



## DECLARATION OF EMERGENCY PURCHASE

The Middle Rio Grande Conservancy District, hereby notifies of the conduction of an "Emergency Procurement" pursuant to § 13-1-127 NMSA 1978

The emergency procurement method (NMSA 1978, Section 13-1-127 may only be used when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

1. The functioning of government;
2. The preservation or protection of property;
3. or the health or safety of any person

**POSTING DATE:** FEBRUARY 5, 2018

**DESCRIPTION OF SERVICES OR TANGIBLE PERSONAL PROPERTY:**

SPIGOT BACK AND FLAT BACK CANAL GATES WITH 6 FOOT FRAME, 15" – 36" SIZES

**VENDOR(S):** WATERMAN INDUSTRIES AND FRESNO VALVES & CASTINGS, INC.

**JUSTIFICATION:** A bid was awarded on September 26, 2017 for the MRGCD annual order of Irrigation Canal Gates with Waterman Industries; please note that the District elected to standardize to the Waterman Gate back in the late 1990's. Mr. Deloia on a regular basis was following up on the order, and on January 23<sup>rd</sup> he demanded a delivery date, because they would continual advise us that it would be two more weeks, etc. This last call from Waterman Industries on January 25, 2018 the sales Representative John Cauthon stated that he could not hide the facts of the situation with Waterman Industries, Inc. and advised the MRGCD that Waterman Industries is in terrible financial trouble and they have been on COD and that the company is in the process of being bought out. However, the transaction is not final and may not be finalized for another couple of months and they are unable to obtain materials and supplies to manufacture and deliver MRGCD's order of Waterman Canal Gates that were ordered back in September 2017.

Therefore, because our Irrigation Season begins March 1, 2018 and the replacement of gates on the irrigation ditches and canals is extremely critical and these gates are needed to installed before the waters begin to flow we contacted Fresno Valves and Castings Inc. another Gate Distributor. They provided pricing and are able to build the gates in two deliveries. Going forward, we will issue out a formal bid, but because of the timing and the beginning of the Irrigation Season there was no time to process a formal bid, and it was urgent and critical to get these gates on order immediately.

**AWARDED VENDOR: FRESNO VALVES AND CASTINGS INC.**

**TERM OF CONTRACT: ONE YEAR**

**AMOUNT: \$115,000.00**

**CERTIFIED BY:**

Date: February 4, 2018

  
MRGCD Chief Procurement Officer

**AGENCY APPROVAL BY:**

Date: February 4, 2018

  
MRGCD Chief Engineer