CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **Financial Services Department-Purchasing Division**

AGENDA DATE: **TBD**

CONTACT PERSON/PHONE: **Enrique Acosta, C.P.M.– Procurement Analyst, 541-4321**

DISTRICT(S) AFFECTED: **3**

SUBJECT:

To approve a motion authorizing the Purchasing Manager to issue Purchase Orders as necessary to L-3 Communications Security and Detection Systems, Inc., to provide installation services, including maintenance and support, of its proprietary explosive detection system, the L-3 eXaminer, until such time that L-3 Communications Security and Detection Systems, Inc., is no longer the sole source.

BACKGROUND / DISCUSSION:

On October 25, 2005, City Council approved an agreement between the United States of America, acting through the Transportation Security Administration, and the City of El Paso, relating to the delivery and installation of Explosive Detection System by L-3 Communications Security and Detection Systems, Inc. As part of this agreement, El Paso International Airport is responsible for the costs associated with the delivery and installation of the security equipment.

PRIOR COUNCIL ACTION:

October 25, 2005

AMOUNT AND SOURCE OF FUNDING:

The amount is $74,452.21. Funding is available from the Airport Enterprise Fund, in account PAP0024-62620028-41067-508027.

BOARD / COMMISSION ACTION:

N/A

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(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:** _____

DATE: September 25, 2006

TO: Municipal Clerk

FROM: Terrence Freiburg
Purchasing Manager, ext.4313

THRU: Aurora Wells
Purchasing Clerk ext. 4038

Please place the following item on the **CONSENT** agenda for the Council Meeting of **OCTOBER 10, 2006.**

Authorize the Purchasing Manager to issue Purchase Orders as needed to L-3 Communications Security and Detection Systems, Inc., the sole source, for the installation, maintenance and support services of its proprietary explosive detection system, the L-3 eXaminer at the El Paso International Airport in the amount of $74,452.21.

Department:	Department of Aviation
Account No.:	PAP0024-62620028-41067-508027
Funding Source:	Airport Enterprise Fund
Amount:	$74,452.21
District(s):	District 3
Sole Source No.:	2007-023

Contact person: Terrence Freiburg, Purchasing Manager at 541-4313.

FINANCIAL SERVICES DEPARTMENT-PURCHASING DIVISION

TO: Municipal Clerk

FROM: Terrance Freiburg.
Purchasing Manager

THRU: Enrique Acosta, C.P.M.
Procurement Analyst

DATE: September 27, 2006

****

Please place the following item on the CONSENT COUNCIL AGENDA for the Council Meeting of Tuesday, October 10, 2006.

Item should read as follows:

Authorize the Purchasing Manager to issue Purchase Orders as needed to L-3 Communications Security and Detection Systems, Inc., the sole source, for the installation, maintenance and support services of its proprietary explosive detection system, the L-3 eXaminer.

This is a sole source procurement as defined under Chapter 252.022 of the Local Government Code. L-3 Communications Security and Detection Systems, Inc., is the developer and exclusive sole source provider of the L-3 eXaminer. As proprietor of the explosive detection system, L-3 Communications Security and Detection Systems, Inc., is the only known source that can provide the required installation and support to its proprietary explosive detection system. L-3 Communications Security and Detection Systems, Inc., is the only source that can provide factory warranties for the L-3 eXaminer, and that can provide factory level warranty maintenance.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review and that the City Manger execute any additional documents and/or budget transfers as necessary. Funds for this expenditure shall be made available in the following account:

Department:	Department of Aviation
Account No.:	PAP0024-62620028-41067-508027
Funding Source:	Airport Enterprise Fund
Amount:	$74,452.21
District(s):	District 3
Sole Source No.:	2007-023

****

MUNICIPAL CLERK'S USE: ITEM NO. _____

****

El Paso International Airport

TO: Enrique Acosta, C.P.M.
Purchasing Division

FROM: Monica Lombraña, C.M.
Assistant Director of Aviation Development

DATE: September 25, 2006

SUBJECT: SOLE SOURCE PURCHASE FROM L-3 COMMUNICATIONS SECURITY AND DETECTION SYSTEMS, INC.

RECOMMENDATION
Award the purchase of installation and support services to L-3 Communications Security and Detection Systems, Inc., as sole source.

