a non-EPA approved product. Also, no other company has equipment that can replace the Quanti-Tray• Sealer.

- iii. ☐ Use of goods and/or services from sources other than an Original Equipment Manufacturer will require substantial modification to equipment or systems currently in use, resulting in substantial duplication in cost to the Water Authority that is not expected to be recovered through competition and/or unacceptable delays in fulfilling the Water Authority's requirements. If so, describe the modifications, potential costs, and/or delays associated with making substitute goods and/or services compatible with current equipment or systems (attach additional sheets if necessary):

## SOLE SOURCE PURCHASE REPORT

- iv. ☒ The procurement requires a specific supplier of goods or services. If so, identify one or more of the following reasons and provide written justification verifying that the statement below is true:
1. ☐ Limited availability of goods or services;
  2. ☒ Proven quality, accuracy, and/or dependability;
  3. ☐ Compatibility considerations;
  4. ☐ Safety considerations;
  5. ☐ Warranty issues or guarantee of parts performance;
  6. ☐ During the system design process, several alternatives were evaluated and the current proprietary process was selected;
  7. ☐ Other (specifically describe any other reasons, attach additional sheets if necessary):
- v. ☒ The goods and/or services cannot be purchased by the Water Authority from any other supplier, e.g. the supplier has a protected territory established by the original producer of the goods or services. If so, attach written documentation from the original producer verifying the availability of sources for goods and/or services.

See sole source letter from Idexx

6. Describe the reasons the purchase is in the public's interest (attach additional sheets if necessary):

The Water Quality Laboratory is certified by the New Mexico Environment Department using IDEXX products to conduct its microbiological analysis on drinking water samples. The lab's work help the Water Authority demonstrate compliance with the Safe Drinking Water Act. The ratepayer currently pays for the analyses through a tax assessed by the State of New Mexico. Having the Water Authority conduct the analysis returns much of that money back to utility to support and improve its mission to protect public health and safety under the Safe Drinking Water Act Also, IDEXX products help improve laboratory efficiencies by reducing the amount time required to determine a final result. Most standard methods for e.coli require two separate tests and a 48-hour incubation period. IDEXX products have reduced the incubation period to 24 hours with only one test.

7. Attach negotiated cost or fee schedule, as applicable, along with evidence confirming that the price is most advantageous to the Water Authority.

### Requirement:

At least fifteen days before a sole source contract is awarded, the Central Purchasing Office shall post this notice of intent to award any sole source contracts for goods, services, or construction, on its website.

Any qualified potential contractor may protest an intent to award a sole source procurement to the Central Purchasing Office. The protest shall be submitted in writing within fifteen calendar days of the notice of intent to award a contract being posted by the Central Purchasing Office.

## SOLE SOURCE PURCHASE REPORT

The signature below certifies that this justification is accurate and complete to the best knowledge and belief of the individuals signing:

Requestor's Signature:

*Shawn Hardeman*

Title:

2/4/21 07:07 MST

Date

Signature Acknowledgement from the Division Manager:

*Danielle M. Shuryn*

Division Manager

2/5/21 09:52 MST

Date

Review and Verification by Purchasing Officer:

*[Signature]*

Purchasing Officer

2/5/21 12:41 MST

Date

December 29, 2020

Please accept this letter as confirmation that IDEXX Distribution, Inc. (FEIN # 35-2186625) is a wholly owned subsidiary of IDEXX Laboratories, Inc. and is the **sole supplier** of the following products to the Water Market:

Product	Sole Manufacturer	Sole Supplier in US Water Testing Market
Colilert* reagent	Yes	Yes
Colilert* Comparator	Yes	Yes
Colilert*-18 reagent	Yes	Yes
Colisure* reagent	Yes	Yes
Enterolert* reagent	Yes	Yes
Pseudalert* reagent	Yes	Yes
Legiolert* reagent	Yes	Yes
IDEXX Vessel	Yes	Yes
Quanti-Tray* Sealer PLUS	Yes	Yes
Quanti-Tray*	Yes	Yes
All Colilert* Starter Kits	Yes	Yes
All 20-pack, 100-pack, and 200-pack Combo Packs	Yes	Yes
IDEXX-QC		Yes
Quanti-Cult™ QC kit	Yes	Yes
SimPlate* for HPC test kit	Yes	Yes
HPC for Quanti-Tray* reagent	Yes	Yes
Filta-Max <i>xpress</i> Filter modules	Yes	Yes
Filta-Max <i>xpress</i> pressure Elution station	Yes	Yes
Filta-Max manual wash station		
Filta-Max filter modules	Yes	Yes
	Yes	Yes

Please note that IDEXX Distribution, Inc. was formed as a wholly owned subsidiary of IDEXX Laboratories, Inc. because our shipping location moved from Westbrook, Maine to Memphis, Tennessee.

I hope this information is of assistance. If you have any questions, please contact me at 1-800-321-0207 ext.66179

Sincerely,

*Amanda Nowinski*

\*Colilert, Colilert-18, Colisure, Enterolert, Pseudalert, Legiolert, Quanti-Tray, SimPlate, IDEXX-QC and Filta-Max are trademarks or registered trademarks of IDEXX Laboratories, Inc. or its affiliates in the United States and/or other countries.