

Sole Source Procurements



February 12, 2024 Jody Jacoby,
Chief Procurement Officer

What is a Sole Source?

A sole source procurement is when a contract is entered into without going through the typical competitive process as required by law, per Minnesota Statute § 16C.02, Subd. 18.

This method of procurement is only utilized when there are qualifiers of eligibility such as:

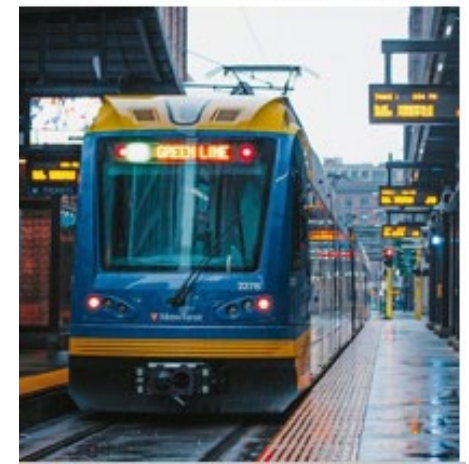
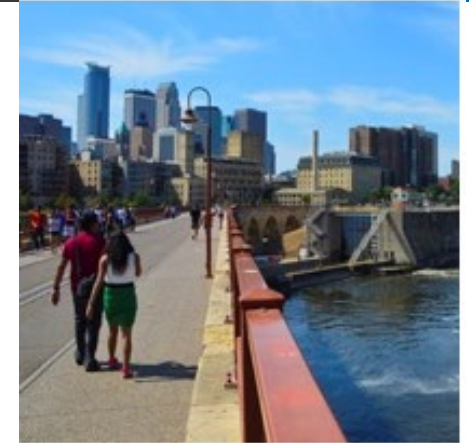
- The offeror demonstrates a unique or innovative concept or capability not available from another source.
- Patents or data rights restrictions preclude competition
- Award to another contractor would result in substantial duplication of costs.
- Award to another contractor would result in unacceptable delays in fulfilling the recipient's needs.



What is not a Sole Source

The following are unlikely to be sufficient sole source justifications:

- Personal or department/division preference for a product or vendor
- Perception that a vendor is the best qualified (this should be determined through a competitive process)
- Lack of department/division planning resulting in limited time to conduct a competitive procurement
- Past or existing relationship with the vendor



What is the review process?

Every sole source must be approved by the delegated authority.

- Each submittal requires the requester to verify to the best of their knowledge and belief, based upon thorough research, that only one source can deliver the required product or service.
- The product or service must be unique, and its uniqueness is substantially related to the intended purpose, use, and performance of the goods or service being purchased.
- Similar goods or services must be shown to be unable to achieve the Metropolitan Council's desired objectives.

Sole Source Justification

The requestor must answer one of five statements to support the sole source request:

- This is the only known good or service in the marketplace that will meet this specific need.
- This is the only known source that can provide the good or service. Documentation from the vendor stating they are the only provider available has been attached.
- Only this supplier can provide the services because of unique expertise required.
- Components required must be the same manufacturer as the installed equipment being modified. No other manufacturer's part will meet requirements.
- Requested service or equipment is essential in maintaining continuity or to remain in compliance with established standards.

Vendor Statement



Mobility

Jeff Antonsen Rail Maintenance Supervisor Metro Transit 1810 East Franklin Ave Minneapolis, MN 55404 Email: jeffrey.antonsen@metrotransit.org	Name Department Telephone Fax Mobile E-mail Date:	Barry Sidler Spares Director (916) 621-2700 (844) 284-5257 (916) 346-6232 barry.sidler@siemens.com 11/21/2023
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Reference: Sole source Letter Request

Dear Mr. Antonsen,

The parts on the Siemens trains are designed for Siemens, in which Siemens is the sole manufacture of the said METRO vehicles. All drawings, tooling, specifications for the Siemens Vehicles are proprietary information. Siemens Mobility, is the sole representative for Siemens manufactured & proprietary parts in North America. In order to ensure fair and equal pricing throughout the North America Transit Market, Siemens has established standard pricing for Siemens proprietary component/components.

Siemens Mobility, Inc. is committed to providing the highest quality systems to North American Transit Market, at fair and reasonable prices. We thank you for your interest in our products, and we look forward to working with METRO Council to successfully meet your parts needs.

Please feel free to contact me directly via phone, fax or email with any further questions, comments or concerns.

Sincerely,

Barry Sidler
Digitally signed by Barry Sidler
DN: cn=Barry Sidler, o=US,
ou=Customer Services,
ou=Siemens Mobility,
email=barry.sidler@siemens.com
Date: 2023.11.30 14:34:18 -0800

Barry Sidler,
Spares Director., Customer Services



Steven Baird
Sr. Contract Manager
2551 Riva Road
Annapolis, MD 21401
Phone: 1-410-266-2986
Email: steven.c.baird@collins.com
www.wabteccorp.com

Robert Carey
Manager, Contracts and Procurement
Minnesota Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Email: Robert.Carey@metc.state.mn.us
8/16/2022

REF: Sole Source Justification

Mr. Carey,

Wabtec Transportation Systems, LLC (**Wabtec**) is an exclusive Original Equipment Manufacturer (OEM), which has designed, developed, manufactured, installed, and maintains the AIM® rail software and other proprietary tools currently in use by Metropolitan Council operations. Wabtec is the only source of sales and support for its surface transportation products. Such software is critical to the efficient operation of the rail system, which not only must be maintained and supported, but must evolve to satisfy emerging operational needs.

