



**PUBLIC SERVICE BOARD MEETING
AGENDA ITEM
REGULAR MEETING
Wednesday, July 8, 2026**

SUBJECT

Sole source master contract for Comprehensive Annual Service Agreement with Aqua Metrology Systems Limited for SafeGuard online arsenic analyzers and THM-100 online Total Trihalomethanes (TTHM) analyzers.

BACKGROUND

EPWater currently operates five Aqua Metrology Systems, Limited SafeGuard online arsenic analyzers at the Upper Valley Water Treatment Plant to continuously monitor arsenic concentrations and maintain compliance with the U.S. Environmental Protection Agency (EPA) Arsenic Rule. These analyzers are critical components of the plant's water quality monitoring program and provide real-time data used to verify regulatory compliance. To ensure the continued accuracy, reliability, and operational availability of these instruments, EPWater must obtain manufacturer-authorized maintenance, technical support, software updates, calibration assistance, and replacement parts.

PRIOR PSB ACTION

- On June 9, 2021, the Public Service Board approved a sole source annual service agreement with Aqua Metrology Systems Limited for SafeGuard online arsenic analyzers and THM-100 online Total Trihalomethanes analyzers.

UTILITY KPI ALIGNMENT

Total Water Supply

EVALUATION PROCESS

Aqua Metrology Systems, Limited is the original equipment manufacturer and sole provider of the comprehensive annual service agreements for these MetalGuard online arsenic analyzers. No other vendor is authorized to provide the proprietary services, software support, and manufacturer-certified maintenance required to maintain the analyzers in accordance with manufacturer specifications. Therefore, procurement of the annual service agreement from Aqua Metrology Systems, Limited is necessary to ensure uninterrupted operation of the arsenic monitoring system and continued compliance with EPA drinking water regulations.

FINANCIAL IMPLICATIONS

This expenditure is part of the approved budget.

PROPOSED ACTION REQUESTED

Consider and approve a sole source contract pursuant to Section 252.022(a)(7)(A) and(D) of the Texas Local Government Code with Aqua Metrology Systems Limited for the comprehensive annual services for the MetalGuard online arsenic analyzers to monitor arsenic concentration levels, in the estimated annual amount of \$500,000 for a one-year term with five one-year options to extend, contingent upon Aqua Metrology Systems Limited providing annual documentation attesting to their sole source status.

SUPPORTING DOCUMENTATION PROVIDED

- Sole Source Affidavit
- Sole Source Letter



EL PASO WATER UTILITIES PUBLIC SERVICE BOARD

SOLE SOURCE AFFIDAVIT

Before me, the undersigned official, on this day, personally appeared a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is Carter Dougherty. I am over the age of 18, have never been of a convicted crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: Aqua Metrology Systems Limited
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):
THM-100, MetalGuard, SafeGuard and AMS Data Quality Assurance Programs
4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
6. **Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the El Paso Public Utilities-Public Service Board.**

Signature

SUBSCRIBED AND SWORN to before me on this _____ day of _____ 20 _____

See Attached Jurat
16 5/19/2026

NOTARY PUBLIC

PRINTED NAME

MY COMMISSION EXPIRES

COMPANY NAME: Aqua Metrology Systems Limited

ADDRESS, CITY, STATE & ZIP CODE: 1225 E Arques Avenue Sunnyvale, CA 94085

PHONE: 408-543-9916

FAX NUMBER: _____

CONTACT NAME AND TITLE: Carter Dougherty Executive Vice President Analytics

WEB ADDRESS: www.ams-h2o.com

EMAIL: cdougherty@ams-h2o.com

FEDERAL TAX ID NUMBER: 27-2471675

TEXAS SALES TAX NUMBER: _____

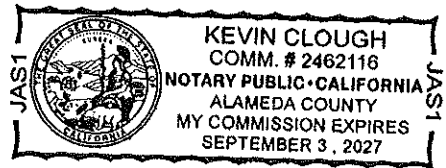
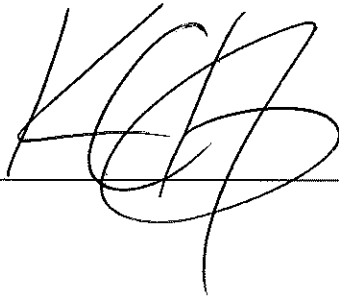
CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of **California**
County of **Alameda**

Subscribed and sworn to (or affirmed) before me on this 19 day of May, 2026
by Carter Dougherty,
proved to me on the basis of satisfactory evidence to be the person ~~X~~ who appeared before me.

Signature



Title of Document Sole Source Affidavit
Total Number of Pages including Attachment 2
Notary Commission Expiration Date September 3, 2027
Notary Commission Number 2462116



May 4th, 2026

Subject: Sole-Source Justification for AMS MetalGuard™, THM-100™, and SafeGuard™ Systems

To Whom It May Concern:

Aqua Metrology Systems (AMS) respectfully submits this sole-source justification in support of El Paso Water's continued use of AMS MetalGuard™, THM-100™, and SafeGuard™ automated water monitoring analyzers. These systems provide capabilities and equipment support capabilities that are **not available from any other manufacturer**, and they represent the **only OEM-supported modernization path** for the analyzers currently deployed across EPWater facilities.

1. Unique Technical Capabilities (Not Available from Any Other Vendor)

AMS analyzers incorporate patented and proprietary features that are not offered by alternative online metals or THM monitoring systems, including:

- **Automatic sensor regeneration** (no consumables, no manual rebuilds)
- **True self-calibration and self-validation every analytical cycle**
- **Every-analysis calibration traceability**
- **Proprietary wet-chemistry detection method** with no drift
- **High-frequency validated data (20–30 min)**
- **Direct compatibility with existing EPWater AMS installations**

These capabilities are essential to EPWater's operational, regulatory, and reporting requirements and cannot be replicated by other manufacturers.

2. Continuity With Existing EPWater Infrastructure

EPWater has used AMS analyzers for more than **15 years**, including arsenic, THM, and metals monitoring systems. The next-generation MetalGuard™ and THM-100™ analyzers are the **only OEM-supported replacements** for the legacy AMS units currently approaching end-of-life.

Replacing these systems with non-AMS equipment would require:

- Rewriting SOPs and QA/QC protocols
- Retraining operators
- Revalidating regulatory reporting methods
- Rebuilding data continuity
- Introducing operational risk and downtime

3. End-of-Life Modernization Requirement

AMS

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www.ams-h2o.com

Registered in England & Wales, Company Number: 0720 2877. AMS qualifies to conduct business in the United States by holding California Certificate of Qualification Number 3288628. Registered Office: 2 New Bailey, 6 Stanley Street, Salford, Greater Manchester, M3 5GS, United Kingdom

Legacy AMS SafeGuard analyzers will reach end-of-life by **2027**. AMS is the **sole manufacturer** of the next-generation replacements that maintain compatibility with EPWater's existing infrastructure, data systems, and operational workflows.

4. Historical Sole-Source Precedent

EPWater has previously issued sole-source determinations for AMS analyzers over the past 15 years. The technical conditions that justified those determinations **remain unchanged**, and AMS continues to be the **only provider** of these capabilities.

5. Conclusion

Based on the unique technical features, operational continuity requirements, and the absence of equivalent alternatives, AMS qualifies as a **sole-source provider** for EPWater's metals, arsenic, and THM monitoring needs.

AMS stands ready to support EPWater with any additional documentation required by Procurement.

Sincerely,



Rick Bacon

Chief Executive Officer

Aqua Metrology Systems (AMS)