



DATE: September 29, 2017

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: Alan W. Garcia, P.E., Director, Water and Wastewater Services

FROM: Mark Darmanin, Director, Water and Wastewater Operations Division

PROJECT TITLE: Evoqua Water Technologies/Wallace & Tiernan Products, Equipment, Parts & Service

REQUISITION NO. TBD

SOLE SOURCE/SOLE BRAND REQUEST

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

Water and Wastewater Operations Division (WWOD) requests approval of the sole brand procurement of Evoqua Technologies (formerly known Siemen's Water Technologies)/Wallace & Tiernan (Wallace & Tiernan) products, equipment, parts and service from sole source provider Water Treatment & Controls Company. WWOD uses Evoqua Technologies/Wallace & Tiernan equipment & parts for the purpose of maintaining critical chemical feed systems/chlorinators, ammonia feeders and evaporators (odor control). The estimated annual contract value is \$161,000.

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:

Wallace & Tiernan is the original equipment manufacturer and Water Treatment & Controls Company is the sole source for Evoqua Water Technologies/Wallace & Tiernan Products. Provided for review and reference is an authorization letter from Wallace and Tiernan stating that Water Treatment & Controls Company is the exclusive municipal representative for Wallace & Tiernan equipment, parts and services in the state of Florida.

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:

Evoqua Technologies/Wallace & Tiernan equipment & parts were installed as a part of a capital improvement project completed in 1993 and the sole brand procurement of these products are required for the purpose of maintaining critical chemical feed systems/chlorinators, ammonia feeders and evaporators (odor control). Failure of any portion of the water treatment chemical feed systems could result in a public safety issue and water contamination event. WWOD requires the continued use of this brand because replacing the parts and equipment with alternative brands would void warranties provided on the existing equipment.

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: \$161,000

Contract length (if applicable): 1 yr, plus 2-1yr renewals

Expenses to date: \$1,038,537 since 2007.

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

If yes, when and by whom? Various master agreements since 2007 by Water Treatment & Controls Company

How was item/service procured? Sole brand and sole source

What is the current contract (MA) or purchase order number? N1308003Q1

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

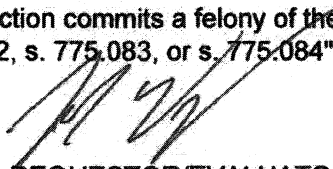

Cost/Benefit Analysis: What would the cost be to utilize an alternate vendor or source? This explanation should include the savings and/or additional costs to the County by not using the preferred vendor or source. Attach additional sheets if needed.

Wallace & Tiernan sole manufacturer of Evoqua Water Technologies/Wallace & Tiernan products, equipment and parts. Wallace & Tiernan equipment and parts are not interchangeable with any other manufacturer brands. To consider any other brand for the sole purpose of being competitive, would void warranties provided on existing equipment and WWS would be required to re-engineer and retrofit existing system. The amount of time and cost of installing a different brand would far outweigh the cost of replacing with the original equipment, as well as potentially creating another sole source/sole brand situation. Evoqua Technologies/Wallace & Tiernan equipment & parts were installed as a part of a capital improvement project completed in 1993. All subsequent master agreements since 2007 have been awarded as sole source, sole brand (MA# F0998601Q1, C0785105Q1, C07FOD7MR1 and N1308003Q1).

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"

John Kay		October 4, 2017
REQUESTOR/EVALUATOR (PRINT)	REQUESTOR/EVALUATOR (SIGN)	DATE
Mark Darmanin		October 4, 2017
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:

The purpose of this contract is for the provision of Evoqua Technologies/Wallace&Tiernan brand products, parts, and repair services.

A Request for Information (RFI) was posted from November 8, 2017 through November 14, 2017 with no responses received.

Annual estimate is \$161,000.

Purchasing Agent Signature:	AMY	<small>Digitally signed by AMY ALMANZAR DN: dc=cty, dc=broward, dc=bc, ou=Organization, ou=BCC, ou=PU, ou=Users, cn=AMY ALMANZAR Date: 2017.11.17 12:52:58 -05'00'</small>	Date: 11/17/17	CHRISTINE	<small>Digitally signed by CHRISTINE CALHOUN DN: dc=cty, dc=broward, dc=bc, ou=Organization, ou=BCC, ou=PU, ou=Users, cn=CHRISTINE CALHOUN Date: 2017.12.15 13:10:38 -05'00'</small>
	ALMANZAR		CALHOUN		

APPROVAL AUTHORITY
REASON/SUGGESTED ACTION (IF DISAPPROVED):

Signature:	BRENDA	<small>Digitally signed by BRENDA BILLINGSLEY DN: dc=cty, dc=broward, dc=bc, ou=Organization, ou=BCC, ou=PU, ou=Users, cn=BRENDA BILLINGSLEY Date: 2017.12.28 13:29:17 -05'00'</small>	Date:
	BILLINGSLEY		



September 28, 2017

Tiffany Holliman
Broward County
P.O. Box 14740
Fort Lauderdale, FL 33302

Subject: Manufacturer's Representative for Wallace & Tiernan®

Dear Tiffany Holliman,

This letter is to inform you that Water Treatment and Controls Company is the exclusive municipal Manufacturer's Representative for Wallace & Tiernan® equipment, parts and services for the following states:

Georgia, Florida and Alabama

With Headquarter offices located at:

Headquarters address
9900A North Palafox Street
Pensacola, FL 32534-1227
Telephone: 850.474.1805

And Regional Sales Offices in Gulf Breeze, Cape Coral, Gainesville, Leesburg and Vero Beach, FL, Atlanta, GA and Abbeville, AL

Evoqua utilizes exclusive municipal Manufacturer's Representatives to promote and support our equipment on a regional basis.

