

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** General Services

**AGENDA DATE:** April 21, 2009

**CONTACT PERSON/PHONE:** Terrence Freiburg, Purchasing Manager, 541-4313

**DISTRICT (S) AFFECTED:** All

**SUBJECT:**

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve Tom Growney Equipment, Inc., El Paso, Texas as a sole source for the purchase of John Deere Proprietary Parts and Service. Estimated annual expenditures are \$70,000.

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Sole source letter and affidavit attached. This request is for the purchase of John Deere parts and service for all Departments of the City of El Paso.

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

Yes, Council previously awarded the sole source contract of John Deere Proprietary Parts and Service to Tom Growney Equipment, Inc. on March 12, 2002.

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

37370510-503121-45202 General Services Department, Fleet Division, Internal Service Fund

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** \_\_\_\_\_

(If required)

**FINANCE:** \_\_\_\_\_

(If required)

**DEPARTMENT HEAD:** \_\_\_\_\_

Name

Signature

Date

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_





**FINANCIAL SERVICES  
PURCHASING DIVISION**

**SOLE SOURCE AFFIDAVIT**

**THIS IS AN OFFICIAL PURCHASING DOCUMENT – RETAIN WITH PURCHASE ORDER FILE**

Before me, the undersigned official, on this day, personally appeared Thomas D. Growney, a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is Thomas D. Growney. I am over the age of 18, have never been convicted of a crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: Tom Growney Equipment, Inc.
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):  
John Deere Construction & Forestry products, parts & service
4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
6. **Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.**

*Thomas D. Growney*  
Signature Thomas D. Growney - President

SUBSCRIBED AND SWORN to before me on this 27 day of March, 2009.

*Dominique D. Pyle*  
NOTARY PUBLIC  
PRINTED NAME Dominique D Pyle  
October 18, 2012  
MY COMMISSION EXPIRES

COMPANY NAME: Tom Growney Equipment, Inc.

ADDRESS, CITY, STATE & ZIP CODE 11323 Rojas, El Paso, TX 79936

PHONE: (915) 598-1133 FAX NUMBER: (915) 598-5431

CONTACT NAME AND TITLE: Tom T. Smith - Branch Manager

WEB ADDRESS: www.growneyinc.com EMAIL: tsmith@growneyinc.com

FEDERAL TAX ID NUMBER: 85-0196695 TEXAS SALES TAX NUMBER: 75-1731672



**JOHN DEERE**

Worldwide Construction & Forestry Division  
P.O. Box 8806, Moline, IL 61265-8806 USA  
Phone: 309-230-5818 Fax: 309-748-0123  
E-mail: KraftJefferyP@JohnDeere.com

2009 MAR 30 PM 4: 20

RECEIVED  
PURCHASING DEPARTMENT

**Jeff Kraft**  
Manager, Commercial Development

March 26, 2009

Mr. Terry Freiburg, Purchasing Manager  
Purchasing Department  
City of El Paso  
2 Civic Center Plaza  
7th Floor  
El Paso, TX 79901

Mr. Freiburg,

Please be advised that, Tom Growney Equipment is the only authorized dealer in New Mexico and the El Paso area of Texas representing John Deere Construction products.

As such, Tom Growney Equipment is authorized to sell equipment and parts, and is qualified to provide service on John Deere Construction products. If there are any questions about Tom Growney Equipment Company's relationship as an authorized dealer for John Deere Construction & Forestry Company in your area, please feel free to contact me.

Sincerely,

Jeffery P Kraft  
Manager - Commercial Development



HITACHI Bobcat

# TOM GROWNEY EQUIPMENT INC.



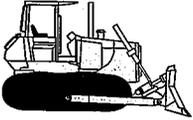
DYNAPAC SAKAI

2301 CANDELARIA ROAD, N.E. / P.O. BOX 6157 / ALBUQUERQUE, NEW MEXICO 87197-6157 / (505) 884-2900  
1100 TROY KING ROAD / P.O. BOX 2343 / FARMINGTON, NEW MEXICO 87499-2343 / (505) 326-1101  
2400 W. BENDER. / P.O. BOX 828 / HOBBS, NEW MEXICO 88241-0828 / (505) 392-6923  
11323 ROJAS / P.O. BOX 371070 / EL PASO, TEXAS 79937-1070 / (915) 598-1133  
www.growneyinc.com

March 26, 2009

Mr. Terry Freiburg, Purchasing Manager  
Purchasing Department  
City of El Paso  
2 Civic Center Plaza  
7<sup>th</sup> Floor  
El Paso, TX 79901

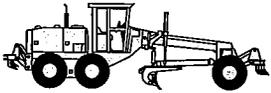
RECEIVED  
PURCHASING DEPARTMENT  
APR -1 PM 12:53



**RE: Sole Source Designation**

Mr. Freiburg:

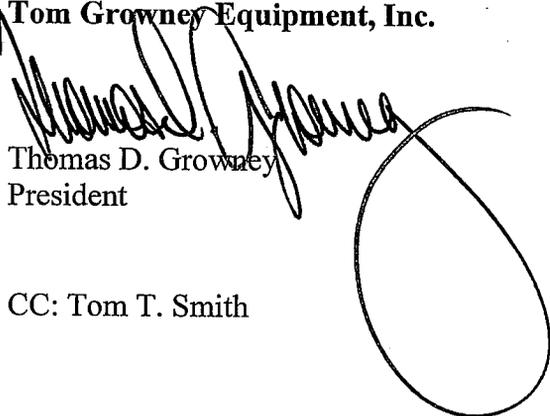
Please be advised that Tom Growney Equipment, Inc. is the only authorized dealer in New Mexico and the El Paso area of Texas representing John Deere Construction products.



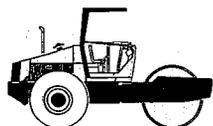
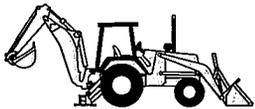
Our company currently is and has been the only authorized dealer to sell John Deere Construction products, parts and service in the El Paso area since 1980. If you have any questions regarding this information simply contact me.

Sincerely,  
**Tom Growney Equipment, Inc.**



  
Thomas D. Growney  
President

CC: Tom T. Smith



YOUR QUALITY CONSTRUCTION EQUIPMENT DISTRIBUTOR