



Max Bricka, CPSM
PURCHASING AGENT / DIRECTOR

2/3/16

Williamson County Commissioners Court

Re: Sole Source recommendation for American Science and Engineering Inc. / Dailey-Wells Communications

Dear County Judge and Commissioners,

Recently our county Sheriff's Office made a request for qualifying the **sole source purchase of a MINI Z Backscatter X-Ray Imaging System, manufactured by American Science and Engineering Inc. and distributed by Dailey-Wells Communications. Dailey-Wells Communications is the only authorized reseller to represent and sell AS&E equipment in our region. Procurement of this system must be purchased exclusively from Dailey-Wells Communications.**

After reviewing all documentation requested and submitted by the Sheriff's Office, **I recommend qualifying this request as a sole source purchase per Texas Local Government Code sections 262.003 (a) and 262.024 (a) (7).**

The process has included the following:

- Public posting of an RFI in BidSync for 14 days, with no responses received
- A signed Sole Source Justification Request submitted by Lt. Tony Carter
- A signed letter of justification from the supplier, establishing why their product / service is only available from their company; as well as responses to additional questions asked
- A notarized Sole Source Affidavit completed by the supplier
- A signed letter of recommendation from L.C. Marshall, Chief Deputy
- An invoice from the Daily-Wells Communications in the amount of \$48,975.00 for the **MINI Z Backscatter X-Ray Imaging System.**
- A notarized Certificate of Interested Parties (Form 1295) as required by the Texas Ethics Commission

If you have any questions or concerns, please contact me at any time.

Sincerely,

Max Bricka
Williamson County
Purchasing Agent / Director
WILLIAMSON COUNTY
512.943.1555 Fax 512.943.1575
mbricka@wilco.org www.wilco.org
901 S. Austin Ave.
Georgetown, Texas 78626



Sole Source Justification Request

This request is for a:

Sole Source Item (goods or services are available from ONLY this supplier due to a unique capability, patent, copyright, secret process, or capability to meet the requirements of the solicitation)

This Sole Source justification requires additional documentation and requirements as listed below. **One of these steps may require placing a public notice in BidSync for 14 days, in order to allow any possible competitors to come forward with equivalent goods or services.** This step will be completed by the Purchasing Team that supports your office or county department after all required documents have been submitted. In addition, all sole source justifications must be approved in Commissioners Court.

Required Documentation that must accompany this request before this purchase can be considered (any missing documentation will result in delays). *Check all included documents:*

- ☒ This request form completed and signed
- ☒ A written quote from the supplier, listing the goods, services and pricing
- ☒ Letter of justification from the supplier (on company letterhead and signed by an authorized representative) establishing why they are the only Sole Source provider of the service or item
- ☒ Notarized Sole source affidavit completed by the supplier
- ☒ Signed letter of recommendation from the Elected Official or County Department Head

Requestor Name and County Office / Department: Tony Carter - Williamson County Sheriff's Office

Requestor Title: Lieutenant-Narcotics/Fugitive Unit Requestor Phone Number: 512-943-1356

Requested Sole Source Supplier:

Company Name: Dailey-Wells Communications

Contact Name: Dennis Vickery

Address 3440 E Houston St.

City: San Antonio State: TX Zip Code: 78219

Phone Number: 281-804-7970 Email Address: dv@DWComm.com

Website: www.dwcomm.com

Is the recommended supplier the manufacturer? ☐ Yes ☒ No

Does the manufacturer sell the item(s) through distributors? ☒ Yes ☐ No

Description of the Product or Service: (if additional space is needed, include a separate page) *Describe the full scope of work, including installation if required, items should include brand, model and part number if applicable.*

- * Mini Z Backscatter X-ray Scanner * one year warranty on parts and workmanship
- * Windows based interfacing tablet with rugged table case and integrated stand
- * Two Scanner batteries (each rated 4 hours)
- * Battery charger
- * Calibration Dock
- * Quick release shoulder strap
- * System transport case, ruggedized
- * Scanner to tablet cable, for wired connection option
- * AS&E Inspection (ASEI) software for system operation and image analysis * Quick-start Guide and operational manual

Schedule: *Identify the date items are needed to be delivered, or month work is to be performed. Please be specific and do not use "ASAP".*

We would like the equipment in operation by March 1st 2016.

