



ALTERNATE PROCUREMENT (AP) REQUEST
 OFFICE OF MANAGEMENT AND BUDGET
 CENTRAL SERVICES - STATE PROCUREMENT OFFICE
 SFN 51403 (07-2022)

Submit Completed Request:
 1) [SPO Work Request System](#), or
 2) Email to: infospo@nd.gov

Notify the OMB State Procurement Office as soon as possible when a noncompetitive or limited competitive purchase is contemplated. An Alternate Procurement (AP) Request must be submitted when obtaining less competition than required by purchasing thresholds. Information technology (IT) requests over \$25,000 must be approved by the Information Technology Department. An AP Request is not required for purchases from government entities, state sources of supply, and goods and services exempted under N.D.C.C. § 54-44.4-02, N.D.A.C. §§ 4-12-01-04, 4-12-09. Contact your assigned OMB State Procurement Officer for assistance.

AGENCY INFORMATION

Agency Name NDDOT - Maintenance Division		Date of Request 12/9/2022
Procurement Officer Vanessa Brosten	Telephone Number 701-328-4466	Email Address vbrosten@nd.gov

PROCUREMENT TYPE

Check all that apply

Noncompetitive Procurement
 Limited Competitive Procurement
 Contract Amendment Exception
 Purchase from Another Government Entity's Contract
 Formal Sealed Competitive Process Exemption
 Competition attempted, no acceptable bid or proposal received. Attach the solicitation, bidders list, any responses received, and evaluation documents.

NOTICE OF INTENT TO MAKE A LIMITED OR NONCOMPETITIVE PURCHASE ISSUED (if applicable)

Attach a copy of the Notice, Bidders List, and SPO Online System solicitation notification email.

Notice of Intent

A purchasing entity issued a Notice of Intent to Make a Limited or Noncompetitive Purchase to determine if other sources are available and if such an award is appropriate.
 OMB required the purchasing entity to issue a notice to determine if such an award is appropriate.

Responses Received

No - none received
 Yes - response(s) received, see actions below.

Attach vendor responses, communications, evaluations, and determinations. List vendor(s) below.

VENDOR INFORMATION

Vendor Name Brifen USA, Inc	Website https://www.brifenusa.com
Contact Person John Guevara	Telephone Number (405) 751-8062
Email Address john.g@brifenusa.com	

DESCRIPTION OF SERVICE OR COMMODITY

Describe exactly what is being purchased and the intended purpose (*include manufacturer, brand, model, and other identifiers*). Hardware to repair Brifen high tension cable guardrail for as long as the guardrails are in place or 15 years.

TOTAL COST AND REQUESTED AP EXPIRATION DATE

Total cost is based upon the purchase description (e.g. One-time purchase of \$30,000. Five units this biennium, totaling \$150,000). If applicable, describe the proposed contract period, renewal/extension options, and requested expiration date (e.g. \$20,000 per year with 3 renewal options = \$80,000 total cost).

Total Cost Unknown
Describe Initial Contract and Renewal/Extension Options (and renegotiation details*, if applicable - IT Contract)
*A renegotiation option would normally be used for a strategic solution/product, for example a critical line of business application that is expected to be used for an extended period of time and where it is in the state's best interest to have the ability to renegotiate the contract. Renegotiation occurs after completion of the initial term and any extensions and renewals.
Will a renegotiation option be included in the contract? <input type="checkbox"/> Yes <input type="checkbox"/> No
If Applicable, Requested AP Expiration Date (mm/dd/yy) 12/31/2032

MARKET RESEARCH, JUSTIFICATION, AND SUPPORTING DOCUMENTATION

Explain why a fully competitive procurement process is impracticable or not in the best interest of the state. Factual evidence which is sufficient for the approver to independently determine that the justification is true and accurate must be provided. Factual evidence consisting of written documents, reports, supporting data, affidavits, patent or copyright information, research, or other information may be attached as supplemental information to this request. Attach any available draft contracts, vendor quotes, or proposals.

The department installed Brifen high tension cable guardrail through construction projects in multiple districts. The construction contracts included some hardware for making repairs. When the repair hardware is depleted, additional hardware needs to be ordered. Being a MASH safety tested device, hardware cannot be mixed and matched between other manufacturer systems. This hardware can be purchased directly from the manufacturer.

