



**CITY OF FORT WORTH
CHAPTER 252 EXEMPTION FORM**

Instructions: Fill out the entire form with detailed information. Once you have completed this form, provide it to the Purchasing attorneys for review. The attorneys will review the information you have provided to determine whether an exemption to Chapter 252's bidding requirements is defensible. Failure to provide sufficient information may result in follow up questions and cause a delay in the attorney's determination.

Section 1: General Information

Requesting Department: Water Department

Name of Contract Manager: Shatabya Bergland

Departmental Attorney: Doug Black

Item or Service sought: Clarifier Parts & Services

 Goods:

 Service:

 Anticipated Amount: \$800,000.00

Vendor: WesTech Engineering, LLC.

Current/Prior Agreement for item/service: Yes No

 CSC or Purchase Order #: 51199

 Amount: \$650,000.00

 Projected M&C Date: Previous M&C P-12231 approved on 8/7/2018

How will this item or service be used? To purchase, repair/replace as well as service OEM parts and components on the Westech clarifier drive units at Village Creek Water Reclamation Facility.

Has your department started a requisition or otherwise contacted the Purchasing Division related to obtaining this good/service? Yes No

If yes, please provide requisition number or brief explanation of contact with Purchasing Division: N/A

Section 2: Claimed Exemption and Justification (Other than sole source)

NOTE: For sole-source exemption requests, complete Section 3.

Please indicate the non-sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions:

- A procurement necessary to preserve or protect the public health or safety of the City of Fort Worth's residents;
- A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
- A procurement for personal, professional, or planning services;
- A procurement for work that is performed and paid for by the day as the work progresses;
- A purchase of land or a right-of-way;
- Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
- Personal property sold:
 - at an auction by a state licensed auctioneer;
 - at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
 - by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
 - under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;
- Services performed by blind or severely disabled persons;
- Goods purchased by a municipality for subsequent retail sale by the municipality;

Electricity; or

Advertising, other than legal notices.

Please provide details and facts to explain why you believe the exemption applies to the purchase. You may also attach documentation to this form. [Click or tap here to enter text.](#)

Section 3: Claimed Sole-Source Exemption and Justification

NOTE: For all non-sole-source exemption requests, complete Section 2.

Please indicate the sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions

*A procurement of items that are available from only one source, including:

- items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
- films, manuscripts, or books;
- gas, water, and other utility services;
- captive replacement parts or components for equipment;
- books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

How did you determine that the item or service is only available from one source?

Previous contract was for OEM clarifiers and were purchased a sole source via Westech who is the designer and manufacturer of models 3629A 150', 3629B 130', 3660A 160', 3660B 80', 3955A 150' and 3864A 60' DAF.

Attach screenshots and provide an explanation of any independent research you conducted, through internet searches, searching cooperatives, or discussions with others knowledgeable on the subject matter that corroborate that the item is available only from a single source.

Please see sole source letter provided by Westech. Westech is the original manufacturer of the parts. No other manufacturer or parts distributor can supply the named equipment.

Did you attach a sole source justification letter? Yes No

Describe the uniqueness of the item or service (e.g. compatibility or patent issues, etc.). The clarifiers remove suspended solids in the activated sludge process. Each unit must be in good condition in order to withstand all the wastewater collected to prevent a backup or breakdown of

the collection system. See attached letter describing that no other manufacturer can supply the itemized components.

Section 4: Attorney Determination

With the facts provided by the department, is the use of the claimed exemption defensible if the City were to be challenged on this purchase? Yes No.

Was there anything attached to this form that was relied on in making this determination? Yes No.

If yes, please explain: Updated letter from Vendor incorporating additional sole source products

Was there anything not included on this form or attached hereto that was relied on in making this determination? Yes No.

If yes, please explain: Click or tap here to enter text.

Approved By:

Jessika Williams
Andrea Phillips / Jessika Williams
Assistant City Attorney

Date: 10/28/24



11 October 2024

Daniel Salgado
*Assistant Water Systems
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4500 Wilma Lane
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www.FortWorthTexas.gov/water
Clean water done right every time.



Dear Mr. Daniel Salgado,

This letter is to advise you that the WesTech Drive Units and parts for Serial No. 3629A 150', 3629B 130', 3660A 160', 3660B 80', 3955A 150' and 3864A 60' DAF. At the Village Creek WWTP in the City of Arlington is designed and manufactured only by WesTech Engineering LLC in Salt Lake City, Utah. No other manufacturer or parts distributor can supply this equipment or its proprietary components. Environmental Improvements, Inc. (EI²) is the exclusive Municipal representative for WesTech Engineering LLC products in your area.

Should you require any additional information, please contact me.

Respectfully,

[JUSTIN SALTZGIVER](#)

Account Manager/Field Tech
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