

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: **Rio Metro Regional Transit District**

Agency Chief Procurement Officer: **Kim Monjaras**

Telephone Number: **505-247-1750**

II. Name of prospective Contractor: **Federal Heath**

Address of prospective Contractor: **1500 N. Bolton St., Jacksonville, TX 75766**

Amount of prospective contract: **\$15,000 \$20,000**

Term of prospective contract: **3 – 5 months**

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

Federal Heath will design, manufacture, permit and install an entrance sign for a newly constructed parking lot at the 14-year old Los Ranchos/Journal Center Station. See item V. for a more detailed description of the entry sign.

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.

Federal Heath was originally selected by RFP to design, manufacture, permit and install all of the custom entrance, kiosk, mast, station ID and other signs at the 15 Rail Runner stations constructed between 2006 and 2014. Per their sole source letter and notes on the design drawings, Federal Heath retains a proprietary right to the design and manufacture of the custom signs and is, therefore, the one source capable of reproducing them.

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.

It is in Rio Metro's interest to consistently sign Rail Runner stations so that they are readily identifiable and recognized as part of a common system. Consequently, in order for the entrance sign at the new parking lot to match the signage at the Los Ranchos/Journal Center and other existing stations, Rio Metro must work with Federal Heath per item IV.

In and of itself, the 20-foot tall entrance sign in question is rather unique. It features the bird logo, station icon, station name and "Rail Runner" text each in their own shaped, internally

illuminated cabinets. The sign also includes multiple materials, colors, finishes and fonts. It is clearly not an "off-the-shelf" product that might be carried by multiple companies, thus negating Federal Heath's proprietary interest.

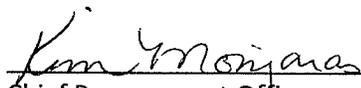
- VI. Explain why other similar professional services, services, construction or item(s) of tangible personal property *cannot* meet the intended purpose of the contract.
As it is in Rio Metro's interest to have consistent signage for the entire Rail Runner system, a similar product would not be acceptable. Furthermore, the design and appearance of any similar product would actually have to be quite dissimilar from Federal Heath's design to avoid encroaching on their proprietary interest.

Looking ahead, if Rio Metro were to someday replace the signage on the Rail Runner system in its entirety with a new design, materials, etc., it would be perfectly reasonable to issue an RFP and solicit proposals from multiple vendors at that time.

- 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.

Rio Metro staff exercised due diligence in this procurement. Staff located the original design drawings and other relevant documents to better understand the past procurement of Rail Runner signage and Federal Heath's proprietary interest. Staff also checked State of New Mexico price agreements and contacted Federal Heath to determine if there were any other contracts (e.g., GSA) that Rio Metro could potentially use to more readily procure the entrance sign through Federal Heath. Having no other mechanism available, Rio Metro is engaging the sole source process.

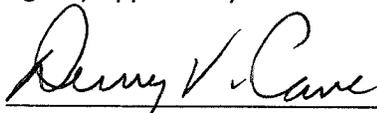
Certified by:



Chief Procurement Officer

Date: 5/19/20

Agency Approval by:



Executive Director, Dewey V. Cave

Date: 5-19-2020