

Zimbra**rudy.salinas1@co.hidalgo.tx.us**

Re: HC County Jail Power Generator System Repairs - Upgrade

From : Josephine Ramirez
<josephine.ramirez@da.co.hidalgo.tx.us>

Fri, Sep 16, 2016 09:49 AM

Subject : Re: HC County Jail Power Generator System Repairs - Upgrade

To : Rudy Salinas <rudy.salinas1@co.hidalgo.tx.us>

Cc : victor garza <victor.garza@da.co.hidalgo.tx.us>, Valde Guerra <valde.guerra@co.hidalgo.tx.us>, Dina Trevino <dina.trevino@co.hidalgo.tx.us>, Martha Salazar <martha.salazar@co.hidalgo.tx.us>, Erin Thorn <erin.thorn@da.co.hidalgo.tx.us>, gabriel castaneda <gabriel.castaneda@hidalgo.org>, Roy Quintanilha <roy.quintanilha@hidalgo.org>

Mr. Salinas,

I have reviewed the information you previously provided regarding the procurement of a "system repair/upgrade" for the County Jail Generator. After reviewing the background related to the current attempts at repair, it appears that the need to repair/replace the control panel for the generator is similar to what happened back in 2011, with the exception being that Holt CAT has advised they will no longer be able to just replace the parts, thus requiring the system upgrade (in addition to the replacement of the panel). I agree that the sole source declaration is appropriate as the vendor has advised you that this is the only avenue available to make the necessary repairs to the existing jail generator. However, the 2011 sole source declaration and affidavit provided by Holt CAT was limited to just two of the replacement parts that appear to also be part of the current requisition. For that reason, I recommend resubmitting the current requisition for consideration.

As a matter of reference, the County Commissioners Court/Sheriff has a statutory obligation to provide a safe and suitable jail. See LGC 351.001. It is my understanding that the failure of the generator would cause serious impairment to the operation of the facility. Due to the nature of the request and the need to have this matter procured and resolved as expeditiously as possible, it should be noted that there are other discretionary exemptions listed under LGC 262.024 that could be applicable as well given the safety and security concerns that need to be addressed.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Josephine Ramirez Solis

Assistant Criminal District Attorney

Chief - Civil Division

Office of Criminal District Attorney

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On Thu, Sep 15, 2016 at 12:01 PM, Rudy Salinas <rudy.salinas1@co.hidalgo.tx.us> wrote:
Josephine,

I just discovered a possible solution through a Sole Source Declaration approved in December 29, 2011 through AI-30253 (see attached). However, would this approved declaration apply to just the purchase made in 2011 through requisition 207241 as referenced on agenda item or do you agree that it applies to Holt-CAT in general making it applicable to the purchase made then and to all future purchases?

What would you suggest?

Respectfully,

Rudy Salinas
Procurement Manager
Phone: 292-7000 Ext: 4875

From: "Rudy Salinas" <rudy.salinas1@co.hidalgo.tx.us>
To: "josephine ramirez" <josephine.ramirez@da.co.hidalgo.tx.us>

Cc: "victor garza" <victor.garza@da.co.hidalgo.tx.us>, "Valde Guerra" <valde.guerra@co.hidalgo.tx.us>, "Dina Trevino" <dina.trevino@co.hidalgo.tx.us>, "Martha Salazar" <martha.salazar@co.hidalgo.tx.us>

Sent: Tuesday, September 13, 2016 6:29:10 PM

Subject: HC County Jail Power Generator System Repairs - Upgrade

Josephine,

Mr. Guerra asked me to provide you the attached documents for an agenda item the we took no action at today's CC meeting [AI-56206]. This was to approve a discretionary exemption for the Sheriff's Department (County Jail) to purchase a repair / upgrade for their existing Caterpillar - Backup Power Generator System.

Originally, the department received a quote from the vendor referencing a Cooperative Contract - BuyBoard, but after extensive research I discovered that the items could not be verified on this contract. Immediately thereafter, I sought to secure another procurement method and after further investigation with the vendor rep, I came to the conclusion that this was actually a repair as confirmed by the technician's report only quoted as an upgrade. Since the repair parts are no longer available from CAT, they have to introduce parts from their affiliated company, Caterpillar Switchgear (see attached revised quote) and therefore requiring the system's software to be upgraded in order for the system to recognize and communicate with these new components [transfer switch components].

I had intended to convince the auditors that even though this repair had been quoted as an upgrade...the intent was clearly to provide a repair and therefore they should reclassify the object code from a capital expenditure (751) to a repair (430) allowing for the approval of a discretionary exemption (as allowed by statue outlined in the agenda caption). I decided to take no action once the auditors disagreed with my rational and held fast to classifying this as merely an upgrade.

We would like for you to review the information and determine if this can still be pursued as an exemption or we have the groundwork to pursue a sole source declaration.

Respectfully,

Rudy Salinas

Procurement Manager

Phone: 292-7000 Ext: 4875