Due to the proprietary nature of the AIM® rail software and other proprietary tools, Wabtec is also the sole source provider for modifications and upgrades of its software.

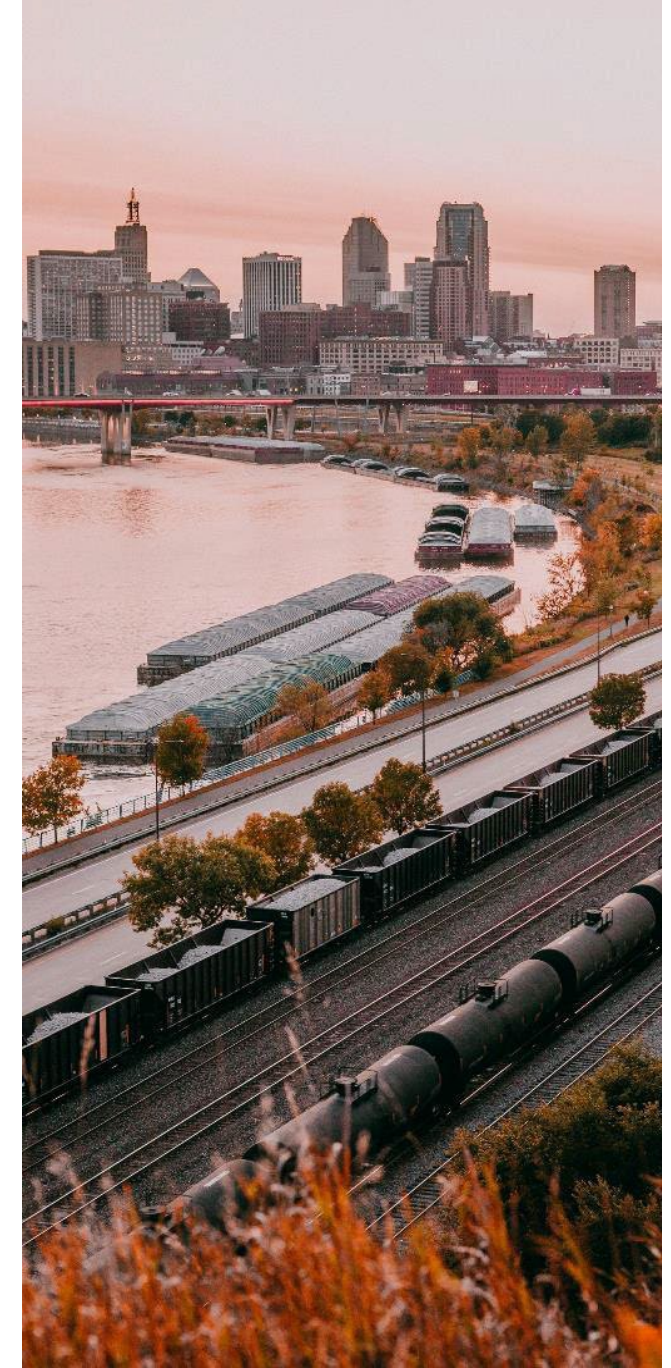
Should you have any questions or desire additional information, please feel free to contact me or David Gunther, email: David.gunther@collins.com, or phone +1 410 266 2927.

Thank you,

Steven Baird
Steven Baird
Sr. Contract Manager
Wabtec Corporation

Procurement Review

- Chief Procurement Officer will review the original request and recommendation submitted by SORT.
- Additional information might be requested from the requestor or SORT for clarification.
- If request is declined, the requestor and SORT are notified.
- If accepted, the form is routed to signature authorities required for form approval based on delegated signature authority.



Sole Source Review Team (SORT)

- SORT reviews and confirms uniqueness of the product and source of supply by researching the product/service, project, and vendor. Additional information from the requestor or supplier might be requested, if needed.
- SORT will recommend the request be declined if additional sources or materials are found to be available.
- If accepted, SORT will document researched information on the sole source form and recommend approval.

Signature Authority

Signature authority approvals.

- Form is routed for additional approvals based on delegated signature authority.
- If procurement value exceeds the Regional Administrator's delegated signature authority, the sole source must be authorized by Council action following approval of the form and before the Purchase Order or Contract is submitted for execution.



Approved form assigned to Procurement associate.

- Approved form is assigned to Procurement associate for processing of order.

Thank you

Jody Jacoby
Chief Procurement Officer
Jody.Jacoby@metc.state.mn.us

Questions?