If you have any questions or require additional information please feel free to contact me.

With kind regards,

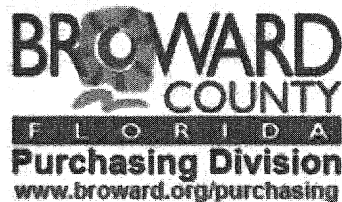
John Kiernan

John Kiernan
Technical Sales Manager, Wallace & Tiernan

Solicitation OPN2115563F1

Request for Information: Evoqua/Wallace & Tiernam Equipment, Parts, and Services

Bid Designation: Public



Broward County Board of County Commissioners

Bid OPN2115563F1

Request for Information: Evoqua/Wallace & Tiernam Equipment, Parts, and Services

Bid Number OPN2115563F1
Bid Title Request for Information: Evoqua/Wallace & Tiernam Equipment, Parts, and Services

Bid Start Date Nov 8, 2017 8:47:54 AM EST
Bid End Date Nov 14, 2017 5:00:00 PM EST
Question & Answer End Date Nov 13, 2017 5:00:00 PM EST

Bid Contact Amy Almanzar
Purchasing
aalmanzar@broward.org

Contract Duration **Not Applicable**
Contract Renewal **Not Applicable**
Prices Good for **Not Applicable**

Bid Comments **This Request for Information (RFI) is intended to ascertain whether the commodity or service specified below is currently available from multiple providers. This is not a request for pricing or a commitment to purchase.**

The following products are thought to be available from only a single source. This RFI will remain posted until the due at the date and time indicated. Vendors should submit response electronically through BidSync. Vendor should upload any supporting information in BidSync to assist in determining if product or service is comparable.

Commodities or Services Required

Evoqua Water Technologies/Wallace & Tiernam, Equipment, Parts and Services

Quantity or Term

Open-end Contract

Using Agency Requester

**Broward County Water and Wastewater Services
John Kay**

Known Reasonable Source/Brand

Water Treatment and Controls Company

Justification for Reasonable Source/Brand Acquisition

Evoqua Technologies/Wallace & Tiernan equipment and parts were installed as a part of a capital improvement project completed in 1993. Failure of any portion of the water treatment chemical feed systems could result in a public safety issue and water contamination event. Water and Wastewater Services (WWS) requires the continued use of this brand because replacing the parts and equipment with alternative brands would void warranties provided on the existing equipment.

WWS believes that Evoqua Technologies/Wallace & Tiernan equipment and parts are not interchangeable with any other manufacturer brands. It is also believed that Water Treatment and Controls Company is the exclusive manufacturer's representative of Evoqua Technologies/Wallace & Tiernan equipment, parts, and repair services.

If you can bid on this product or equal, respond to this Request for Information through BidSync. Broward County will be the sole determinate of what is comparable.

Prospective Vendors are requested to provide information regarding their ability to supply the commodities or contractual services described. All Vendor responses will be evaluated by the Using Agency which will be the sole determinate power in establishing the approved equal status of the commodity or service offered by the vendor. If it is determined in writing by the agency, after reviewing any information received from prospective Vendors, that the commodities or contractual services are available only from a sole source, a Request for Quotation will be issued to the sole source Vendor for processing and approval by the appropriate award authority.

Provide product literature for any product to assist in determining if product is comparable.

Item Response Form

Item OPN2115563F1--01-01 - Evoqua Water Technologies/Wallace & Tiernam, Equipment, Parts and Services

Quantity 1 contract

Prices are not requested for this item.

Delivery Location **Broward County Board of County Commissioners**
EV0056
WATER AND WASTEWATER SERVICES
ATTN: FISCAL OPERATIONS
2555 W COPANS ROAD
POMPANO BEACH FL 33069
Qty 1

Description
Evoqua Water Technologies/Wallace & Tiernam, Equipment, Parts and Services

**Question and Answers for Bid #OPN2115563F1 - Request for Information:
Evoqua/Wallace & Tiernam Equipment, Parts, and Services**

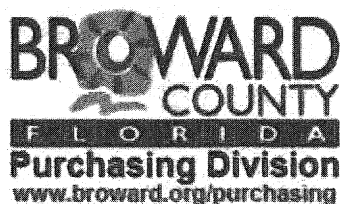
Overall Bid Questions

There are no questions associated with this bid.

**Bid Tabulation Packet
for
Solicitation OPN2115563F1**

**Request for Information: Evoqua/Wallace & Tiernam
Equipment, Parts, and Services**

Bid Designation: Public



Broward County Board of County Commissioners

