



DATE: December 8, 2022

TO: Robert Gleason, Director of Purchasing

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

FROM: Jonathan K. Allen, Director, Business Operations Division

PROJECT TITLE: Backflow Certification Services (2-Party Agreement)

REQUISITION NO.: WWF0005029

SOLE SOURCE/SOLE BRAND REQUEST

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

Water and Wastewater Services (WWS), Business Operations Division (BOD) requests approval of only reasonable source status for Backflow Solutions, Inc. (BSI) as the provider of subscription service for Backflow Certification which includes fee collection for backflow re-certifications. BSI Online (BSI) is a subscription based service that provides the recording, maintaining and notification announcements for cross connection and backflow preventer testing. All cross-connection devices and backflow preventer assemblies must be tested to ensure that there is no leakage or backflow of contaminants or pollutants that could enter the public water supply system. The testing and confirmation of working backflows is a matter of compliance. Reference Broward County's Ordinance Ch. 34 – Water and Sewers, Article IX. – Cross Connection Backflow Prevention Ordinance and with Florida Department of Environmental Protection (FDEP) regulations.

Current Contract TEC2121722A1, Backflow Certification Service with Fee Collection was awarded on April 1, 2018. This service with BSI has been in use since 2013. And provides an efficient way to administer required information for the County's 6,000 backflow devices through an online tracking program. The subscription service is a web-based application which requires no software or system integration on the County's computers. The use of this subscription-based system allows BOD to manage the backflow program by providing thorough and auditable reports.

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 – the County requires this sole source, sole brand purchase for the following reasons:

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 21.5 of Broward County Administrative Code.
- ☒ Other/or additional information – using this sole source, sole brand purchase benefits the County for the following reasons:

See continuation sheet.

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: \$ 990.00

Contract length (if applicable): 2 years

Expenses to date: \$495.00 annually

Has this commodity been previously provided to the County? ☒ Yes ☐ No

If yes, when and by whom?

4/1/2018, Backflow Solutions Inc.

How was item/service procured? Reasonable Source

What is the current contract (MA) or purchase order number? TEC2121722A1

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.

Contract# TEC2121722A1 was awarded as a most reasonable source procurement after due diligence was performed by way of a Request for Information (RFI) was completed. RFI# N1311411F1 was advertised for 14 days starting January 13, 2015. RFI# N1311411F1 requested information and demonstration (webinar), if available, on other web-based systems. After review of the information received, WWS could not find any other company that could fully meet WWS' requirements.

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"

Michael Jordan, Administrative Officer

REQUESTOR/EVALUATOR
(PRINT)

Michael Jordan

Digitally signed by Michael Jordan
Date: 2022.12.09 10:12:23 -05'00'

REQUESTOR/EVALUATOR (SIGN)

December 9, 2022

DATE

Jonathan K. Allen, Director

DEPT./DIV. DIRECTOR OR
DESIGNEE (PRINT)

Jonathan Allen

Digitally signed by Jonathan Allen
Date: 2022.12.09 10:29:01 -05'00'

DEPT./DIV. DIRECTOR OR
DESIGNEE (SIGN)

December 9, 2022

DATE

Alan W. Garcia, P.E., Director

DEPT./DIV. DIRECTOR OR
DESIGNEE (PRINT)

Alan Garcia

Digitally signed by Alan Garcia
Date: 2022.12.09 11:23:56
-05'00'

DEPT./DIV. DIRECTOR OR
DESIGNEE (SIGN)

December 9, 2022

DATE

The Purchasing Agent has reviewed the request and has completed the required due diligence per the Procurement Code Section(s) 21.25 and 21.26. The Purchasing Agent recommends the following:

☐ Sole Source ☐ Sole Brand ☒ Reasonable Source ☐ RFI attached ☐ Rejected

☐ Request Authorization to Negotiate

Additional Information:

A Request for Information (RFI) No. TEC2125922F1 was issued on December 22nd, 2022, to determine if other vendors are able to provide the requested services. The RFI closed on December 27th, 2022, with zero responses submitted. There were 11 views, and no vendor questions were asked, 16795 vendors were successfully invited. No other responses were received, Backflow Solutions, Inc. subscription service for Backflow Certification from Backflow Solutions, Inc. was identified as a Reasonable Source product to meet Broward County requirement.

