

A sole source **determination** is not effective until the **sole source request for determination** has been posted for thirty (30) calendar days without challenge, and subsequently approved in writing by the MRCOG Chief Procurement Officer.

I. Name of Agency: Mid-Region Council of Government
Agency Chief Procurement Officer: Kim Monjaras
Telephone Number: 505-247-1750

II. Name of prospective Contractor: AM Signal
Address of prospective Contractor:
8100 Southpark Way, Unit A-10
Littleton, Co 80120

Amount of prospective contract:
\$23,875.04

Term of prospective contract:
Single purchase

III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract:

- a. FLR AC-DA-300, Acylica D300 Wifi Traffic Data Collector
- b. FLR AC MIMO-ANT 5-band Antenna
- c. Acylica DA-300 cellular service

IV. Provide a detailed, sufficient explanation of the reasons, qualifications, proprietary rights or unique capabilities of the prospective contractor that makes the prospective contractor **the one source** capable of providing the required professional service, service, construction or item(s) of tangible personal property. (Please do not state the source is the "best" source or the "least costly" source. Those factors do not justify a "sole source.")

Response – The problem that we faced with data collection was due to the longer corridor lengths, the need for a device with the capabilities of a strong signal capture rate, and finally, a cloud-based querying, reporting, and archiving service included. Throughout 2014 and after reviewing the Bluetooth enable devices (considered first generation) through consultations with local agencies and vendors, I determined that that technology would not suffice. It was then that my research led me to discussions with the City of Greely Colorado Public Works and their experience with the Wifi enabled devices, considered "second generation". The wifi capabilities met my specs for a higher than normal minimum capture rate, and as it turned out, Acylica owns the patent for this communication technology as included in the Roadtrend and DA series devices. Also included with the Acylica product line is the cloud-based querying, reporting, and archiving capabilities. We needed a minimum of 25% capture rate, se devices are additional and will complement the same type of devices that we already have deployed and that are in operation for the purpose of collecting wifi-based travel time and speed data. The devices are uniquely able to collect this data under the required multi agency and sizable length of the corridors involved. Since the Roadtrend product, Acylica, now owned by Flir, has improved the device naming it the DA 3000/4000. AM Signal in close partnership with Acylica is uniquely qualified to support this endeavor given the nature of the data collection and support needs and the familiarity with the region including current involvement with the agency stakeholders involved. The data is shared by MRCOG with the member agencies including the City of Rio Rancho, City of Albuquerque, NMDOT, and Bernalillo

County.

- V. Provide a detailed, sufficient explanation of how the professional service, service, construction or item(s) of tangible personal property is/are **unique and how this uniqueness is substantially related to the intended purpose of the contract.**

Response - The Acyclica devices, for which AM Signal is the sole supplier for Acyclica and parent company Flir, utilize WiFi communications which are far superior to other competitors that rely on Bluetooth. Acyclica owns the patents (PN 9842495, 9349286) to this particular capability,

- VI. Explain why other similar professional services, services, construction or item(s) of tangible personal property **cannot** meet the intended purpose of the contract.

Response – Bluetooth devices was also evaluated, and it was determined that as a package they did not include wifi, nor did they include with purchase the cloud-based data analysis, query, and archiving service. AM Signal is the sole supplier for Acyclica, who’s wifi-based data collection form the basis of this data collection array. Also, the Acyclica devices include cloud-based data reporting. No other vender offers the Acyclica device.

- VII. Provide a narrative description of the agency’s due diligence in determining the basis for the procurement, including procedures used by the agency to conduct a review of available sources such as researching trade publications, industry newsletters and the internet; reviewing telephone books and other advertisements; contacting similar service providers; and reviewing the State Purchasing Agent’s vendor list. Include a list of businesses contacted (**do not state that no other businesses were contacted**), date of contact, method of contact (telephone, mail, e-mail, other), and documentation demonstrating an explanation of why those businesses could not or would not, under any circumstances, perform the contract; or an explanation of why the agency has determined that no businesses other than the prospective contractor can perform the contract.

Response – The needs of the corridor, ie, longer than standard roadway data collection lengths, necessitate the need for the WiFi based devices. Beginning in the spring of 2015, I had initiated a review of industry standards, trade publications, and conducted discussions with outside agency colleagues in Colorado and Arizona in review of roadside device capabilities. These discussions revealed that the Acyclica product was the only product that could integrate the necessary high-level data collection capabilities as well as provide a cloud-based archiving, querying, and summary report feature. Contact was then made to Acyclica directly in July of 2015 via a presentation at an ITS New Mexico membership meeting and follow up communication with staff and representatives from Acyclica and AM Signal.

Certified by:

Kim Monjaras
Chief Procurement Officer

Date: 10/9/19

Agency Approval by:

Dewey V. Cave
Executive Director, Dewey V. Cave

Date: 10-10-19