



## STATE OF NEW MEXICO SOLE SOURCE REQUEST AND DETERMINATION FORM

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 State Purchasing Agent or, for Professional Services Agreements, the Secretary of the Department of Finance and Administration. The foregoing requirement is regardless of whether the *sole source request for determination* has been signed by the Agency and/or the Contractor.

I. Name of Agency: Lower Rio Grande Public Water Works Authority

Agency Chief Procurement Officer: Kathi Jackson

Telephone Number: (575)233-5742

II. Name of prospective Contractor: Pure Ops

Address of prospective Contractor: 748 West Palms Las Cruces, NM 88007

Amount of prospective contract: approximately \$20,000 per year

Term of prospective contract: 2 years

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

**Aqua Smart, Inc. products – SeaQuest “Dry” and SeaQuest “Liquid”**

**SeaQuest is a sequestering agent used for corrosion control and to remove iron and manganese from water supplies.**

IV. Provide an explanation of the criteria developed and specified by the agency as necessary to perform and/or fulfill the contract and upon which the state agency reviewed available sources. (Do not use “technical jargon;” use plain English. Do not tailor the criteria simply to exclude other contractors if it is not rationally related to the purpose of the contract.)

A product is needed to eliminate discoloration and staining caused by iron and manganese in the water supply. The product should also be able to remove pre-existing scale and corrosion and provide optimum corrosion control protecting distribution piping and

increasing its life span. An ability to function at lower pH levels eliminating the need for any other post pH adjustment which improves chlorine stability and increases chlorine residuals, both lowering the potential for THM (trihalomethanes—carcinogens) formation.

- V. 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.”)

Failure to treat the water would result in a decline in water quality and shorten the life span of the piping and distribution system. SeaQuest does not require additional treatment for pH levels which would increase the cost of treatment. Pure Ops is the only distributor in NM. (See attached letter) The Authority has been using this product for many years and are uncertain of the effects of changing products would have on our water system.

- VI. 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.***

Sequestration is a chemical combination of a chelating agent and metal ions in which soluble complexes are formed. Hardness ions are metal ions commonly found in water and include calcium and magnesium. Sequestration is dependent upon pH; a given sequestrant works best in a particular pH range. Sodium hexametaphosphate (SHMP) performs very well at neutral pH ranges, while pyrophosphates work best under alkaline conditions.

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

The Authority provides water in several different areas with differing conditions. We are able to use SeaQuest at all locations regardless of the conditions. Other products would require additional treatment to achieve acceptable pH levels to work which would incur additional costs. AquaSmart is stable in the presence of chlorine at the levels found in potable water. There are no interactions that reduce the levels or effectiveness of the chlorine. In addition, iron and manganese sequestered as colorless complexes before chlorination will remain colorless after chlorination.

VIII. 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.

Based on information provided by our General Manger and Operations Manager who are both Level 4 Certified Water Operators, there is no other product that has been as effective in removing iron and manganese from the water supply without need to use additional chemicals to treat pH levels and chlorine residuals. We have also reviewed the State Purchasing contracts and vendor list and could not locate another vendor that provides a similar product. We have included a letter from the manufacturer stating that they only sell the product through authorized dealers.

Certified by:

Date: 3/19/19

  
\_\_\_\_\_  
Agency Chief Procurement Officer  
Kathi Jackson, Finance Manager

Agency Approval by:

Date: \_\_\_\_\_

\_\_\_\_\_  
Cabinet Secretary/Agency or Entity Head or Designee

APPROVED:

Date: \_\_\_\_\_

\_\_\_\_\_  
State Purchasing Agent

***If this sole source relates to a procurement of general services:***

- 1) the signature of the State Purchasing Agent on this form certifies the sole source has been posted for thirty (30) calendar days and has received no challenges;
- 2) the sole source is granted as of the date of signature by the State Purchasing Agent; and

- 3) the signature of the State Purchasing Agent on this form is the final signature required for this sole source procurement.

***If this sole source relates to a procurement of professional services:***

- 1) the email from State Purchasing or the printout from the SPD database certifies the sole source has been posted for thirty (30) calendar days and has received no challenge(s); and
- 2) the signature of the Cabinet Secretary of the Department of Finance and Administration (below) is required; and
- 3) this sole source is granted as of the date of signature by the Cabinet Secretary of the Department of Finance and Administration.

APPROVED:

Date: \_\_\_\_\_

\_\_\_\_\_  
Cabinet Secretary Department of Finance and Administration

***If this sole source is being submitted by a governmental agency or governmental entity not under the final authority of the State Purchasing Agent or the Department of Finance and Administration, neither the State Purchasing Agent's nor the Department of Finance and Administration Secretary's signature are required. Those signature lines may be removed from this form or marked as N/A.***

# *Aqua Smart, Inc.*

CORROSION, SCALE, HARD & COLORED WATER CONTROL

4445 Commerce Dr. SW. Suite A-4  
Atlanta, Georgia 30336-1962

1-800-278-2762  
E-Mail: [info@aquasmartinc.com](mailto:info@aquasmartinc.com)

Phone: (404) 696-4406  
Fax: (404) 696-3712

## **RE: Authorized Representative – New Mexico**

To Whom It May Concern:

Pure Operations LLC (Pure Ops) is the only authorized distributor for Aqua Smart, Inc. for the State of New Mexico.

There are no other companies authorized to sell SeaQuest 'Dry' or SeaQuest 'Liquid', service or support our chemical technology within the State of New Mexico.

For information and pricing, please contact:

PureOps  
748 West Palms  
Las Cruces, NM 88007  
Phone: (575) 523-1482  
E-Mail: [sales@pureops.com](mailto:sales@pureops.com)

Sincerely,



David Bogart  
US Municipal Accounts Manager  
Aqua Smart, Inc.  
4445 Commerce Drive, SW  
Suite A 4  
Atlanta, GA 30336  
404.696.4406 (o)  
404.696.3712 (f)  
800.278.2762 (800.AquaSmart)  
[info@AquaSmartInc.com](mailto:info@AquaSmartInc.com)

**Aqua Smart, Inc. is the exclusive manufacturer of SeaQuest an N.S.F. certified product**



Thank you for your submission.  
The procurement will be reviewed by one of our buyers.

Print

**Agency :** O1026 - LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY  
**Procurement** 90-O1026-19-CP034  
**Number :**  
**Next Step :** REVIEW  
**Uploaded Files :** Sole Source Determination: SeaQuest Sole Source.pdf  
**Completed date :** Tuesday, March 19, 2019 11:35 AM  
**Completed by :** Kathi Jackson



