



**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 attorney for review. The attorney will review the information you have provided to determine whether an exemption to Chapter 252’s bidding requirements is defensible. If you are printing this form to provide to Legal, please do not provide the Primer portion. 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: Charmaine Baylor

Department’s Attorney: Taylor Paris

Item or Service sought:

Goods:

Service:

Anticipated Amount: \$278,780.10

Vendor: Selectron Technologies, Inc.

Current/Prior Agreement for item/service: Yes  No

CSC or Purchase Order #: CSC 56070

Amount: \$98,968.08

Projected M&C Date: January 10, 2023

How will this item or service be used? Selectron provides Water Customer Relations with the software, maintenance, support, and professional services for the Selectron Interactive Voice Response (IVR) system. This new agreement will move the IVR system off of the Water Department servers and into the Selectron Cloud, a hosted environment, providing greater security, increased capacity, and enhanced campaigns for our customer outreach via outbound dialer.

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: [DETAILED DESCRIPTION]

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

NOTE - For a claimed sole-source exemption, 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.[INSERT DETAILED EXPLANATION AS TO HOW/WHY CLAIMED EXCEPTION APPLIES TO THIS PURCHASE]

### **Section 3: Claimed Sole-Source Exemption and Justification**

NOTE - For any non-sole-source exemption, 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?  
The Selectron IVR is comprised of proprietary software. No other party is authorized to host, manage, or support the Selectron system or software.

Please see the Sole Source letter for details.

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.

The Selectron system is a core part of an integrated system utilized by the Water Utility, and it is a proprietary system. Only Selectron is authorized Selectron software. No other party is allowed to host, support or manage the Selectron IVR.

Please see the Sole Source letter and the Master Services and Hosting Agreement for details.

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 Selectron IVR is comprised of proprietary software, specifically tailored to provide services for the CFW Water Department. No other party is allowed to host, manage, or support the Selectron system or software.

#### **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: The Department provided a sole source letter.

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:[EXPLAIN OUTSIDE SOURCE OF INFORMATION]

Will the standard terms and conditions apply?  Yes  No.

Will the contract require special terms?  Yes  No.

Will the contract require review by the department attorney?  Yes  No.

**Approved By:**



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Jeremy Anato-Mensah  
Assistant City Attorney

Date: 11/28/2022



November 10, 2022

Richard Lisenbee  
Senior Water IT Manager  
City of Fort Worth, Water Department  
200 Texas Street  
Fort Worth, TX 76102

Dear Mr. Lisenbee,

The Selectron Relay Utility IVR and Outbound solutions are comprised of proprietary software specifically tailored to provide services for the City of Fort Worth's Water Department. The supporting software code is part of Selectron's proprietary, intellectual property and is considered trade secret.

No other party is capable of hosting/managing the Relay Utility IVR and Outbound solutions, performing product updates, enhancements, modifications, application database integration changes and technical support as we would not release the source code to any non-Selectron organization. Organizations other than Selectron performing code modifications to the Relay Utility IVR and Outbound solutions would void the existing System Warranty and Maintenance agreement established between Selectron and the City of Fort Worth. As the sole provider and manufacturer of the Relay Utility IVR and Outbound solutions, Selectron is the only organization that can provide these services.

Additionally, no other party is authorized to provide additional capacity or upgrades for our products in the United States.

Please feel free to contact us if there are any questions or concerns.

Sincerely,



Todd Johnston  
President & CEO  
Selectron Technologies, Inc.