L-3 is the sole source for the eXaminer, and as proprietor of this security equipment and owner of the data that populates the eXaminer product, L-3 is the only known source that can provide the required installation and support to its proprietary security equipment. This security hardware is required to be provided by the Airport in its agreement with the Transportation Security Administration (TSA).

Funding is available in account PAP0024-62620028-41067-508027.

Please call me if you need additional information regarding this matter – thank you.

communications

Security and Detection Systems, Inc.
2005 Gandy Blvd. North, Suite 600
St. Petersburg, FL 33702-2166
(727) 369-4363 Fax (727) 369-4546

September 14, 2006

Ms. Monica Lombrana
ElPaso International Airport
6701 Convair Road
ElPaso, TX 79925

RE: L-3 eXaminer EDS Relocation

Dear Ms. Lombrana:

L-3 Communications Security and Detection Systems, Inc. (L-3 SDS) provides airport security equipment to the TSA under a contract between L-3 and TSA. This equipment is deployed to airports and is owned by TSA. In order to maintain warranty/maintenance agreements on this equipment, when services are required for movement or reconfiguration of this equipment, the airports must contract with the original OEM (L-3 Communications) for these services.

L-3 Communications Security and Detection Systems, Inc. is the sole source for the eXaminer product as well as services that require movement or reconfiguration of this equipment within the United States.

L-3 Communications Security and Detection Systems, Inc. is the owner of the data that populates the eXaminer product.

As of September 14, 2006 L-3 SDS has no dealers or distributors within the United States.

Very truly yours,

Christine Lindsey
Director of Business Operations
L-3 Communications

FINANCIAL SERVICES
PURCHASING

SOLE SOURCE AFFIDAVIT

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

Before me, the undersigned official, on this day, personally appeared Christine Lindsey, 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 Christine Lindsey. 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: L-3 Communications Security & Detection Systems, Inc.
3. The above named company or firm is the sole source of the following item(s), product(s) or service(s).

   Installation of L-3's proprietary examiner EDS
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 bidder 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 bidder understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible bidder on this and future solicitations and may result in discontinuation of any/all business with the City of El Paso.**

Christine Lindsey
Signature

SUBSCRIBED AND SWORN to before me on this 14th day of September, 2006.

Susan K. Winter
NOTARY PUBLIC

SUSAN K. WINTER
PRINT NAME

SUSAN K. WINTER
MY COMMISSION # DD 571548
EXPIRES: July 6, 2010
Bonded Thru Notary Public Underwriters

MY COMMISSION EXPIRES

COMPANY: L-3 Communications Security & Detection Systems, Inc.
ADDRESS: 2005 Gandy Blvd N., Suite 600
CITY, STATE, ZIP CODE: St. Petersburg, FL 33702
FAX NUMBER: 727-369-4546
CONTACT NAME: Christine Lindsey
WEB ADDRESS:
EMAIL: Christine.Lindsey@L-3com.com
FEDERAL TAX ID NUMBER: 04-3054475
TEXAS SALES TAX NUMBER:

FORM CIQ

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the governmental entity.

By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. *See* Section 176.006, Local Government Code.

A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 **Name of person doing business with local governmental entity.**
L-3 Communications Security and Detection Systems, Inc.
Christine Lindsey, Contracting Officer

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.**

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 **Describe each affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to expenditure of money.**

L3 is providing installation services of its proprietary L3 EDS unit(s). No other firms, other than L-3 itself, are authorized by L-3 to perform this work. Furthermore, L-3 has no authorized dealers or distributors in the United States.

There is no known affiliation or business relationship with an employee who makes recommendations to local government.

4 **Describe each affiliation or business relationship with a person who is a local government officer and who appoints or employs a local government officer of the local governmental entity that is the subject of this questionnaire.**

No affiliation or business relationship

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

FORM CIQ
Page 2

5 **Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.)**

This section, item 5 including subparts A, B, C & D, must be completed for each officer with whom the filer has affiliation or business relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

☐ Yes ☒ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?

☐ Yes ☒ No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes ☒ No

D. Describe each affiliation or business relationship.

6 **Describe any other affiliation or business relationship that might cause a conflict of interest.**

7

Christine Lindsay
Signature of person doing business with the governmental entity

9-14-06
Date

Amended 01/13/2006