The intent is for any district to order Brifen hardware directly from the manufacturer for several years.

STEP 2: OFFICE OF MANAGEMENT AND BUDGET, STATE PROCUREMENT OFFICE APPROVAL (\$10,000 and over)

Approved <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Expiration Date (if applicable) 12/31/2032	If Applicable, Renegotiation Option Approval <input type="checkbox"/> Yes <input type="checkbox"/> No
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AUTHORITY FOR LIMITED OR NONCOMPETITIVE PROCUREMENT

Competition can be limited under the following N.D.C.C. or N.D.A.C. provisions. Check the appropriate authority reference(s).

- The commodity or service is available from only one source. [N.D.C.C. § 54-44.4-05 (2)(a)]
- The commodity or service is for experimentation or trial. [N.D.C.C. § 54-44.4-05 (2)(b)]
- No acceptable bid or proposal was received pursuant to a competitive bidding or competitive proposal process. [N.D.C.C. § 54-44.4-05 (2)(c) and N.D.A.C. § 4-12-11-08]
- Commodities are being purchased for over-the-counter resale. [N.D.C.C. § 54-44.4-05 (2)(d)]
- A used commodity is advantageous to the state and the commodity is available on short notice. [N.D.C.C. § 54-44.4-05 (2)(g)]
- The commodity is a component or replacement part for which there is not commercially available substitute and which can be obtained only from the manufacturer. [N.D.C.C. § 54-44.4-05 (2)(h)]
- Compatibility with equipment currently owned by the state is essential to the proper functioning of that equipment. [N.D.C.C. § 54-44.4-05 (2)(i)]
- The services or the circumstances are of such a nature that deviation from the procurement process is appropriate. [N.D.C.C. § 54-44.4-05 (2)(j)]
- Products or services exclusive to particular individuals or business entities are required, but competition for that proprietary product exists. [N.D.A.C. § 4-12-09-02 (1)(a)]
- Circumstances require that commodities or services be provided by vendors within a specific geographic area, such as equipment requiring local service, on-site service within a specific time, or delivery of ready mix concrete. [N.D.A.C. § 4-12-09-02 (1)(b)]
- It is determined that a competitive sealed bid or competitive sealed process is impracticable or not in the best interest of the state. [N.D.A.C. § 4-12-09-02 (1)(c)]
- The commodity or service is available from another government entity's contract. [N.D.C.C. § 54-44.4-13].

NOTE: Attach a copy of the contract. OMB State Procurement Office approval is required regardless of the dollar amount.

Comments
Only parts made and distributed by Brifen USA were used in the crash testing leading to the Federal Highway acceptance letter and the use of any part from any entity other than Brifen USA would present a safety hazard. Sole source letter is attached below.

OMB Approver Name Chad Keech	Signature <i>Chad Keech</i>	Date 12/21/2022
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BRIFEN★USA INC.

January 11, 2022

RE: SOLE SOURCE SUPPLIER-BRIFEN WIRE ROPE SAFETY FENCE

To Whom It May Concern:

Brifen USA Inc. is the fabricator and exclusive distributor of the proprietary Brifen Wire Rope Safety Fence (WRSF) in the United States. In order to meet our intended use, all spare parts should be purchased through Brifen USA Inc. Only parts made and distributed by Brifen USA were used in the crash testing leading to our Federal Highway acceptance letter and the use of any part from any entity other than Brifen USA would present a safety hazard.

You should submit your spare parts order to:

Brifen USA, Inc.
12501 N. Santa Fe Ave.
Oklahoma City, OK 73114
(866) 427-4336
phil@brifenusa.com

Please do not hesitate to contact me with any question.

Sincerely,
Brifen USA Inc.



Phil Sorey
Regional Sales Manager

BRIFEN★USA INC.

