

## ***Proposed Sole Source Purchases – Document 2024-02***

- ***Eco-Counter Bicycle and Pedestrian Counting Equipment which also includes Eco-Visio software is proprietary and Eco-counter support software is proprietary.***

The Mid-Region Council of Governments intends to make a purchase for which it believes there is no competition. This will be a "Sole Source" purchase made in accordance with State of New Mexico 13-1-126 NMSA 1978. The purpose of this notice is to attempt to identify possible alternatives.

### ***How to Comment/Respond***

Any potential vendor who does not agree that this product or service is available only from the intended source must contact this office within thirty (30) calendar days from the date posted.

Your response must be in writing and a description of the product or service you are offering as an equivalent must be included.

Please send your response, via e-mail by sending an email to [ppino@mrcog-nm.gov](mailto:ppino@mrcog-nm.gov). Please reference the Document Number of the Sole Source/Emergency Procurement you have interest in.

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 Governments

Agency Chief Procurement Officer: Phil Pino

Telephone Number: 505-247-1750

- II. Name of prospective Contractor: Eco-Counter

Address of prospective Contractor: 605-3981 Saint-Laurent Blvd – Montreal, QC CANADA

Amount of prospective contract: Approximately \$56,840

Term of prospective contract: Purchase of bicycle and pedestrian counting equipment

- III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract: Purchase of bicycle and pedestrian counting equipment, shipping, remote installation assistance, and professional package (software subscription, alert service, dashboards, annual data validation and reconstruction, weather module.

- 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 – Eco-Counter offers the widest range of bicycle and pedestrian counters that have been tested by various well-respected agencies and organizations. MRMPO currently maintains seven Eco-Counters in the metro area and has been collecting this data for over ten years. New equipment would collect data in a similar way and would transmit data to our existing dashboard. All data collected would be stored and be accessible on the same software platform. MRMPO has worked extensively with Eco-Counter and has found their customer service to be excellent and invaluable.

- 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 – In addition to their counters, which allow for automatic data transmission, do not require an electricity source, and which are able to differentiate between cyclists and pedestrians as well as the direction of travel, Eco-Counters have patented technology that allows the logger to transmit data from the counter to the Eco-Visio server over a cellular network. The company also offers a proprietary online platform that allows for the management of the counters.

- 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 – No other known vendor offers the ability to automatically transmit data. The Eco-Visio software is proprietary software. In addition, Eco-Counter’s support software program is proprietary.

- 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 – MRMPO contracted with a consultant over the past year and half to conduct a study that looked into expanding the organization’s non-motorized counts program. As part of the study, other technologies and vendors were looked into and considered during research and peer agency discussion as well as with consultation with a national expert. No other vendor emerged that offered products comparable to Eco-Counter. For these reasons and those outlined in the attached letter, MRMPO believes the sole source request is justified.

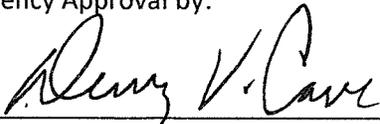
Certified by:



Chief Procurement Officer

Date: 3/28/2024

Agency Approval by:



Executive Director, Dewey V. Cave

Date: 3-28-24

Tara Cok  
Mid-Region Council of Governments  
809 Copper Ave NW  
Alberquerque, NM 87102

March 20, 2024

**Subject:** Sole source justification for Eco-Counter

Eco-Counter specializes in bicycle and pedestrian counting. Our clientele span over 55 countries, 9 Canadian provinces and 49 US states. Eco-Counter provides the widest range of equipment, longest track record and is the foremost provider of bike and pedestrian counters. Eco-counters have been tested by institutions such as Texas A&M, Portland State University, Minnesota DOT, North Carolina DOT, and the Washington State DOT and the Transportation Research Board (NCHRP 797).

Since 2000, Eco-Counter has focused on developing solutions dedicated to automatically count pedestrians and cyclists, with some counters developed specifically to differentiate user types. Thanks to this focus, we offer the widest range of counters with proven track records in the harshest environments. These counters are designed to be versatile, autonomous, discrete, and rugged. In addition, the counters have 2-year battery autonomy, wireless connectivity (Bluetooth and cellular), directional data recording, waterproof housing (IP66 or 68), and accurate counts in both urban and rural areas.

Below is a summary of the products discussed.

**Hardware**

**Urban MULTI Evo for Pedestrians and Cyclists**

This system uses ZELT Evo inductive loops and PYRO Evo infrared sensors to count pedestrians and cyclists and is capable of distinguishing between the two. This is a permanently installed counter used for shared paths with the option of directional counting. This system is easy to install, weather resistant, and waterproof (rated IP68). All data is transmitted wirelessly by either Bluetooth or cellular network. This automated system has a 2-year battery life and is compatible with the Eco-Visio Web Platform.

**Eco-Counter Batteries**

The batteries used to power the systems have been specifically designed to be compatible with Eco-Counter products. The combination of battery voltages in any one unit and the hardware used to connect the batteries to the counter are unique to Eco-Counter. As such, Eco-Counter, Inc. is the only vendor able to provide compatible batteries for our counters. The use of any other battery would be considered a deliberate mishandling of the counting equipment, voiding the warranty of the unit.



## 4G Upgrades

In 2008, Eco-Counter launched automatic data transmission service, enabling users to receive their count data via cellular network without having to visit their counter every day. These early generation of counters relied on a GSM modem connected to 2G or 3G cellular networks to transmit the count data. Today, carriers in the United States and around the world are shutting down their 2G and 3G networks in favor of 4G and 5G technologies. Exact sunset dates vary by network and by region, but in the United States most networks do not guarantee continued 2G service after the end of 2021, and 3G service after the end of 2022. The affected counters will continue to accurately collect count data, and no data will be lost – the 2G/3G sunsets only impact the transmission of data. The new 4G counters and loggers will be able to communicate with new 5G telecommunication networks, and continue to provide you with automatic daily count data transmission from your counters. The new 4G loggers are manufactured exclusively by Eco-Counter, and store data within the logger for up to 11 months. These loggers have patented technology that allow the logger to transmit data from the counter to the Eco-Visio server via a cellular network.

## Software

### Eco-Visio software

Our proprietary online platform dedicated to bike & pedestrian data, Eco-Visio, allows you to manage your fleet of counters and analyze count data down to the 15-minute interval. The Eco-Visio platform makes it possible to easily customize dashboards and share data with other users thanks to the ability to create numerous user accounts with different rights and workspaces. Eco-Visio is provided with all Eco-Counters. Eco-Counter is the sole provider of this software. At an additional cost, we offer clients the option to overlay weather data on pedestrian and cyclist data to integrate weather indicators into your analyses, and an API to access count data automatically and securely for the development of custom websites and mobile applications.

### Automatic Data Transmission (to Eco-Visio Webpage)

It is physically and technologically impossible to procure the automatic data transmission service from another vendor. Eco-Counter embeds a SIM card inside the logger and immerses it (and other components) in resin for to ensure the system is completely waterproof. The SIM card is programmed to send data only to the Eco-Counter servers. The Eco-Counter servers send the data and information from the counter you see to be visualized in the Eco-Visio data analysis software used by BMTS. The Eco-Visio software is an Eco-Counter proprietary software available through no other vendor. Additionally, the Eco-Counter servers send data to a software program Eco-Counter uses internally to provide technical support. This support software program is a proprietary program developed in-house by Eco-Counter.

Eco-Counter Inc. is the sole source provider for these products in the USA and does not sell through any third-party dealers or distributors.

Please feel free to contact me for further details.



Sincerely,

*Julie Babin*

Julie Babin, Client Consultant  
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