Estimated Cost: 48,975.00

SOLE SOURCE RATIONALE

Complete the following checklist:

The requested supplier is the only source of required item(s) or service(s) because:

Check all that apply:

- ☒ The required item or service is proprietary to the supplier
- ☒ The recommended supplier holds the patent on the requested item(s)
- ☒ The recommended supplier is the only supplier capable of performing the requested service
- ☒ A specific item is needed
- ☐ To be compatible or interchangeable with existing hardware
- ☐ As a spare or replacement hardware
- ☐ For the repair or modification of existing hardware
- ☐ For technical evaluation or testing
- ☐ Have there been any prior attempts to obtain competitive bids or proposals for the items or services that failed?

If so, please list and describe such attempts:

- ☐ There is a substantial risk in selecting another product or service provider.

If so, please describe:

- ☒ It is not possible to obtain competitive bids for consideration.

If so, why:

Only handheld Backscatter X-ray scanner in existence in the marketplace.

☐ Are there any other companies who can provide the services or needed items?

If so, please list and provide explanation of why they were unable to meet the requirements:

☒ List any other sources, suppliers, products or service providers that you reviewed in your selection process:

No other sources were reviewed in our process due to this item being a patented innovative detection solution.

☒ List all research methods that you reviewed in your selection process (i.e.: specific internet searches, trade publications, references, etc.):

I researched the INTERNET and trade solution publications.

ACKNOWLEDGEMENT

☒ I affirm and acknowledge Williamson County's requirements, justification and criteria for Sole Source purchases. I have gathered the required technical information, provided all required documentation, have made a concerted effort to review comparable / equal equipment or services to the best of my ability, and further affirm that there is no conflict of interest in my recommendation of the selected item(s), service(s) or supplier.

☒ I also acknowledge and understand that I may be subject to criminal prosecution for the willful falsification of information in this document. I, by the act of signing or typing my name below, hereby certify under penalty of perjury, under the laws of the State of Texas, the foregoing is true and correct.

Date: 01/14/2016

Signature: Tony Carter

** By typing your name, this is equivalent to a legal signature*

NOTE: After a passage of time, an item or service may no longer qualify as a sole source purchase due to other similar items or services becoming available from other suppliers. Thus, all prior sole source determinations must be reapproved by the Williamson County Purchasing Department following completion of a Sole Source Justification Request Process and satisfactory completion of such process must be noted on requisitions and purchase orders.



06 January 2016

Lieutenant Tony Carter
Williamson County Sheriff's Office
508 South Rock Street
Georgetown, Texas 78626

Subject: Sole Source Letter for AS&E Handheld System

American Science and Engineering, Inc. ("AS&E"), a leading worldwide supplier of innovative X-ray detection solutions, is the original equipment manufacturer of the MINI Z® Handheld Z Backscatter® Screening system ("MINI Z"). This is the first and only handheld Backscatter X-ray scanner in existence in the marketplace. Its uniqueness is supported by AS&E's "know-how" and trade secrets in its development, manufacturing, and service and maintenance.

As of the date of this letter, Dailey & Wells Communications, Inc., is AS&E'S authorized reseller for the Mini Z for certain territories for the Mini Z for certain territories within the United States, including Texas.

If you have any questions, you may contact the undersigned or Paul Freitas, your Sales Account Manager, at +1-978-319-0299, pfreitas@as-e.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Candi Demers', is written over a horizontal line.

Candi Demers
Contracts Manager
Phone (978) 262-8845
cdemers@as-e.com

American Science and Engineering, Inc.