MASH 2009 TL-3 WRSF PARTS PRICES

WIRE ROPE SAFETY FENCE

REVISED: 10/4/2019

QTY.	PART NO.	DESCRIPTION	PRICE PER EACH
MASH GATING TERMINAL (MGT) POST			
	O11A	O SERIES 28" MGT POST A	\$45.35
	O11B	O SERIES 40" MGT POST B	\$52.65
	O11C	O SERIES 50" MGT POST C (HOOK POST)	\$103.70
LENGTH OF NEED (LON) POST			
	O11	O SERIES 50" LINE POST SOCKETED (MASH)	\$62.35
	O21	O SERIES DRIVEN POST	
	O21-A	O SERIES DRIVEN POST W/ SOIL PLATE	
	O31	O SERIES BOLT DOWN POST (LON ONLY)	
POST MOUNTING METHODS (FOUNDATIONS)			
	O40-P	O SERIES POST SOCKET 12" PLASTIC	\$20.95
	O40-S	O SERIES POST SOCKET 12" GALV STEEL	\$28.50
	O40-SC	O SERIES PLASTIC OR STEEL CAP FOR STEEL SOCKET	
	O44	O SERIES DRIVEN STEEL SOCKET W/ SOIL PLATE	
O SERIES POST ACCESSORIES			
	O41	O SERIES POST EXCLUDER	\$2.75
	O42	O SERIES CABLE RETAINER	\$1.95
	O80	O SERIES POST CAP	\$2.25
O SERIES END ANCHOR			
	MGT4	MGT END ANCHOR ASSEMBLY	
	O71	MGT END ANCHOR PLATE	
O SERIES POST CAP w/ BLADE			
	O80-A31	O SERIES REFLECTOR BLADE W/ 1 - 3" X 3" AMBER REFLECTOR	\$6.45
	O80-A61	O SERIES REFLECTOR BLADE W/ 1 - 3" X 6" AMBER REFLECTOR	\$9.00
	O80-A32	O SERIES REFLECTOR BLADE W/ 2 - 3" X 3" AMBER REFLECTOR	\$10.50
	O80-A62	O SERIES REFLECTOR BLADE W/ 2 - 3" X 6" AMBER REFLECTOR	\$15.60
	O80-W31	O SERIES REFLECTOR BLADE W/ 1 - 3" X 3" WHITE REFLECTOR	\$6.45
	O80-W61	O SERIES REFLECTOR BLADE W/ 1 - 3" X 6" WHITE REFLECTOR	\$10.50
	O80-W32	O SERIES REFLECTOR BLADE W/ 2 - 3" X 3" WHITE REFLECTOR	\$9.00
	O80-W62	O SERIES REFLECTOR BLADE W/ 2 - 3" X 6" WHITE REFLECTOR	\$15.60
O SERIES POST BLADE			
	O80-B3	O SERIES POST CAP BLADE ONLY 3x3	\$3.90
	O80-B6	O SERIES POST CAP BLADE ONLY 3x6	\$6.45
REFLECTORS			
	O82-A3	O SERIES AMBER REFLECTOR- 3" X 3"	\$2.55
	O82-A6	O SERIES AMBER REFLECTOR- 3" X 6"	\$5.10
	O82-W3	O SERIES WHITE REFLECTOR- 3" X 3"	\$2.55
	O82-W6	O SERIES WHITE REFLECTOR- 3" X 6"	\$5.10
MISCELLANEOUS			
	A51L	SWAGED (LEFT HAND) THREADED TERMINAL THREAD	
	A51R	SWAGED (RIGHT HAND) THREADED TERMINAL THREAD	
	A52	RIGGING SCREW (TURNBUCKLE)	\$88.90
	A53	CABLE SPLICE ASSEMBLY	\$227.60
	A54L	MECHANICAL (LEFT HAND) THREADED TERMINAL THREAD	\$236.25
	A54R	MECHANICAL (RIGHT HAND) THREADED TERMINAL THREAD	\$236.25
	A71	MECHANICAL FITTING	
	A74	NUT	
TOOLS			
	T01	TENSION METER KIT	\$3,135.00
	Z02	REPAIR TOOL ROPE SPREADER (TL-4)	\$325.50
	T05	KLEIN PRY BAR	\$136.75
	T18	(5/16" X 6") EYE BOLT	
	T23	ROPE GRIP (Klien 1685-31)	\$350.00