Per the Procurement Code, Section 21.25, Sole Source Procurement and 21.26, Sole Brand Procurement, Section (b), the purchasing Agent affirms that this request is the subject of an RFI, and the required due diligence has been completed and therefore recommends approval of this Reasonable Source request.

Purchasing Agent Signature:

ECATERINA
SULI-WOLF

Digitally signed by
ECATERINA SULI-WOLF
Date: 2023.01.04
17:01:57 -05'00'

Date: 01.04.2023

APPROVAL AUTHORITY

REASON/SUGGESTED ACTION (IF DISAPPROVED):

Signature:

LEAHANN
LICATA

Digitally signed by
LEAHANN LICATA
Date: 2023.01.04
16:57:17 -05'00'

Date: 01.04.2023

CONTINUATION SHEET

Business Case (One/Most Reasonable Source or One/Most Reasonable Brand) **Project Title: Backflow Certification Services (2 party agreement)**

WWS-BOD is requesting approval of this service as only reasonable source, sole brand designation because:

- Provide for continuity of services as BSI is already providing this service.
- This type of service has a very limited vendor base and is considered niche market.
- This agreement provides added efficiencies already realized by utilizing the BSI system:
 - The agreement allows for BSI to collect the County owed fees at the time of the backflow re-certification. This eliminates the customer confusion when a customer's bill reflects the re-certification fee one month after the service was performed. Many customers think they are receiving a duplicate charge since they paid an outside plumber to perform the test. The consolidated billing/collection process for this test is more efficient and customer friendly.
 - This agreement allows for better utilization of staff time and resources as the agreement includes the fee collection process. Staff no longer have to manually enter the re-certification information into the Customer Information System (CIS/Peace Billing System) to add the required re-certification fee to each customer's bill. More than 6,000 devices are tested annually. Use of this agreement with fee collection has allowed staff to focus on other tasks eliminating approximately 2 hours per day of manual entry.
- Provides for a cost avoidance as moving to another brand subscription service would require the County to perform extensive data set-up, migration and validation of a new system as well as training of all WWS Customer Service employees.

History:

WWS-BOD moved from a paper-based system to a subscription service with BSI in 2013. In 2013 the payment for this subscription service was paid via a Pcard in the amount of \$495 annually. Using this subscription system, WWS-BOD and licensed professionals enter all known customer backflow information into the BSI system and utilize the BSI system for managing re-certifications, tracking compliance, and responding to periodic Public Records Requests.

Since 2013 WWS-BOD has been paying \$495 annually for this subscription service regardless of the number of backflows tracked in their system. This fee is a flat fee and is not a sliding scale based on the number of backflows/cross-connections within the municipality. Included in the BSI subscription services is different types of multiple advance customer notifications to perform the required annual tests, immediate notification to WWS-BOD of customers that are noncompliant, and an auditable/verifiable data base for licensed testers and the calibration/certification information of the test equipment used for each test performed. All information is available to WWS-BOD 'real-time' when inquiring in the BSI system. While utilizing the BSI system, WWS has been able to provide auditable compliance data/information to both the County and State Regulatory Agencies, as requested. The BSI system has allowed WWS to regularly perform internal audits to ensure that the WWS owned backflows are compliant.

On January 13, 2015, the Purchasing Division issued a Request for Information (RFI No. N1311411F1) to ascertain if there were any other entities able to provide Backflow Management Services utilizing web-based software systems. The RFI had 6 responses; however, only BSI was able to meet and /or exceed Broward County's requirements.

CONTINUATION SHEET

On December 1, 2020, Purchasing Division, on behalf of WWS-BOD, submitted Agenda No. 27, Legistar# 20-1751 to the Board of County Commissioners. The Board approved the only reasonable source and authorized the Director of Purchasing to negotiate and execute a resultant agreement with Backflow Solutions Inc. for subscription services to record, maintain, notify and collect fees for regulatory cross connection and backflow preventer testing services. (See attached AgendaReport07-Dec-2022-08-52-43)

On December 22, 2020, Purchasing Division approved and executed an agreement with Backflow Solutions, Contract No. TEC2121722A1 BSI Subscription Services 2-Party. (See attached TEC2121722A1 BSI Subscription Svc Agreement)