



DATE:

TO: Robert Gleason, Director of Purchasing

THRU:

FROM:

PROJECT TITLE:

REQUISITION NO.:

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 requests approval of sole brand procurement of DeZurik/APCO (DeZurik) Valves, Parts, and Repair Services from the sole source provider Fluid Controls Specialties Inc. (FCSI) in the estimated annual amount of \$285,000.

WWS has over 300 DeZurik valves installed in various operating areas including the sludge thickening process, the digester process and the aeration process of the treatment plants. Each DeZurik valve is specifically designed to perform, interface, and fit a specific process. Additionally, each valve is installed with an electric actuator that communicates directly with the Supervisory Control and Data Acquisition (SCADA) system allowing for remote access to monitor and operate the valves. These valves are critical in ensuring that Broward County is compliant with the State issued wastewater disposal permit.

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 Operations Division is requesting sole source because DeZurik is the original equipment manufacturer and FCSI is the sole manufacturer's distributor for the State of Florida. Provided for review and reference is an authorization letter from DeZurik stating that FCSI is their authorized manufacturer's distributor 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 21.5 of Broward County Administrative Code.

- Other/or additional information – using this sole source, sole brand purchase benefits the County for the following reasons:

WWS is requesting sole brand because WWS requires direct replacement of DeZurik valves when making repairs or replacing existing valves. A direct replacement is needed because all associated pipe configurations, electric actuators, fixtures, and inlets/outlets were designed around each valve and are not interchangeable with other brands under current valve configurations.

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: \$ 1,425,000.00 Contract length (if applicable): 1 initial 4 1-yr renewals

Expenses to date: \$713,608.36

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

If yes, when and by whom? Fluid Controls Specialties Inc.

How was item/service procured? Sole Source and Sole Brand

What is the current contract (MA) or purchase order number? OPN2117564Q1

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.

DeZurik valves and parts are patented and are not interchangeable with any other brands. Other manufacturer valves are not configured the same as the DeZurik valves installed. To consider another brand of valves for the sole purpose of being competitive, WWS would have to replace electric actuators, re-engineer the design, re-configure the piping and connections in order to accommodate a different type of valve. 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 situation as this type of equipment is proprietary. These valves are critical in ensuring that Broward County is compliant with the State issued wastewater disposal permit.

Contract OPN2117564Q1 was awarded as sole source and sole brand after due diligence was performed by way of a Request for Information (RFI). RFI No. OPN2117564F1 was advertised for seven (7) days starting September 5, 2018. No responses were received.

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"

Gary Hew, Warehouse Supervisor **Gary Hew** Digitally signed by Gary Hew
Date: 2022.06.16 16:10:25 -04'00' June 16, 2022

REQUESTOR/EVALUATOR (PRINT) REQUESTOR/EVALUATOR (SIGN) DATE

Jonathan K. Allen, Director, Business Operations Division **Jonathan Allen** Digitally signed by Jonathan Allen
Date: 2022.06.17 08:44:03 -04'00' June 17, 2022

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

Alan W. Garcia, P.E., Director, Water and Wastewater Services **Alan Garcia** Digitally signed by Alan Garcia
Date: 2022.06.17 11:02:42 -04'00' June 17, 2022

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:

A Request for Information/Notice of Intent to Designate Sole Source/Sole Brand was posted from June 28, 2022 to July 6, 2022 with no responses received.

Fluid Control Specialities, Inc. is now known as Fluid Control Specialties, LLC

Estimated annual value: \$285,000

Purchasing Agent Signature: **AMY ALMANZAR** Digitally signed by AMY ALMANZAR
Date: 2022.07.07 09:19:34 -04'00' Date:

Purchasing Manager Signature: **CHRISTINE CALHOUN** Digitally signed by CHRISTINE CALHOUN
Date: 2022.07.20 18:02:22 -04'00' Date:

APPROVAL AUTHORITY
REASON/SUGGESTED ACTION (IF DISAPPROVED):

Signature: **Robert Gleason** Digitally signed by Robert Gleason
Date: 2022.07.21 10:15:49 -04'00' Date:



250 Riverside Ave N 320-259-2000 p
Sartell, MN 56377 USA 320-259-2227 f

January 5, 2022

Subject: Authorized Distributor of DeZURIK/APCO products in the State of Florida

To whom it may concern,

DeZURIK/APCO/Hilton is the sole manufacturer of its products. Fluid Control Specialties, Inc., located in Sanford, Florida, is the sole or exclusive representative for the purchase of DeZURIK/APCO/Hilton valve products, OEM repair parts, and maintenance for the Water and Wastewater industries in the state of Florida, with the exception of Bay, Calhoun, Escambia, Gulf, Homes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties.

