



**E.M.W. GAS ASSOCIATION**

PO Box 118 - 416 5<sup>th</sup> Street  
Estancia, New Mexico 87016-0118

[www.emwgas.com](http://www.emwgas.com)

Phone (505) 384-2369

Fax (505) 384-2234

**Sole Source Request and Determination Form**

Posted online at [www.emwgas.com](http://www.emwgas.com) on August 01, 2020

A sole source **determination** is not effective until the **sole source request for determination** has been posted for (30) calendar days without challenge, and subsequently approved in writing by the Chief Procurement Officer.

The foregoing is a requirement under NMSA 13-1-126 — 13-1-126.1 as amended by Laws 2013, Chapter 40 § 6 effective June 14, 2013.

**I. Central Procurement Office**

EMW Gas Association  
POB 118, Estancia, NM 87016  
Chief Procurement Officer: Jennifer Gauna, CPO  
Telephone Number: 505-384-2369  
Email Address: [jeng@emwgas.org](mailto:jeng@emwgas.org)

**H. Prospective Contract/Contractor**

Seaboard Energy Oklahoma, LLC

Prospective Contract Amount: \$32,000.00  
Term of Prospective Contract: September 01, 2020 — September 01, 2021.

**III. Budgeted Funds**

EMW FY2020 Budgeted Funds were approved June 16, 2020 for expansion projects which limited CNG Equipment purchases.

**IV. Product Description and Specifications**

**Item 1. Three (3) Compressed Natural Gas (CNG) ASME storage spheres**

**V. Procurement Criteria:**

**EMW Gas Association** intends to purchase three (3) Compressed Natural Gas (CNG) storage spheres from **Seaboard Energy Oklahoma, LLC**. The equipment is designed to work with the existing CNG EMW in storing the compressed natural gas to supply the public Compressed Natural Gas for CNG vehicles.

Items included in the proposal are priced at less than 50% of the manufacturer's 2019 appraised value of new equipment and a "certificate of working order" as required by NMSA 1978 Section 13-1-155.

**VI. Sole Source Justification:**

The *August, 2018 Updated EMW Gas Association CNG Feasibility Study* produced by Bohannon Huston, Inc. indicates the public benefits of the project and reports that it is in the best interest of the EMW to provide retail-priced Compressed Natural Gas to the public along the Interstate 40 Corridor in Moriarty, New Mexico.

In addition, because Natural Gas is the cleanest, least environmentally harmful fossil fuel available, the addition of this service further supports EMW Gas Association's commitment to the environment.

It is the professional judgement of the Chief Procurement Officer that the precise pre-fitted specifications of this particular equipment, the condition in which it is to be purchased, the extreme discounted price of the equipment and its associated valuation documentation justifies the Sole Source Determination of this procurement.

**VII. Unique properties of Service/Items of Personal Property Sought:**

- ✓ The opportunity to provide additional infrastructure fills a large public service gap between CNG pumping stations along the I-40 corridor
- ✓ The unique character and opportunity of this particular procurement is that the alternative is the cost-prohibitive project expense of approximately three times more dollars for new equipment and would be in excess of budgeted funds.


**VIII. Similar Professional Services/Items of Personal Property Disqualifying Factors:** Because the used equipment will have been appraised, and includes transportation, delivery;+ it is believed that no alternatives exist.

**IX. Entity Due Diligence for Determination Basis:**  
This determination is being published for 30 days on the [www.emwgas.com](http://www.emwgas.com) website and inserted once in a major newspaper of general circulation. This notice will further allow challenges and permit the Chief Procurement Office to evaluate the availability of alternatives which will fulfill project and budgetary needs of EMW Gas Association. In the event another vendor challenges the determination, the procurement will be stopped and a formal, sealed-bid solicitation for new equipment will be issued at the direction of the Board of Directors.

Certified by:

Eddie O'Brien, General Manager

Date

  
\_\_\_\_\_

7-30-2020

Challenges:

<u>Vendor Name</u>	<u>Date Challenge Received</u>
_____	_____
_____	_____
_____	_____

**Signature of EMW Gas Association's Chief Procurement Officer (CPO):**

- (1) Certifies the sole source has been posted for thirty (30) calendar days and has received no challenges.*
- (2) Sole source is granted as of the date of the signature by the CPO.*
- (3) Signature of the Procurement Officer on this form is required and is the final signature required for this sole source procurement to proceed.*

Jennifer Gauna, Chief Procurement Officer

Date

\_\_\_\_\_