

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: June 20, 2023
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:
Richard J. Bristol, Streets and Maintenance Director, (915)
212-7000 K. Nicole Cote, Managing Director, (915) 212-1092

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 7 – Enhance and Maintain the City's Infrastructure Network

SUBGOAL: 7.2 - Improve competitiveness through infrastructure improvements impacting the quality of life

SUBJECT:

Discussion and action on the request that the Managing Director of Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to H.D. Industries, Inc., the sole and authorized distributor for the 2023-0539 Pro Patch Proprietary Parts, for a term of three (3) years for an estimated amount of \$120,000.00, with a stipulation that H.D. Industries, Inc. provides an updated sole source letter and affidavit each year.

BACKGROUND / DISCUSSION:

This contract will allow for the purchase of all parts for the Pro Patch Asphalt Pothole Patcher used by the Streets and Maintenance Department.

SELECTION SUMMARY:

General Exemption under Texas Local Government Code Section 252.022 Part 7 (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies. H.D. Industries, Inc. is the sole manufacturer and distributor of Pro Patch proprietary parts necessary to ensure compliance with original manufacturer standards.

CONTRACT VARIANCE:

The difference based in comparison to the previous contract is as follows: An increase of \$20,000.00 per year, which represents a 33.33% increase due to increased parts prices.

PROTEST

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$120,000.00
Funding Source: Internal Service Fund
Account: 532 – 3600 – 531210 – 37020 – P3701 (Parts)

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Streets and Maintenance

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:


Richard J. Bristol – Streets and Maintenance Director

6-5-23

**COUNCIL PROJECT FORM
(SOLE SOURCE)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR** agenda for the Council Meeting of **June 20, 2023**.

Strategic Goal 7: Enhance and Sustain El Paso’s Infrastructure Network

The linkage to the strategic plan is subsection 7.2 – Improve Competitiveness Through Infrastructure Improvements Impacting the Quality of Life.

Award Summary:

Discussion and action on the request that the Managing Director of Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to H.D. Industries, Inc., the sole and authorized distributor for the 2023-0539 Pro Patch Proprietary Parts, for a term of three (3) years for an estimated amount of \$120,000.00, with a stipulation that H.D. Industries, Inc. provides an updated sole source letter and affidavit each year. This contract will allow for the purchase of all parts for the Pro Patch Asphalt Pothole Patcher used by the Streets and Maintenance Department.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$20,000.00 per year, which represents a 33.33% increase due to increased parts prices.

| | |
|--------------------------|---|
| Department: | Streets and Maintenance |
| Award To: | H.D. Industries, Inc. |
| | Jacksonville, TX |
| Initial Term: | 3 Years |
| Annual Estimated Amount: | \$40,000.00 |
| Total Estimated Amount: | \$120,000.00 |
| Account No.: | 532 – 3600 – 531210 – 37020 – P3701 (Parts) |
| Funding Source: | Internal Service Fund |
| District(s): | All |

This is a Sole Source contract in accordance with Texas Local Government Code 252.022(a)(7)(a).

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to H.D. Industries, Inc., the sole and authorized distributor.

*******ADDITIONAL INFO BELOW*******



PURCHASING & STRATEGIC SOURCING DEPARTMENT

SOLE SOURCE AFFIDAVIT

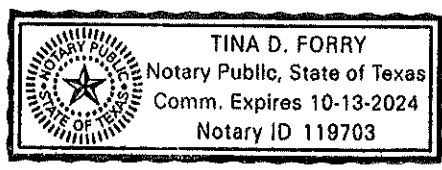
THIS IS AN OFFICIAL PURCHASING DOCUMENT-RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is Brad Dillingham. I am over the age of 18, have never been of a convicted crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: H.D. Industries, Inc
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):
All Parts, Services, and Consumables required for the Operation and Maintenance of Pro-Patch Asphalt Patching Hot Boxes.
4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
6. **Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.**

Brad Dillingham
Signature

SUBSCRIBED AND SWORN to before me on this 27 day of APRIL 2023



Tina D. Forry
NOTARY PUBLIC
TINA D FORRY
PRINTED NAME
10-13-2024
MY COMMISSION EXPIRES

COMPANY NAME: H.D. Industries, Inc

ADDRESS, CITY, STATE & ZIP CODE: PO Box 8250, JACKSONVILLE, TX, 75766

PHONE: 903-586-6126 FAX NUMBER: N/A

CONTACT NAME AND TITLE: BRAD DILLINGHAM, VICE PRESIDENT

WEB ADDRESS: pro-patch.com EMAIL: brad@pro-patch.com

FEDERAL TAX ID NUMBER: 75-2117282 TEXAS SALES TAX NUMBER: N/A



H.D. Industries, Inc.

Pro-Patch Pothole Patcher

P.O. Box 8250 / Jacksonville, TX 75766 / (903) 586-6126 / www.pro-patch.com

April 27, 2023

To whom it may concern:

H.D. Industries, Inc. is the sole manufacturer of the *Pro-Patch* Asphalt Pothole Patcher, and all related equipment parts. We are the sole source and distributor for the Pro-Patch parts and we have the exclusive territory for the state of Texas.

Features include:

Dry Radiant Heat System, U.S. Patent# 5988935

- The body has a dry radiant heat chamber heated by 2 each 150,000 BTU retort tube propane burners with vertical exhaust stacks.

Exhaust Stack Dampener system, U.S. Patent# 6681761

- Exhaust stacks have an automatic electronic dampener that opens when burners are fired and closes when burners shut off to prevent heat loss.

Hydraulic Door safety System, U.S. Patent# 7037034

- Hydraulic valve has an internal or external safety design that will protect the operator by not allowing the screw conveyor or asphalt agitator to operate when the doors are open.

Emulsion Rejuvenation System, US Patent# 16597547

- The tank is equipped with an automatic rejuvenation system, that will help keep the emulsion oil from separating which will prevent pump and lines from clogging up and eliminate sludge and build-up in the tank.

Heat Riser Plates, US Patent# 10676877

- The Asphalt Heat Riser Plates are thermostat controlled, low density 500 watt heat riser plates that run parallel in the upper part of the asphalt hopper to keep the entire load of asphalt hot and eliminate bridging.

For any further information, please call me at (903) 586-6126 or visit our web site at www.pro-patch.com.

Harold Dillingham
President