

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

AGENDA DATE: May 9, 2023
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Ellen Smyth, Chief Transit and Field Operations Officer, (915) 212-6060
K. Nicole Cote, Managing Director (915) 212-1092

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:

Request that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue a Purchase Order(s) to Avail Technologies, Inc. the sole and authorized distributor for 2023-0420 Enterprise Resource Management (ERP) Software and Support for a term of three (3) years for an estimated amount of \$254,284.00.

BACKGROUND / DISCUSSION:

This contract will allow for the purchase of myAvail Enterprises Transit Management Solution (ETMS) software cloud base conversion, warranty, maintenance, and support directly from Avail necessary to support the converted software cloud base system and maintain the functionality of the Enterprise Resource Management (ERP) software.

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. Avail Technologies, Inc., the sole and authorized distributor of Avail Enterprise Resource Management (ERP) software, myAvail Enterprises Transit Management Solution (ETMS) software, warranty, maintenance, and support.

CONTRACT VARIANCE:

The difference based in comparison to the previous contract is as follows: An increase of \$174,538.00 for the initial term, which represents a 218.87% increase due to software conversion and an increase in user licenses being purchased.

PROTEST

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$254,284.00

Funding Source: Sun Metro Operating Fund

Account: 560-3200-60030-522020-P6005

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Mass Transit (Sun Metro)
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:

Astrid Bunner

Astrid Bunner for Ellen Smyth, Chief Transit and Field Operations Officer

**COUNCIL PROJECT FORM
(Sole Source)**

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

Please place the following item on the **CONSENT AGENDA** for the Mass Transit Board Meeting of **May 9, 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.

Request that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue a Purchase Order(s) to Avail Technologies, Inc. the sole and authorized distributor for 2023-0420 Enterprise Resource Management (ERP) Software and Support for a term of three (3) years for an estimated amount of \$254,284.00, with the stipulation that the vendor provides an updated sole source letter and affidavit each year. This contract will allow for the purchase of myAvail Enterprises Transit Management Solution (ETMS) software cloud base conversion, warranty, maintenance, and support directly from Avail necessary to support the converted software cloud base system and maintain the functionality of the Enterprise Resource Management (ERP) software.

Department:	Mass Transit (Sun Metro)
Award to:	Avail Technologies, Inc. State College, PA
Year 1 Total:	\$105,450.00
Year 2 Total:	\$72,602.00
Year 3 Total:	\$76,232.00
Total Estimated Amount:	\$254,284.00 (3 years)
Account No.:	560-3200-60030-522020-P6005
Funding Source:	Sun Metro Operating Fund
District(s)	All
Sole Source No.:	2023-0420

This is a Sole Source contract.

The Purchasing & Strategic Sourcing and Mass Transit (Sun Metro) Departments recommend that the contract be awarded as indicated to Avail Technologies, Inc. the sole source and authorized distributor for myAvail Enterprises Transit Management Solution (ETMS).



PURCHASING & STRATEGIC SOURCING DEPARTMENT

SOLE SOURCE AFFIDAVIT

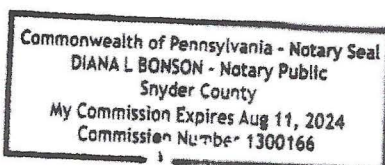
THIS IS AN OFFICIAL PURCHASING DOCUMENT-RETAIN WITH PURCHASE ORDER FILE

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 DORSEY HOUTZ. 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: AVAIL TECHNOLOGIES
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):
ENTERPRISE RESOURCE MANAGEMENT SOFTWARE
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.**

Signature

SUBSCRIBED AND SWORN to before me on this 20th day of October 2022



NOTARY PUBLIC

PRINTED NAME

MY COMMISSION EXPIRES

COMPANY NAME: Avail Technologies, Inc.
ADDRESS, CITY, STATE & ZIP CODE: 1960 Old Gatesburg Road Suite 200 State College PA 16803
PHONE: 814-234-3394 FAX NUMBER: _____
CONTACT NAME AND TITLE: _____
WEB ADDRESS: _____ EMAIL: Contracts@availtec.com
FEDERAL TAX ID NUMBER: 251831158 TEXAS SALES TAX NUMBER: _____



September 29, 2022

Victor A. Caraveo
Contract Compliance Manager
Sun Metro
10151 Montana Ave.
El Paso, TX 79925



Re: Justification to utilize Avail Technologies, Inc., as a Sole Source Supplier for Long-term Warranty & Support

Dear Mr. Caraveo,

Per your request, this letter includes information concerning the commitment to a long-term agreement to support the software modules provided by Avail to Sun Metro for Enterprise Resource Management (ERP) sourced by Avail Technologies Inc.

Avail provides Enterprise Transit Management System solutions that are engineered to meet each customer's specific needs and requirements exclusively to Public Transit Properties. The solution provided by Avail to Sun Metro was engineered to conform to Sun Metro's specific requirements as outlined in their existing technology contract. The delivered Avail's System is comprised of components engineered to our exact specifications and is integrated and tested by Avail to assure optimum performance and the highest level of reliability.

Due to the nature of our system, deployed at Sun Metro, Avail is considered the sole source supplier of support and warranty services. Under the FTA guidelines, this effort would support the Unique and Innovative Concept definition, since Avail demonstrates a unique or innovative solution not available from another source.

The reliable operation and maintainability of the entire system are dependent on the interoperability of each component of the system and therefore it is important that only Avail can provide adequate support to ensure that the system continues to perform at the required level of reliability and accuracy and under the current support contract.

Thank you for your continued interest in Avail Technologies as your ITS equipment and services provider. Sun Metro is a valued customer / partner, and we appreciate the opportunity to partner with you to enhance your operational ITS environment.

A handwritten signature in black ink, appearing to read 'Kevin M. McHenry', is enclosed in a dashed rectangular box.

9/29/2022

Kevin McKay
Chief Operations Officer
Avail Technologies, Inc.

Date

