



Purchasing Department

10/31/18

Williamson County Commissioners Court

Re: Sole Source recommendation for OPEX Corporation

Dear County Judge and Commissioners,

Recently our Tax Assessor/Collector Office made a renewal request for an existing contract with OPEX Corporation. These actions require new qualification as a **sole source provider of warranty and maintenance for existing hardware for the AS7200 scanner utilized to scan large amount of documents. These services are supplied only by OPEX Corporation who is the owner, and the only provider of this proprietary service diagnostic hardware and software.**

After reviewing all documentation requested and submitted, **I recommend qualifying this request as a sole source purchase and exempting these goods from competitive bidding requirements 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 zero (0) responses received from another competitor.
- A signed Sole Source Justification Request from Larry Gaddes, Tax Assessor/Collector
- A signed letter of justification from the supplier, establishing why their product / service is only available from their company
- A notarized Sole Source Affidavit completed by the supplier
- A price quote of requested items/services and amendment

The term of this Sole Source exemption will be effective for 36 months from the date of approval.

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

Sincerely,

Randy Barker
Purchasing Agent/Director
Williamson County Purchasing Department

[Vendor view of bid](#)

[Chat](#) | [Description](#)

Bid #SOS-1903 - Intent To Deem OPEX As The Sole Source Provider Of OPEX Parts And Service

Time Left	closed	# of offers	0
Bid Started	Oct 16, 2018 9:17:36 AM CDT	Notifications	Report (Bidder Activity)
Bid Ended	This bid closed on Oct 30, 2018 11:00:00 AM CDT	# of suppliers viewed	12 (View)
Agency Information	Williamson County, Texas, TX (view agency's bids)	Q & A	Questions & Answers
Department	Purchasing (view department's bids)		
Bid Classifications	Classification Codes		
Bid Regions	Regions		
Bid Contact	see contact information		
Delivery Location	One or more of the following locations Williamson County, Texas Purchasing Department 901 S. Austin Avenue Georgetown TX 78626 Qty 1 Expected Expenditure n/a		
View Rules	Click here to change the rules for this bid.		
Bid Packet	Packet for Bid SOS-1903 (download)		
Best and Final Offer:	Create		

Approval

View Approval Flow [View Approval Flow](#)

Approval Status Approved

Description

Bid Number	SOS-1903
Title	Please attach all supporting documentation to this line.
Contract Duration	One Time Purchase
Prices Good for	30 days
Budgeted Amount	\$0.00 (change)
Bid Comments	Williamson County, Texas intends to award a sole-source contract with OPEX for the following item(s): parts and service for OPEX THIS IS NOT A REQUEST FOR COMPETITIVE PROPOSALS AND A SOLICITATION WILL NOT BE ISSUED. Interested parties must show clear and compelling evidence of competitive equivalency in order for alternative goods or services to be considered. Williamson County will review any information collected through this RFI to determine if offers of any equivalent goods or services meet the needs of the County. If it is concluded that additional suppliers of equivalent goods or services do exist, then a formal solicitation may follow. If no affirmative responses are received by 11 : 00 AM on October 30th 2018, showing clear and compelling evidence of competitive equivalency to the items described herein, an award will be made without further notice. Oral communications are not acceptable in response to this notice.
Description	Williamson County, Texas intends to award a sole-source contract with OPEX for the following item(s): parts and service for OPEX THIS IS NOT A REQUEST FOR COMPETITIVE PROPOSALS AND A SOLICITATION WILL NOT BE ISSUED. Interested parties must show clear and compelling evidence of competitive equivalency in order for alternative goods or services to be considered. Williamson County will review any information collected through this RFI to determine if offers of any equivalent goods or services meet the needs of the County. If it is concluded that additional suppliers of equivalent goods or services do exist, then a formal solicitation may follow. If no affirmative responses are received by 11 : 00 AM on October 30th 2018, showing clear and compelling evidence of competitive equivalency to the

items described herein, an award will be made without further notice. Oral communications are not acceptable in response to this notice.

Documents

[Select All](#) | [Select None](#) | [Download Selected](#)

☐ 1.  [Conflict of Interest Questionnaire](#) [\(download\)](#)

 = Included in Bid Packet  = Excluded from Bid Packet

Contractor Advertisements

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There are no advertisements on this solicitation.

