

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

AGENDA DATE: February 28, 2023
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Ellen Smyth, Chief Transit and Field Operations Officer, (915) 212-6060
Claudia A. Garcia, Interim Director of Purchasing & Strategic Sourcing, (915) 212-1218

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 7 – Enhance and Sustain El Paso's Infrastructure Network

SUBGOAL: 7.3 – Enhance regional comprehensive transportation system.

SUBJECT:

Discussion and action on the request that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue a Purchase Order(s) to Cummins, Inc. dba Cummins Sale and Service, the sole and authorized distributor for the 2022-803 CNG Engines, Generator Parts & Services for a term of three (3) years for an estimated amount of \$3,090,000.00, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

BACKGROUND / DISCUSSION:

This contract will provide Sun Metro with parts and repair services and for the CNG Engines and Generators. The CNG Engines are located at Transit Operations Center and LIFT Facilities.

SELECTION SUMMARY:

General Exemption under Local Government Code Section 252.022 (a) (7) (D) Captive Replacement Parts or Components for Equipment. Cummins Sales and Services is the Sole Source Distributor located in the El Paso region.

CONTRACT VARIANCE:

The difference based in comparison to the previous contract is as follows: An increase of \$18,000.00 for the initial term, which represents a 0.59% increase due to current market conditions and inflation.

PROTEST

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$3,090,000.00

Funding Sun Metro FTA Formula 5307 Grants

Account: 532010-560-3215-60050-P6018-G60195307-P60FTA117

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Mass Transit (Sun Metro)

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:

 For Ellen Smyth

Ellen Smyth, Chief Transit and Field Operations Officer

**COUNCIL PROJECT FORM
(Sole Source)**

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

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **February 28, 2023**

STRATEGIC GOAL: No. 7: Enhance and Sustain El Paso's Infrastructure Network

The linkage to the Strategic Plan is subsection 7.3 – Enhance regional comprehensive transportation system.

Discussion and action on the request that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue a Purchase Order(s) to Cummins, Inc. dba Cummins Sale and Service, the sole and authorized distributor for the 2022-0803 CNG Engines, Generator Parts & Services for a term of three (3) years for an estimated amount of \$3,090,000.00, with the stipulation that the vendor provides an updated sole source letter and affidavit each year. This contract will provide Sun Metro with parts and repair services and for CNG Engines and Generators. The CNG Engines are located at Transit Operations Center and LIFT Facilities.

CONTRACT VARIANCE:

The difference based in comparison to the previous contract is as follows: An increase of \$18,000.00 for the initial term, which represents a 0.59% increase due to current market conditions and inflation.

Department:	Mass Transit (Sun Metro)
Award to:	Cummins, Inc. dba Cummins Sale and Service El Paso, TX
Annual Estimated Award:	\$1,030,000.00
Total Estimated Award:	\$3,090,000.00 (3 Years)
Account No.:	560 – 3215 – 60050 – 532010 – P6018 – P60FTA117-G60195307
Funding Source:	Federal Transit Administration Formula 5307 Grants
District(s):	All

This is a Sole Source contract. Texas Local Government Code Section 252.022 (a) (7) (D) Captive Replacement Parts or Components.

The Purchasing & Strategic Sourcing and Mass Transit (Sun Metro) departments recommend award as indicated to Cummins, Inc. dba Cummins Sale and Service, the sole and authorized distributor for these goods and services.



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:

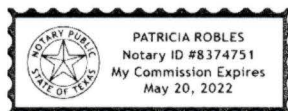
1. My name is Carlos Payan. I am over the age of 18, have never been of a convicted crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: Cummins Inc.
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):

LNG CNG Parts and Service for all Cummins Engines and Power Generation Products

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.**

Carlos Payan
Signature

SUBSCRIBED AND SWORN to before me on this 10 day of February



Patricia Robles
Digitally signed
by Patricia Robles
Date: 2022.02.10
13:22:44 -07'00'

Patricia Robles
NOTARY PUBLIC
Patricia Robles
PRINTED NAME
05/20/2022
MY COMMISSION EXPIRES

COMPANY NAME: Cummins Sales and Service
ADDRESS, CITY, STATE & ZIP CODE: 14333 Gateway Blvd West, El Paso TX, 79928
PHONE: 915 791-6600 800 800-4240 FAX NUMBER: 915 852-3295
CONTACT NAME AND TITLE: Carlos Payan General Manager
WEB ADDRESS: salesandservice.cummins.com EMAIL: carlos.payan@cummins.com
FEDERAL TAX ID NUMBER: 35-0257090 TEXAS SALES TAX NUMBER: 1-35-0257090-9



Cummins Sales and Service
14333 Gateway West
El Paso TX 79928
Direct 915 791 6600
Toll free 800 800 4240
salesandservice.cummins.com

February 10, 2022

This letter serves as notification that Cummins Sales and Service is the **OEM** factory authorized service and parts provider for Cummins Engines and Power Generation Products in the United States.

Additionally, Cummins Sales and Service is the **OEM** service provider with the necessary programming and troubleshooting software for Cummins Engines and Power Generation Products.

Other vendors who are not trained and do not have the proper software and tooling required for Cummins Engines and Power Generation Products are not qualified to work on these products.

Any service work done by a vendor that cannot provide a letter of authorization from Cummins stating they are authorized to perform repairs and troubleshooting on Cummins Engines and Power Generation Products may jeopardize and possibly void all warranty coverage(s) on systems that are currently under warranty.

Please refer to your specific warranty documents supplied with your Engine and Power Generation systems for further information.

A handwritten signature in black ink, appearing to read 'Carlos M. Payan'. The signature is fluid and cursive, with a large, sweeping loop at the end.

Carlos M. Payan
General Manager
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14333 Gateway West
El Paso TX 79928
Direct 915 791 6606
Cell 915 503 0280
Toll free 800 800 4240
salesandservice.cummins.com
carlos.payan@cummins.com