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Commissioner, District 5

Gregory S. Shaffer
County Manager

February 6, 2025

TO: Procurement File

FR: Bill Taylor, Procurement Manager *BT*

RE: **Sole Source Determination with Oliver Packaging and Equipment Company To Purchase an Indefinite Quantity of Food Sealing Materials for the SpeedSeal CX Countertop Model 1308N Packaging Machine.**

Issue

The Health and Human Services (HHS) Department, Senior Services Division of Santa Fe County requests a sole source determination for the purchase of food containers that are part of the packaging system for the home deliveries of meals. HHS purchased the Speedseal CX Countertop Model 1308N packaging/sealing machines for food packaging system through the appropriate procurement method in 2010. This system is unique to Oliver Packaging & Equipment Company. The system combines these trays/cups and specialized sealant film to produce a finished unique Oliver. The Speedseal CX sealing machine requires the purchase of these consumable products from Oliver Packaging and Equipment, due to the specific sizing and dimensions the machine will process.

Oliver Company is the only company that can provide trays that can be heat sealed using the Model 1308N packaging/sealing machines. The heat sealing packaging is the only method that will maximize frozen meal storage life, in accordance to the criteria set forth with the Non-Metro Area Agency on Aging Standards & Policies, Section VII, Number 714.B.15.g.i.ii.

The Oliver Packaging is the only system that can provide compostable biodegradable food trays. This feature is also in compliance with County Ordinance 2024-06. No other company provides compostable biodegradable food trays for packaging.

The Department conducted a good-faith effort of contacting available sources and found that other Food Supply Companies do provide food trays that allow for the heat-sealed packaging method; however, it would require the purchase of that company's food packaging/sealing machines that would then require the purchase of each vendors brand specific food packaging/sealing machines.

The vendors that were contacted are:

- Pathway Solutions Requires that the County purchase their machines
- CPT Plastics Requires that the County purchase their machines
- Albuquerque Countertops Requires that the County purchase their machines

Determination

Based on the uniqueness of the required food containers to meet the purpose of home deliveries of meals to homebound County residents and further predicated by County Ordinance 2024-06 regarding the use of biodegradable materials, the Procurement Manager, CPO, has made this determination that the purchase of these consumable products is a sole source procurement pursuant to the NMSA 1978 13-1-126 that “a contract may be awarded without competitive sealed bids or competitive sealed proposals regardless of the estimated cost when the state purchasing agent or a central purchasing office makes a determination, after conducting a good-faith review of available sources and consulting the using agency, that there is only one source for the required service, construction or item of tangible personal property”.

Purchase Information:

Vendor- Oliver Packaging & Equipment Company
3236 Wilson Dr.
NW Walker, Michigan 49534

Deliverables- Unit = 1 Food tray, 1 Printed Label, 1 Plastic Film/Sealant

Printed Labels	\$1.38 ea.
Tray	\$.33 ea.
<u>Film</u>	<u>\$.23 ea.</u>
Total per Unit	\$1.94 ea.