Questions? Contact a BidSync representative: 800-990-9339 or email: support@bidsync.com

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

Sole Source Justification Request

Definition of a Sole Source Purchase

Sole Source Item – goods and/or services which can only be obtained from ONLY ONE source, including:

- 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,
- Captive replacement parts or components for equipment which there is no commercially available substitute, and which can be obtained only from the manufacturer and/or manufacturer's distributor; item where compatibility is the overriding consideration, such as computer operating software enhancements for an existing system, continuation of an existing contract when work is so closely related to that of the uncompleted basic contract that it would not be feasible to consider another potential contractor.

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 needed.**
- ☒ **Notarized Sole Source affidavit completed by the supplier**
- ☒ **Signed letter of recommendation from the Elected Official or County Department Head. Must provide a detailed written explanation as to why competitively bidding the product or service would be impracticable and that the cost charged by the supplier is reasonable and customary.**

Requestor Name and County Office/Department:

Requestor Title and Phone Number: Larry Gaddes/Tax Assessor/Collector

(512) 512-943-1954

Requested Single Sole Source Supplier:

Company Name: OPEX Corporation

Contact Name: Lynda Hitchman

Address: 305 Commerce Drive

City, State, Zip: Moorestown, NJ 08057

Phone Number: (856) 727-1100

Email: LHitchman@opex.com

Website: www.opex.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 in a separate page)
Describe the full scope of work, including installation if required; items should include brand, model and part number if applicable.

Request to sole source the OPEX Corporation for warranty and maintenance contracts of existing hardware for the AS7200 scanner
utilized to scan large amount of documents.

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": Initial product has already been delivered. This request is for the
warranty and maintenance of propriety service diagnostic hardware and software.

Estimated Cost: \$ 11,1454.00

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: _____
The product that is being serviced by the contracts is proprietary.

- ☒ **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: _____
The service diagnostic product is propriety to OPEX Corporation.

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

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

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: October 4, 2018

Signature*: Larry Gaddes

** 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 new Sole Source Justification Request Process and satisfactory completion of such process must be noted on requisitions and purchase orders. The sole source term is generally aligned with the contract term. In certain cases, the Purchasing Agent may determine that the 14-day public posting in BidSync is not necessary. This depends on the circumstance of the particular item/service and the type of sole source.



305 Commerce Drive
Moorestown, NJ 08057-4234

Phone: (856) 727-1100

Fax: (856) 727-1955

August 21, 2018

**Judy Kocian
Williamson County Tax Office
904 S. Main Street
Georgetown, TX 78626
Email: JKocian@wilco.org**

Re: Quote for Maintenance

Dear **Ms. Kocian:**

Per your request, this letter will serve as a quote for Maintenance service for **10/1/18-9/30/19** for the **AS7200** and **Omaton 206** at your facility in **Georgetown, TX**.

Description

AS7200 s/n A02646
Omaton 206 s/n ZA02151

Annual Cost

\$9,220.00
\$1,925.00

Grand Total (pretax)

\$11,145.00

Please note that the prices quoted above cover a **full year** of maintenance service, and are based upon current rates of one shift per machine and **prepayment annually in advance**. Upon renewal of the contract, the pricing schedule then in effect will apply. Terms of payment are net thirty (30) days from the date of invoice.

I trust that the information supplied here will be helpful. Thank you for choosing OPEX products and services. If you should have any questions, do not hesitate to contact me at (856) 727-1100.

Sincerely,
OPEX Corporation

Rebecca Spinelli

Rebecca Spinelli
Contract Billing Administrator



305 Commerce Drive • Moorestown, NJ 08057
Phone: 856-727-1100 • Fax: 856-727-1955
www.opex.com

October 4, 2018

Judy Kocian
Williamson County Tax Office
904 S. Main Street
Georgetown, TX 78626
Email: JKocian@wilco.org

Re: OPEX Corporation – Sole Source Information

Dear Ms. Kocian:

If you are seeking to have a single entity provide parts and service for both your OPEX® AS7200 and your OMATION® 206, please note that OPEX Corporation ("OPEX"), the sole manufacturer of such equipment, is also the sole source authorized to provide such parts and service.

