



## City of Austin FSD Purchasing Office

### Certificate of Exemption

DATE: 04/17/2017

DEPT: City of Austin Police Department

TO: Purchasing Officer or Designee

FROM: Albert Banda

BUYER: Erin D'Vincent

PHONE: (512) 974-5273

Chapter 252 of the Local Government Code requires that municipalities comply with the procedures established for competitive sealed bids or proposals before entering into a contract requiring an expenditure of \$50,000 or more, unless the expenditure falls within an exemption listed in Section 252.022.

Senate Bill 7 amended Chapter 252 of the Local Government Code to exempt from the requirements of such Chapter expenditures made by a municipally owned electric utility for any purchases made by the municipally owned electric utility in accordance with procurement procedures adopted by a resolution of its governing body that sets out the public purpose to be achieved by those procedures. The Austin City Council has adopted Resolution No. 040610-02 to establish circumstances which could give rise to a finding of critical business need for Austin Energy.

This Certification of Exemption is executed and filed with the Purchasing Office as follows:

1. The undersigned is authorized to submit this certification.
2. The undersigned certifies that the following exemption is applicable to this purchase. (Please check which exemption you are certifying)

- ☐ a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality
- ☐ a procurement necessary to preserve or protect the public health or safety of municipality'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 right-of-way
- ☒ a procurement of items 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

- ☐ a purchase of rare books, papers, and other library materials for a public library
- ☐ 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 voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes as 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
- ☐ advertising, other than legal notices
- ☐ Critical Business Need (Austin Energy Only)

3. The following facts as detailed below support an exemption according to Section 252.022 of the Local Government Code for this purchase. Please verify the steps taken to confirm these facts. If you are citing the following exemptions, please provide the additional information requested below. A more detailed explanation of these exemptions is attached.

- **Preserve and Protect the Public Health and Safety** – Describe how this purchase will preserve and protect the public safety of residents.
- **Sole Source** – Describe what patents, copyrights, secret processes, or natural monopolies exist. Attach a letter from vendor supporting the sole source. The letter must be on company letterhead and be signed by an authorized person in company management.
- **Personal Services** – Describe those services to be performed personally by the individual contracted to perform them.
- **Professional Services** – Describe what mainly mental or intellectual rather than physical or manual and/or disciplines requiring special knowledge or attainment and a high order of learning, skill, and intelligence are required to perform this service.
- **Planning Services** – Describe the services primarily intended to guide governmental policy to ensure the orderly and coordinated development of the state or of municipal, county, metropolitan, or regional land areas.
- **Critical Business Need** – Describe the procurement necessary to protect the competitive interests or position of Austin Energy.

4. Please attach any documentation that supports this exemption.
5. Please provide any evaluation conducted to support the recommendation. Include the efforts taken to ensure the selected vendor is responsible and will provide the best value to the City (Ex (valuation of other firms, knowledge of market, etc).

Trajen Funding dba Atlantic Aviation Jet A Fuel is the sole source of fuel available to the Austin Police Department's helicopter unit based on the location of the hanger, located at, 4309 General Aviation Ave. Because of location proximity, all other aviation fuel vendors are restricted from entering onto Trajen Funding dba Atlantic Aviation's property. Flying the Police Helicopter to other sources of fuel could cause a delay in aircraft response times to emergency calls. Additionally, the aircraft could incur unnecessary engine cycles and reduced maintenance intervals resulting in an increase in direct operating costs. This contract will replace current MA GS140000002 which will expire on 10/23/2017. Contract shall be established as a twelve (12) month agreement with three (3) twelve (12) month extension options.

6. Because the above facts and documentation support the requested exemption, the City of Austin intends to contract with ~~Atlantic Aviation~~ Trajen Funding dba Atlantic Aviation which will cost approximately \$ 600,000.00 (Provide estimate and/or breakdown of cost).

Recommended  
Certification

Albert Soria 4/17/17  
Originator Date

Approved  
Certification

Adrian Thomas 4/18/17  
Department Director or designee Date

R. Full 4/19/17  
Assistant City Manager / General Manager Date  
or designee (if applicable)

Purchasing Review  
(if applicable)

ladri 5.1.17  
Buyer Date Manager Initials

Exemption Authorized  
(if applicable)

\_\_\_\_\_  
Purchasing Officer or designee Date

02/26/2013



March 16, 2017

Brice Allen  
Atlantic Aviation  
4309 Emma Browning Ave  
Austin, TX 78719

Albert Banda  
Contract Compliance Specialist Sr.  
APD Procurement & Contract Compliance Services

Re: Avfuel

Dear Albert:

Please see the information below regarding fuel vendors in proximity to Atlantic Aviation.

Avfuel is the single and only source of fuel reasonably available to the Austin Police Department's helicopter unit based on the location of their hangar, located at Atlantic Aviation, 4309 Emma Browning Ave. Because of location proximity, other aviation fuel vendors are restricted from entering onto Atlantic Aviation's property for the purpose of supplying fuel to aircraft located on our ramp area.

If you need any further information, please feel free to contact me.

Sincerely,

Brice Allen  
General Manager  
Atlantic Aviation - AUS

**ATLANTIC**

ATLANTIC AVIATION SERVICES • AUSTIN BERGSTROM INTERNATIONAL AIRPORT  
4309 EMMA BROWNING AVENUE • AUSTIN, TX 78719 • 512.510.7000 • 512.510.7002 FAX