



DATE: September 05, 2017

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: Christopher Walton, Director, Transportation

FROM: Derrick Chan, Director, Broward County Transit Rail Division

PROJECT TITLE: Procurement of Non-Contracted Streetcar Optional Parts

REQUISITION NO.

**SOLE SOURCE/SOLE BRAND REQUEST**

**I. REQUEST: Provide a description of the features of the product/service or Scope of Work.**

Broward County Transit Division (BCT) and the Florida Department of Transportation (FDOT), District 4, are working together as project partners on the Wave Streetcar Project. BCT intends to procure five (5) On-Board Energy Storage System (OESS) equipped modern streetcar vehicles as a separate procurement for the Wave Streetcar Project. BCT has requested approval to use the "Piggyback" option off of the City of Charlotte, Charlotte Area Transit System's (CATS) Contract No. 2017000930, Gold Line Modern Streetcar Vehicles (GSV's), as well as all Related Materials, Engineering, Support and Services options included with the CATS contract. Upon Broward County Commission's Board approval, BCT will proceed with procuring the streetcar vehicles through the awarded vendor/manufacturer Siemens Industry, Inc.

The manufacturer of the streetcar vehicles, Siemens Industry, Inc., and BCT have had numerous discussion to identify the specific technical specifications, features, additional optional parts requirements necessary to the ensure compatibility for the Wave Streetcar Project design and structure for the forthcoming rail system. BCT has determined that additional items are required for successful operation, as well as, to facilitate future growth plans within the department's fleet. BCT has requested LED Door Open Indicator Light Strips, Receptacle Plugs and Passenger Stop Request Push Buttons be installed as a part of the Streetcar design, which are included as optional parts and services on the existing CATS contract. In order for BCT to obtain the optional parts, BCT is requesting approval to obtain these optional items by way of Sole Source (Reasonable Source) procurement process. The price breakdown of these items is attached for your convenience.

- LED Door Open Indicator Light Strips - Aid in identification and improved passenger flow on and off the streetcar vehicle.
- Receptacle Plugs - These items are not in the Design Build Plans for the Wave Vehicle Maintenance & Storage Facility, but will be provided free of cost from Siemens Industry, Inc. for available usage in the facility.
- "Stop Request" Push Buttons - Allows passengers to request streetcar stops within the routes of service as needed. Installation shall be inside the vehicle cabins for future alignments.

**II. JUSTIFICATION: Please check all boxes that describe your reason(s) for determining that only one source or brand is reasonably available.**

**Only Sole Source/ Uniqueness**

- Proprietary Item - this vendor/source has the only rights to provide this service or commodity. A letter from the manufacturer or authorizing entity is included in this request.
- Technology Improvements - updates or upgrades to an existing system, software, software as a service (SaaS), hardware purchases.
- Engineering Direction - engineering drawing or specification identifies product; "no substitutes or equivalents will be acceptable."

- Only qualified supplier - reliability and maintainability of the product or service would be degraded unless specified supplier is used; may void warranty. This request includes a copy of the current warranty information.
- Other/or Additional information - the County requires this sole source, sole brand purchase for the following reasons:

LED Door Open Indicator light strips are become more of an industry standard in the streetcar industry, as opposed to once before being looked at as a commodity item. The light strips are used for passanger accessibility and aiding with passanger flow on and off the vehicle, minimizing delays in departure at stations. Stop Request buttons, similar to what BCT bus currently have, will allow the capability and flexibility on future to "bypass" some of the more rural stops during non-peak hours. BCT will be expanding the rail system throughout the county, so these item is will be vital for future alignments as the department expands their fleet.



**Business Case (One/Most Reasonable Source or One/Most Reasonable Brand)**

- Operational Compatibility - replacement parts from alternate suppliers are not interchangeable with original part and causes equipment incompatibility. Previous findings and/or documentation is included with this request.
- Ease of Maintenance - maintenance or retooling prohibits competition. Section III, Comparative Market Research includes estimated costs associated with changing current source and/or brand.
- Follow-On - potential for continued development or enhancement with same supplier and eliminates costs incurred by using different supplier. Section III, Comparative Market Research includes estimated costs for replacing current or existing system.
- Complies with existing community and safety standards, and/or laws, rules, and regulations.
- Exempted from the Procurement Code - per Section 21.18 of Broward County Administrative Code.
- Other/or additional information - using this sole source, sole brand purchase benefits the County for the following reasons:

BCT will be expanding the rail alignments in the near future. Therefore, in considering the needs for future alignments, not only for operations of the streetcar vehicles, but also for long term savings, future installation of these items would be almost triple the amount. In addition, with the capability the streetcar vehicles will have by adding the "stop request" buttons, station planning and locations would be much easier to determine during the design phase of the future alignments.

III. COMPARATIVE MARKET RESEARCH: Provide a detailed source or market analysis for justification of sole source/brand or most reasonable source (attach extra sheets as needed).

Estimated project value: \$115,500                      Contract length (if applicable): 4 years

Expenses to date: \$0.00

Has this commodity or service been previously provided to the County?  Yes     No

If yes, when and by whom? N/A

How was item/service procured? N/A

What is the current contract (MA) or purchase order number? N/A

If this is a sole brand, is there an "authorized" dealers list?  Yes     No

Cost/Benefit Analysis: What would the cost be to utilize an alternate vendor or source? This explanation should include the savings and/or additional costs to the County by not using the preferred vendor or source. Attach additional sheets if needed.

The cost associated with the engineering, installation, testing and support will be a substantial savings, as opposed to having these items submitted for Request for Proposal (RFP) and installed after delivery. In addition, with deadlines established for the Wave Streetcar project grants, it is beneficial for the schedule of the project to have Siemens Industry, Inc. install and test these items, to reduce the risk of not meeting these deadlines, as well as the risk of delaying the planned service date of February 2021.

CERTIFICATION: I have thoroughly researched the sole source or sole brand justification and fully understand the implications of Section 838.22 of the Florida Statutes:

(2) "It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause unlawful harm to another, to circumvent a competitive bidding process required by law or rule by using a sole source contract for commodities or services."

(5) "Any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084"

Alex Chong Alex Chong September 5, 2017  
REQUESTOR/EVALUATOR (PRINT) REQUESTOR/EVALUATOR (SIGN) DATE

DEPT/DIV DIRECTOR OR DESIGNEE (PRINT) DEPT/DIV DIRECTOR OR DESIGNEE (SIGN) DATE

The Purchasing Agent has reviewed the request and has completed the required due diligence per the Procurement Code Section(s) 21.34 and 21.35. The Purchasing Agent recommends the following:

- Sole Source  Sole Brand  Reasonable Source  RFI attached  Rejected
- Request Authorization to Negotiate

Additional Information:

In addition to the purchase of optional items, approval of this request is required to implement a four (4) year term contract for the purchase of optional items for future expansions of the rail alignments. Furthermore, a source to purchase these items will be required for replacement of parts (as needed when needed) required for adequate operation of the streetcar vehicles, and for long term savings, as future installation of these items is expected to cost at an increased price.

Approval of this request is contingent on purchase being made in accordance with Section 4.3 Options, SP-14 Option for Additional Spare Parts, Special Tools, and Test Equipment, Schedule B of the CATS solicitation (Exhibit 1) and pricing submitted by Siemens and accepted by CATS (Exhibit 2 and 3).

Purchasing Agent Signature: MARTHA PEREZ-GARVISO Date: Sept. 6, 2017

APPROVAL AUTHORITY  
REASON/SUGGESTED ACTION (IF DISAPPROVED):

[Empty box for approval authority and suggested action]

Signature:

Date: