



DATE: November 05, 2018

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: Michael P. Pacitto, Director Planning & Environmental, Broward County Aviation Department *MP*

FROM: Winston B. Cannicle, Environmental Compliance Specialist, Broward County Aviation Department *WBC*

PROJECT TITLE: Software License, Maintenance, and Support Services for FLL Noise & Operations Monitoring *+*

REQUISITION NO.

SOLE SOURCE/SOLE BRAND REQUEST

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

The Broward County Aviation Department (BCAD) has a need for software license, support and maintenance services to ensure complete functionality of Fort Lauderdale-Hollywood International Airport's (FLL) existing Airport Noise and Operations Monitoring System (ANOMS). Required services include system administration, maintenance services, software system management services and information management services. The ANOMS integrates specifically with BCAD's noise monitoring hardware and allows the Airport to provide specialized noise data and reports to the surrounding communities and Aviation Industry.

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:

The ANOMS is a trademarked product solution and is exclusively provided and serviced by Bruel & Kjaer EMS and no other firm is authorized to perform these services. No outside vendors have access to the source codes and ANOMS is the intellectual property of Bruel & Kajer EMS Inc.

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:

BCAD currently owns and maintain \$950,000 worth of noise monitoring equipment which includes the Airport Noise & Operations Monitoring System (ANOMS) software, eleven (11) permanent noise monitor terminals (located in various locations throughout the communities around the airport) and subscription for flight tracking data feed from a Passive Secondary Surveillance Radar (PASSUR). The system as a whole allows the airport to provide specialized noise data and reports to the surrounding communities and Aviation Industry.

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: \$399,054.00 * Contract length (if applicable): 1 yr with (2) x 1-year Renewal

* Estimated project value for five years is \$655,090.00 mm Options

Expenses to date:

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

If yes, when and by whom? Bruel & Kjaer EMS, Inc, existing MA Z1216001A1

How was item/service procured? Sole source

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

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.

Procuring the services of Bruel & Kjaer to support and maintain the existing system would be the most beneficial option to the County as the ANOMS software is a trademarked product solution that is exclusively provided and serviced by Bruel & Kjaer EMS Inc. No other firm is authorized to perform these services. Procuring the services of another vendor for software services would require the replacement of the entire system (all existing noise monitoring equipment) at a cost in excess of \$1,000,000.

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"

Winston B. Cannicle		10/5/2013
REQUESTOR/EVALUATOR (PRINT)	REQUESTOR/EVALUATOR (SIGN)	DATE
Michael P. Pacitto		11/5/2018
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 Purchasing Agent recommends Sole Source designation for Bruel & Kjaer, Inc. for a five year contract for \$655,090 for the continued support and maintenance, WebTrak public flight tracking portal, Viewpoint Complaints Collection and Management System, and potential new noise monitoring terminals for the existing airport noise monitoring system that was originally purchased from Bruel & Kjaer, Inc. due to the high initial dollar investment of the system.

See Exhibit 1 for detailed system support and maintenance services.
 See Exhibit 2 indicating Bruel & Kjaer, Inc. as the sole provider for support and maintenance.
 See Exhibit 3 for the WebTrak and Viewpoint Complaint systems and vendor proposal.
 See Exhibit 4 for ANOMS History
 Expenses to date since 2005 have been \$1,077,998.

Purchasing Agent Signature: MICHAEL MULLEN Digitally signed by MICHAEL MULLEN Date: 2019.03.25 12:06:14 -0400 Date: 3/23/19

Purchasing Manager Signature: **APPROVAL AUTHORITY**
DAVID CLEMENTE Digitally signed by DAVID CLEMENTE Date: 2019.03.25 17:11:58 -0400 REASON/SUGGESTED ACTION (IF DISAPPROVED):

Signature: **BRENDA BILLINGSLEY** Digitally signed by BRENDA BILLINGSLEY DN: sp=cty, dc=broward, dc=bc, ou=Organization, ou=BCC, ou=PU, ou=Users, cn=BRENDA BILLINGSLEY Date: 2019.03.28 17:40:07 -0400 Date:



July 12th, 2018

Mr. Winston Cannicle
Noise & Environmental Officer
Broward County Aviation Department
Fort Lauderdale-Hollywood International Airport
2200 SW 45th Street, Suite 101
Fort Lauderdale, FL 33312

Dear Mr. Cannicle,

EMS Brüel & Kjær provides support to the Fort Lauderdale-Hollywood International Airport (FLL) for NoiseOffice Support Services, hardware and software support to FLL's existing Airport Noise and Operations Management System (ANOMS™).

The ANOMS™ hardware/software components are proprietary to EMS Brüel & Kjær on both an intellectual and technical basis. The associated Noise Monitoring Terminals (NMT's) and software combination in use at FLL have been designed by EMS Brüel & Kjær and are used solely to interface with EMS Brüel & Kjær's solutions. The addition of new NMT's to expand the FLL system requires utilization of EMS Brüel & Kjær's hardware and software to ensure compatibility with the existing system.

EMS Brüel & Kjær is the sole source provider of these products and services. As such, EMS Brüel & Kjær hereby affirms its hardware and software solutions for ANOMS™ are the sole intellectual property of EMS Brüel & Kjær and no other vendor can properly perform maintenance or support services on EMS Brüel & Kjær products.

Please contact me directly with any questions FLL may have regarding EMS Brüel & Kjær's sole source and intellectual property rights associated with ANOMS™ or any of its integrated components necessary to service and support this system.

Sincerely,

A handwritten signature in black ink, appearing to read "James Clinnin".

James Clinnin
Director – Airport – Americas
EMS Brüel & Kjær

From: Cannicle, Winston <WCANNICLE@broward.org>

Sent: Wednesday, February 20, 2019 6:57 AM

Hi Michael,

Please see below, this outlines some of the tasks for each of the services:

- System Administration & Support
 - B&K will ensure full functionality of the system, continuously monitoring the system to ensure the processes are running normally and data is processed timely
 - Provide support for issues and requests for assistance of the ANOMS application
 - Perform System recovery in the event of a failure

- Software Management Services & Upgrades
 - B&K will provide FLL with new versions of the ANOMS system and upgrade the system at agreed times
 - Perform Oracle database administration tasks including archiving and tuning as required
 - Provide Subscribed Applications for the real-time control or navigation of aircraft, or for any purpose related to the real-time control or navigation of aircraft

- System Maintenance & Information Management
 - B&K will monitor the system for disk usage and provide system maintenance tasks such as clearing data files as necessary
 - Provide data processing services which would include status checks of downloads from the noise monitoring sites; check completeness of radar/plan information from overnight processing and re-initiate downloads as necessary
 - Provide emergency updates as required
 - Provide report production services

The intent is to continue with the same services from the current agreement in place.

I hope this help. Let me know if you require any additional information.

Thanks
Winston



March 22nd, 2019

Mr. Winston Cannicle
Noise & Environmental Officer
Broward County Aviation Department
Fort Lauderdale-Hollywood International Airport
2200 SW 45th Street, Suite 101
Fort Lauderdale, FL 33312

Services relating to the Fort Lauderdale-Hollywood International Airport Noise and Operations Monitoring System. Software License, Maintenance, and Support Agreement with the Broward County Aviation Department from June 10th, 2019 to June 9th, 2024

Dear Mr. Cannicle,

The Broward County Aviation Department (BCAD) has a need for software license, support and maintenance services to ensure complete functionality of Fort Lauderdale-Hollywood International Airport's (FLL) existing Airport Noise and Operations Monitoring System (ANOMS). Required services include system administration, maintenance services, software system management services and information management services. The ANOMS integrates specifically with BCAD's noise monitoring hardware and allows the Airport to provide specialized noise data and reports to the surrounding communities and Aviation Industry.

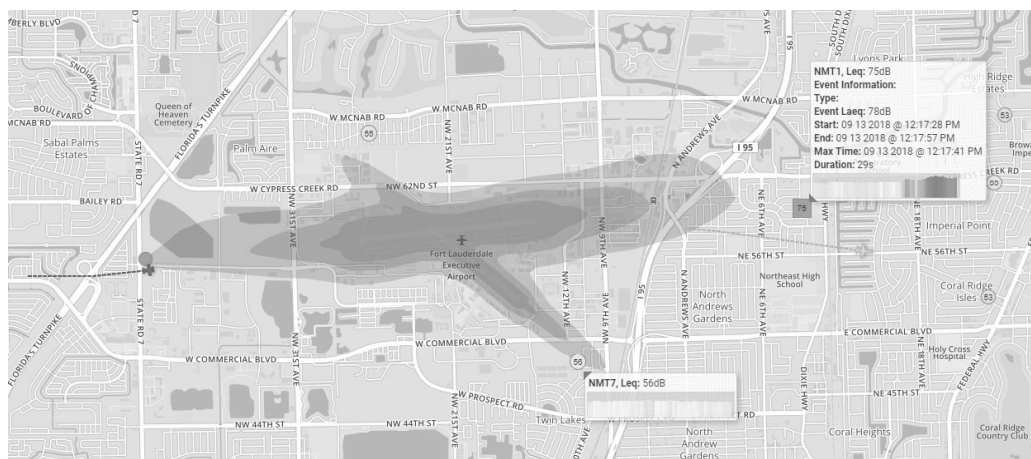
The current ANOMS Software License, Maintenance, and Support Agreement (Agreement), between EMS Brüel & Kjær and the Broward County Aviation Department for the Fort Lauderdale-Hollywood International Airport is set to expire on June 9th, 2019. EMS Brüel & Kjær is pleased to provide this offer letter for a new service agreement period of five years from June 10th, 2019 to June 9th, 2024. Please reference the existing executed Software License, Maintenance, and Support Agreement for a complete list of services provided by EMS Brüel & Kjær. Included in this offer letter, is a proposal for the set-up, implementation and ongoing service of WebTrak, our exclusive community facing noise and flight tracking system, as well as Viewpoint our noise complaints collections and management solution. WebTrak and Viewpoint both fully integrate with the BCAD ANOMS platform.

WebTrak

WebTrak gives the public a better understanding of the airport's impact on its mitigation procedures by facilitating investigation, report building, and displaying live flight tracking and noise data. These transparent programs show that the Airport is serious about meeting its environmental obligations to the broader community, which in turn builds greater community acceptance.



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WebTrak at Fort Lauderdale Executive Airport

Anyone with internet access can access WebTrak and investigate a concern by replaying flight tracks around a specific time. Community access to flight information and noise data reduces the need and time for airport employees to explain where aircraft fly, how often, who they are and where they go.

Please visit <http://WebTrak.emsbk.com/FXE> for a live example.

Viewpoint Complaint Collection and Management

Communities are demanding more options in the way that they engage with airports. Furthermore, as technology and information improve and as regulations change, stakeholders are becoming more sophisticated in their demand for information on the impacts and changes in airport operations.

The Viewpoint approach delivers a better experience for the complainant and minimizes errors that the noise office needs to review and correct significantly reducing workload.

The most important part of a modern complaint management system is the ability to effectively handle complaints arriving from new channels as well as integrate with current systems.

Viewpoint offers multi-channel collection tools including a voice-to-text telephone line, mobile phone app, web collection form, and a community API.

The Viewpoint Inbox is designed for efficient workflows surrounding multi-channel collection and improves the process to manage large volumes of complaints. The user sees an inbox with a list of known complainants who have open complaints and allows the user to work with grouped complaints under each complainant, significantly reducing the workload associated with modern complaint channels.



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Services for Period

Services for 5-year term	Setup	Annual Fee	TOTAL
Service Fee for Period 10 June 2019 - 9 June 2024	---	\$86,068*	\$430,340
WebTrak public flight tracking portal	\$5,000	\$17,950	\$94,750
Viewpoint Complaints Collection and Management System	\$10,000	\$24,000	\$130,000
Total Fees and Services			\$655,090

* Subject to escalation clause; provider may increase the service fees for the forthcoming year by the lesser of 3% or the percentage increase in the CPI.

The Fort Lauderdale-Hollywood International Airport is a long-standing and valued client of EMS Brüel & Kjær. We look forward to supporting you with the supply and support of world-leading solutions for airport noise and operations monitoring, reporting and community engagement, both now and in the years to come. To discuss these matters further, please contact me anytime at 916-213-5460 or Alex.Fluken@emsbk.com.

Regards,

A handwritten signature in black ink, appearing to read "Alex Fluken".

Alex Fluken
Account Manager- Americas

ANOMS History (available info)

1. ANOMS was first acquired by the County in 1992 from Technology Integration, Inc. through a RFP process.
2. On March 7, 2000, Lochard Corporation obtained the sole source propriety maintenance rights from Technology Integration, Inc.
3. On November 22, 2006, the Director of Purchasing approved a sole source designation for Lochard Corporation for the ANOMS support and maintenance.
4. On July 16, 2007, the Director of Purchasing executed an agreement between Broward County and Lochard Corporation for the ANOMS.
5. On February 9, 2009 Bruel & Kjaer EMS, Inc. acquires Lochard Corporation.
6. On December 6, 2010, the Director of Purchasing executed an agreement between Broward County and Bruel & Kjaer EMS, Inc. for ANOMS which included hardware, software, support and maintenance services for the Aviation Department.
7. On April 18, 2014, the Director of Purchasing recommended the approval of the sole source/brand designation request for the ANOMS.
8. On June 3, 2014 (Agenda Item No. 31), the Board approved a sole source designation for Bruel & Kjaer EMS, Inc. and a software license, maintenance and support agreement for ANOMS.