829 Middlesex Turnpike | Billerica, MA 01821 USA | Tel: 978-262-8700 | Fax: 978-262-8804 | www.as-e.com

2/3/16

Additional justification information requested from American Science and Engineering for qualification as a Sole Source provider

1. Although Dailey-Wells Communication Inc, located in San Antonio, is the only authorized reseller of this product in Texas; are we required to buy exclusively from this dealer, or can we buy from any other AS&E dealer in the USA?

Dailey Wells is the only authorized reseller to represent and sell AS&E equipment in your region. All system procurement must be purchased exclusively via Dailey Wells.

2. Do other dealers offer EXACTLY the same pricing and structure, or might they offer a different price for the EXACTLY same item?

All dealers follow AS&E pricing requirements for our products. We've established a standard price for domestic sales via our distribution network, all regional dealers follow the same pricing structure.

3. Although your technology has been stated as the only scanner of this type available, if we advertise for alternative competitive solutions, what would you expect as the result?

The Mini Z system is the only hand held Backscatter X-ray on the market. Competitive X-rays are Transmission based, which require higher X-ray energy, a detector to be set up to capture the X-ray scan, and due to the X-ray source power, are not hand held. Other technologies that may be used in this market would not provide a scan image for interpretation (trace detectors, busters, etc.)

4. What differentiates your product from other openly available X-Ray systems?

The MINI Z system's Z Backscatter technology enables real-time, single-sided imaging in a small form factor for unsurpassed operational flexibility—scanning in tight confines where other systems can't scan. The MINI Z system can highlight explosives, drugs, currency, agricultural items, cigarettes, voids, and other organic threats and contraband. The MINI Z system is a self-contained handheld inspection device with a small footprint and quick set-up. The system is user-friendly and safe.

○ **Self-contained**

- **No external detector to be deployed**
- **No reconfiguration is required for use.**

○ **Fast results**

- **System can be deployed quickly after arriving on scene**
- **30 seconds to see image from power up**
- **Rapid analysis of photo-like Z Backscatter images**

○ **User friendly**

- **Easy-to-use operator controls and image analysis tools**
- **Intuitive operation (Intuitive interface, no learning curve, operate in minutes)**



Max Bricka, CPSM
PURCHASING AGENT / DIRECTOR

- Can be operated by 1 person
- Ergonomic
- Wireless/cordless
- Battery operated
- Safe for operators, the environment, and scanned objects.
 - MINI Z uses electrically generated X-rays, not a radioactive source

DAILEY-WELLS COMMUNICATIONS

3440 E. Houston St., San Antonio, TX 78219



To: Williamson County Sheriffs Office, Gary Hoston
From: Dennis Vickery (281) 804-7970
Date: 5-Jan-16

DAILEY-WELLS

Item	Part Number	Description	Qty.	Unit Sale	Ext Sale
1	333-0500-EN-07	MINI Z Handheld Backscatter X-ray Imaging System	1	\$ 48,975.00	\$ 48,975.00
SUB TOTAL				\$	48,975.00

Includes:

- * MINI Z Backscatter X-ray Scanner.
- * Windows based interfacing tablet with rugged tablet case and integrated stand.
- * Two Scanner Batteries (each rated 4 hours)
- * Battery Charger
- * Calibration Dock.
- * Quick release shoulder strap.
- * System transport case, ruggedized.
- * Scanner to tablet cable, for wired connection option.
- * AS&E Inspection (ASEI) software for system operation and image analysis.
- * Quick-start Guide and operational manual.
- * One year warranty on parts and workmanship.

NOTE:

Price Valid Until March 31, 2016.

Quote does not include any applicable taxes or fees.

Terms: Net 30 Days with approved credit.

Shipping: FOB Source, prepay and add to invoice.



