



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**New Mexico Division**

July 6, 2017

4001 Office Court Drive  
Suite 801  
Santa Fe, NM 87507  
505-820-2021

**In Reply Refer To:**  
HFO-NM  
ENGI 23

Mr. Tom Church  
Cabinet Secretary  
New Mexico Department of Transportation  
PO Box 1149  
Santa Fe, NM 87507

Dear Secretary Church:

The Federal Highway Administration, New Mexico Division Office, has reviewed the New Mexico Department of Transportation's (NMDOT's) Certification of Proprietary Products pertaining to certain drainage lift pumps and valve equipment for project LC00160 in Las Cruces.

The Certification establishes that the referenced equipment cited therein are essential for standardization/synchronization with the existing systems on the City of Las Cruces' system inventory.

In accordance with 23 CFR 635.411 and the supporting information provided in the request, it is hereby acknowledged and approved specifically for this project. As established in Guidance on Patented and Proprietary Products a sunset provision must be established in order to assess changes in market conditions, technologies and re-examine the need for specifying proprietary products. Actions may be approved to extend the sunset as justified accordingly. As such the sunset established for this specific project action is four (4) years from date of this memo as noted in your letter.

The equipment while proprietary in nature as identified in the Certification request must conform to the Buy America requirements as it is part of a Federal aid highway project.

If you have any further questions, feel free to contact Mr. Max Valerio (505) 820-2035 or at [max.valerio@dot.gov](mailto:max.valerio@dot.gov).

Sincerely yours,

Max Valerio, P.E.  
Field Operations Engineer

For: J. Don Martinez  
Division Administrator

cc:

Mr. Anthony Lujan, NMDOT  
Mr. Armando Armendariz, NMDOT  
Mr. Trent Doolittle, NMDOT  
Ms. Sally Reeves, NMDOT  
Mr. Michael Smelker, NMDOT  
Mr. Jesus Sandoval, NMDOT



June 22, 2017

Mr. J. Don Martinez  
Division Administrator  
Federal Highway Administration  
New Mexico Division  
4001 Office Court Suite 801  
Santa Fe, NM 87507

Re: Certification 23 CFR 635.411(a)(2) Certification – LC00160 Request for Sole Source / Proprietary lift pump and valve equipment within the boundary of the City of Las Cruces city limits.

Dear Mr. Martinez,

NMDOT is currently completing a road transfer agreement for LC00160 (Valley Dr. from Avenida de Mesilla to Picacho and from Picacho to the north City Limit) with the City of Las Cruces, and does not anticipate any issues with completing this agreement.

The City of Las Cruces has requested Certification for Sole Source / Proprietary for the drainage lift pump and valves. The City of Las Cruces has provided Sole Source Request Letter with the product equipment list for the lift pump and valves for your review and approval.

The cost incurred by purchasing and integrating lift pump and valves other than that listed by the City of Las Cruces are unknown, because the cost per. However, City of Las Cruces has determined that the use of this equipment is essential to insure the proper maintenance and operation of the drainage system that will become theirs to maintain. The cost to utilize the aforementioned items results in less expensive cost to City of Las Cruces by standardization of equipment for increased cost efficiencies through reduced timelines to abate equipment malfunctions.

In accordance with 23 CFR 635.411(a)(2), that the above particular and proprietary products is necessary for efficient and proper maintenance by the City of Las Cruces. Proper maintenance is based on the training on the use and maintenance of the proprietary product that is necessary for the satisfactory operation of the existing facility, and logistics the proprietary product is interchangeable with products in the City of Las Cruces maintenance inventory as described above.

I Michael Smelker, Assistant South Regional Manager of New Mexico Department of Transportation, do hereby certify that in accordance with the requirements of 23 CFR 635.411(a)(2), that this patented and proprietary items are essential for the proper maintenance and performance of the upgrade to the existing drainage facilities, and considered the proper maintenance and performance the system to be in the public interest.

**Susana Martinez**  
Governor

**Tom Church**  
Cabinet Secretary

**Commissioners**

**Ronald Schmeits**  
Chairman  
District 4

**Dr. Kenneth White**  
Secretary  
District 1

**David Sepich**  
Commissioner  
District 2

**Keith Mortensen**  
Commissioner  
District 3

**Butch Mathews**  
Commissioner  
District 5

**Jackson Gibson**  
Commissioner  
District 6

The extent of the Certification is for the City of Las Cruces which will be owned and maintained by the City. City of Las Cruces request the extent of the Certification to extended beyond this project, therefore request a sunset date of four years.

I appreciate you taking your time for this consideration, if you should have any questions please feel free to contact me. I can be reached at 575-202-3339 or via email at [michaelj.smelker@state.nm.us](mailto:michaelj.smelker@state.nm.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Smelker".

Michael Smelker, PE  
Assistant Regional Manager  
NMDOT South Region Design

Attachments: CLC Sole Sources Request Letter for NMDOT  
CLC approved product equipment list for traffic signal and street lighting

June 14, 2017

Mr. Arthur Romero, P.E., Project Development Engineer  
NMDOT-SRD  
750 N. Solano  
Las Cruces, NM 88001

**RE: REQUEST FOR SOLE SOURCE/PROPRIETY PUMP STATION EQUIPMENT  
FOR LC00160 (VALLEY DRIVE)**

Dear Mr. Romero,

Please provide your approval to use federal funding for the LC00160 (Valley Drive) Project for the new storm water pump station being constructed within the City's Archuleta pond for the materials and equipment listed in this letter.

**A. Storm Water Submersible Pump**

1. Flygt

**B. Ball Check Valve**

1. Flygt

**C. Plug Valve**

1. Dezurik

Factors considered in selecting this equipment include:

- 1. System Connectivity:** The City of Las Cruces currently owns and operates the existing storm water pump station located within Archuleta Pond. This pond is being modified and expanded to handle the additional stormwater runoff generated by the LC00160 project. The existing storm water pump station within Archuleta Pond includes a Flygt pump and control panel and to interconnect the new pump station with the existing pump station controls the use of the same brand of equipment is desirable.
- 2. Maintenance:** The existing storm water pump station at the Archuleta Pond is a Flygt Pump. The local service representative for this region and for the City of Las Cruces is James Cooke & Hobson, Inc. (JCH) and they currently service the Archuleta Pond pump station. To properly maintain the pond and pump stations in the future the use of one service representative is necessary.

3. **Ownership:** Upon completion of this project a Road Transfer agreement will be executed to transfer the ownership of Valley Drive (NM 188) to the City of Las Cruces, also the Archuleta Pond is currently owned by the City of Las Cruces. Flygt equipment is the preferred manufacturer of this type of equipment by the City of Las Cruces and used extensively throughout the City.

If you have any questions, feel free to contact me at (575) 541-2566.

Respectfully,

SooGyu Lee, P.E.  
Traffic Operations Engineer

cc: David Maestas, P.E., Transportation Director  
Willie Roman, P.E., PTOE, Street & Traffic Operations Administrator