Regards,

Ryan Barrett

Ryan Barrett
Municipal Application Engineer

info@dezurik.com
www.dezurik.com

Solicitation IND2125018F1

Request for Information: DeZURIK/APCO Valves, Parts & Maintenance/Repair Service

Bid Designation: Public



Broward County Board of County Commissioners

Bid IND2125018F1
Request for Information: DeZURIK/APCO Valves, Parts & Maintenance/Repair Service

Bid Number **IND2125018F1**
Bid Title **Request for Information: DeZURIK/APCO Valves, Parts & Maintenance/Repair Service**

Bid Start Date **Jun 28, 2022 3:53:11 PM EDT**
Bid End Date **Jul 6, 2022 2:00:00 PM EDT**
Question & Answer End Date **Jul 1, 2022 5:00:00 PM EDT**

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)/ Notice of Intent to Designate Sole Source/Sole Brand is intended to ascertain whether the commodity or service specified below is currently available from multiple providers/brands. 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/brand. This RFI/Notice of Intent to Designate Sole Source/Sole Brand will remain posted until the due date and time indicated. Vendors should submit response electronically through Periscope S2G. Vendor should upload any supporting information in Periscope S2G to assist in determining if product or service is comparable.

Commodities or Services Required
DeZURIK/APCO Valves, Parts, and Maintenance/Repair Services

Quantity or Term
Open-end Contract

Using Agency Requester
Broward County Water and Wastewater Services
Gary Hew

Known Reasonable Source/Brand
DeZURIK/APCO brand valves, parts, and maintenance/repair services from sole authorized manufacturer's representative in the state of Florida, with the exception of Bay, Calhoun, Escambia, Gulf, Homes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties., Fluid Control Specialties, Inc.

Justification for Reasonable Source/Brand Acquisition
WWS has over 300 DeZURIK/APCO brand valves installed in various operating areas including the sludge thickening process, the digester process and the aeration process of the treatment plants. Each DeZurik valve is specifically designed to perform, interface, and fit a specific process. Additionally, each valve is installed with an electric actuator that communicates directly with the Supervisory Control and Data Acquisition (SCADA) system allowing for remote access to monitor and operate the valves. These valves are critical in ensuring that Broward County is compliant with the State issued wastewater disposal permit.

WWS believes current DeZURIK/APCO valves and parts require a direct replacement and are not interchangeable with other brands because all associated pipe configurations, electric actuators, fixtures, and inlets/outlets were

designed around each valve.

It is also believed that DeZURIK/APCO valves, parts, and maintenance/repair services (in order to maintain warranties) are only available from the sole authorized manufacturer's representative, Fluid Control Specialties, Inc.

If you are capable of meeting or exceeding the specification requirements for this product or equal, respond to this RFI/Notice of Intent to Designate Sole Source/Sole Brand through Periscope S2G. Provide product literature for any product to assist in determining if product is comparable. The Director of Purchasing shall have sole authority in deciding what is comparable.

Prospective Vendors are requested to provide information regarding their ability to supply the commodities or contractual services described or written explanation or other documentation contesting the proposed designation as a Sole Source/Sole Brand. Prospective Vendors will be considered only if they provide documentation demonstrating that they are capable of meeting or exceeding the specification requirements stated herein. All Vendor responses will be evaluated by the Director of Purchasing who shall have sole authority in establishing the approved equal status of the commodity or service offered by the vendor.

The Director of Purchasing shall consider such submittals and notify all submitting vendors of the decision whether to designate as a Sole Source/Brand, which decision shall not be subject to objection, protest, or appeal.

Addendum # 1

Previous Price Duration	30 days	New Price Duration	Not Applicable
Previous Contract Duration	One Time Purchase	New Contract Duration	Not Applicable
Previous Contract Renewal	1 annual renewal	New Contract Renewal	Not Applicable

Item Response Form

Item **IND2125018F1-01-01 - Request for Information: DeZURIK/APCO Valves, Parts, Maintenance/Repair Services**

Quantity **1 contract**

Prices are not requested for this item.

Delivery Location **Broward County Board of County Commissioners**
No Location Specified

Qty 1

Description

Request for Information: DeZURIK/APCO Valves, Parts, Maintenance/Repair Services

**Question and Answers for Bid #IND2125018F1 - Request for Information: DeZURIK/APCO
Valves, Parts & Maintenance/Repair Service**

Overall Bid Questions

There are no questions associated with this bid.

Bid #IND2125018F1 - Request for Information: DeZURIK/APCO Valves, Parts & Maintenance/Repair Service

Creation Date **Jun 24, 2022**

End Date **Jul 6, 2022 2:00:00 PM EDT**

Start Date **Jun 28, 2022 3:53:11 PM EDT**

Awarded Date **Not Yet Awarded**

IND2125018F1-01-01 Request for Information: DeZURIK/APCO Valves, Parts, Maintenance/Repair Services					
Supplier	Unit Price	Qty/Unit	Total Price	Attch.	Docs
			No Bids		
Agency Product Code:		Supplier Notes:			
Agency Notes:					

**