Williamson County Purchasing Department
901 South Austin Avenue
Georgetown, Texas 78626
(512) 943-3553
www.wilco.org/purchasing
purchase@wilco.org

NOTARIZED SOLE-SOURCE PURCHASE AFFIDAVIT

STATE OF TEXAS
COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS THAT:

Before me, the undersigned authority duly authorized to take acknowledgments and administer oaths, on this day personally appeared Jim Sawyer, who after being duly sworn on oath stated the following:

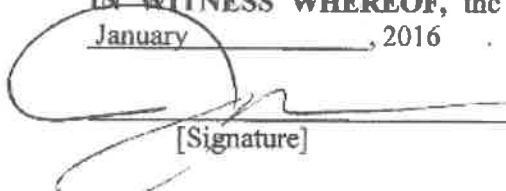
My name is Jim Sawyer. My title is Director of Sales.
I am aware that the Williamson County Purchasing Department is required to comply with competitive bidding requirements of Chapter 262 of the Texas Local Government Code. I am aware that the statutory competitive bidding provisions do not apply to the purchase of an item that can be obtained from only one source. See, Texas Local Government Code section 262.003.

Sole-source items include:

Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies, films, manuscripts, or books, electric power, gas, water, and other utility services, and captive replacement parts or components for equipment.

I have represented to the Purchasing Department of Williamson County and I hereby warrant that as of the date below, I am the sole-source supplier of the following item: AS&E MINI Z Screening System. I am the sole-source supplier of this item because: Dailey-Wells Communications, Inc. is the only authorized reseller of the Mini Z screening systems in Texas. I agree that if I ever cease being the sole-source supplier of this item, I shall immediately make a full disclosure in writing to the Williamson County Purchasing Department of all relevant facts and circumstances.

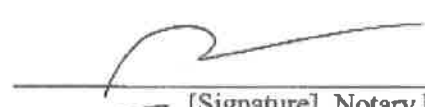
IN WITNESS WHEREOF, the undersigned has executed this Affidavit on the 8th day of January, 2016.


[Signature]

Jim Sawyer, Director of Sales
[Printed Name] [Title]

SWORN TO AND SUBSCRIBED before me on January 8, 2016, by
Sharon Slaughter
[Printed Name]




[Signature] Notary Public
State of Texas
My Commission expires on 10-05-19



MEMORANDUM
Williamson County Sheriff's Office
Headquarters Division

TO: Mr. Max Bricka
Purchasing Agent

FROM: Kurt Showalter
Financial Manager

DATE: January 15, 2016

SUBJECT: Sole Source Exemption - Mini Z Handheld Z Backscatter Screening System

The Williamson County Sheriff's Office is requesting the purchase of the "Mini Z" system manufactured by American Science and Engineering Inc. and sold by Dailey and Wells Communication, Inc. The Mini Z has multiple applications in public safety. After careful examination to include a trial period, we believe that the Mini Z system is the only handheld self-contained device that uses backscatter technology to provide clear and concise images. Additionally, the Mini Z is patented technology. As a result, we recommend approval of a sole source exemption under Section 262.024 of the Local Government Code for this purchase.

Approved:

L.C. Marshall
Chief Deputy

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2016-7947

Date Filed:
02/02/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Dailey and Wells Communications, Inc.
San Antonio, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Williamson County

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.

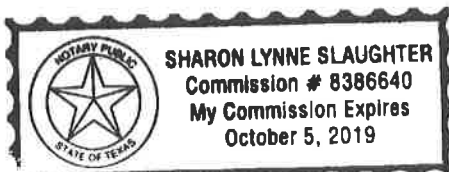
Quote
MiniZ Handheld X-Ray Imaging System

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Wells, Richard	San Antonio, TX United States	X	

5 Check only if there is NO Interested Party. ☐

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



AFFIX NOTARY STAMP / SEAL ABOVE

[Signature]
Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Jim Sawyer, this the 2 day of February, 2016, to certify which, witness my hand and seal of office.

[Signature]
Signature of officer administering oath

Sharon Slaughter
Printed name of officer administering oath

Notary
Title of officer administering oath