Additionally, the OPEX AS7200 machines utilize proprietary service diagnostic software covered by various patents and copyrights. OPEX has not released or licensed this software to third parties. To effectively support OPEX equipment, these third parties would have to develop their own diagnostic software.

OPEX's National Service Organization is the largest and most comprehensive service organization in the industry. All of our technicians are trained at the Home Office and are directly employed by OPEX. They have undergone rigorous training in the field, and receive continuing product education on a routine basis.

Additionally, OPEX has found that third party service organizations do not perform the rigorous schedule of preventive maintenance that OPEX performs. OPEX regularly inspects your equipment at your site, and will replace all necessary parts due to normal wear and tear on the machine. Third party organizations often install used parts in the machines. OPEX only uses parts that have been pre-tested to meet our factory's standards for new machines.

I trust this information is helpful. If you have any questions, or need additional information, please do not hesitate to contact me at (856) 727-1100.

Sincerely,
OPEX Corporation

A handwritten signature in dark ink, appearing to read "Lynda Hitchman".

Lynda Hitchman | Special Projects Coordinator
LHitchman@opex.com | 856-727-1100 x2190(w) | www.opex.com



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 Joseph F. Mullen, who after being duly sworn on oath stated the following:

OPEX Corporation

My name is Joseph F. Mullen. My title is Director, Legal Affairs.

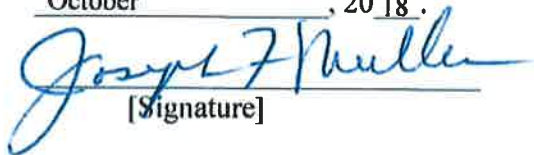
I am aware that the Williamson County Purchasing Department is required to comply with competitive bidding requirements of Chapter 262 of the Texas Local Government Code. I am aware that the statutory competitive bidding provisions do not apply to the purchase of an item that can be obtained from only 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.

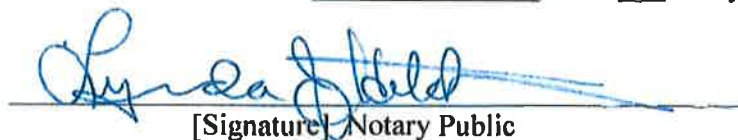
I have represented to the Purchasing Department of Williamson County and I hereby warrant that as of the date below, I am the sole-source supplier of the following item: Maintenance service and parts as described below. I am the sole-source supplier of this item because: OPEX is the sole manufacturer and the sole single entity authorized to provide parts and service for both your OPEX AS7200 & OMATION 206. 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 5th day of October, 2018.


[Signature]

OPEX Corporation
Joseph F. Mullen, Director, Legal Affairs
[Printed Name] [Title]

SWORN TO AND SUBSCRIBED before me on October 5, 2018, by
Joseph F. Mullen
[Printed Name]


[Signature] Notary Public

State of NJ

My Commission expires on _____



MISSION STATEMENT

Our dedicated team is committed to providing innovative and exceptional customer service in the assessment, collection, and distribution of taxes and fees.



Larry Gaddes PCAC, CTA
Tax Assessor/Collector

Date: October 10, 2018
To: To Whom It May Concern
From: Larry Gaddes, Tax Assessor/Collector
Subject: Opex Sole Source

I am recommending and request that OPEX Corporation be given Sole Source status for the purpose of providing hardware maintenance on the product that we purchased from them several years ago.

Regards,

Larry Gaddes PCAC, CTA
Williamson County Tax Assessor/Collector

LG: jak

Main Office and Mailing Address:

904 South Main Street
Georgetown, Texas 78626
Motor Vehicle Telephone: 512.943.1602
Property Tax Telephone: 512.943.1603
www.wilco.org/tax

Annex Locations:

1801 E. Old Settler's Blvd., Ste 115 Round Rock, Texas 78664 Telephone: 512.244.8644	350 Discovery Blvd., Ste. 101 Cedar Park, Texas 78613 Telephone: 512.260.4290	412 Vance St., Ste. 1 Taylor, Texas 76574 Telephone: 512.352.4140
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