



DATE: August 20, 2021

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: Richard Waskiewicz, Enterprise Director Aviation Facilities Maintenance

FROM: Lori Vassello, Contract Administrator Senior

PROJECT TITLE: Building Automation Systems Services at FLL

REQUISITION NO. AVM0006464

### SOLE SOURCE/SOLE BRAND REQUEST

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

The Aviation Department is seeking a Building Automation Service Agreement with Johnson Controls Inc. (JCI) for the Fort Lauderdale-Hollywood International Airport campus. Services will include scheduled routine (preventive) maintenance, diagnostic, scheduled maintenance labor, maintenance materials, repair materials, repair labor, updates and upgrades to maintain operation with the most recent operating control system for Metasys, NIE/NAE (Network Integration Engine/Network Automation Engine/Network Control Engine), ADX File Server and all related software, and Operator Workstations.

The Contractor will be responsible for the provision and installation of all Johnson Controls Metasys™ software revisions and enhancements. All back-ups, preparation, installation and verification are the responsibility of the Contractor. Johnson Controls™ Subscription Software provision is a requirement of this agreement.

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:

As the airport campus continues to expand, these systems are modified or expanded, JCI is needed in order to maintain the programming, and warranties that are in place. Use of a different system will not integrate with the existing system and may adversely affect temperature controls within the facilities.

**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:

JCI has been a SS/SB vendor for the Airport's Building Automations Systems (BAS) for over two decades. Although JCI's current contract was awarded 1/8/2019 with SS/SB designation, unbeknown to Aviation, Public Works requested de-standardization of JCI's BAS services without notifying Aviation. Purchasing's motion to the Board was approved 11/01/2017, Item 30. Aviation requests that JCI's standardization be reinstated.

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: 218,750 annually      Contract length (if applicable): 3 years

Expenses to date: \$440,000 (does not include)

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

If yes, when and by whom? Johnson Controls Inc.

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

What is the current contract (MA) or purchase order number? BLD2117085B1

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.

Other systems are not able to integrate with JCI's systems, therefore should another vendor be awarded, all systems in all terminals, rental car center and administrative buildings would need to be redesigned with a different system at an unnecessary and unjustifiable cost to Aviation's stakeholders.

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"

Lori Vassello		Digitally signed by Lori Vassello Date: 2021.08.20 10:21:28 -04'00'	August 20, 2021
REQUESTOR/EVALUATOR (PRINT)	REQUESTOR/EVALUATOR (SIGN)		DATE
Richard Waskiewicz		Digitally signed by Richard Waskiewicz Date: 2021.08.20 11:54:49 -04'00'	August 20, 2021
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:

This procurement is governed under 332.0075 FS for commercial service airports, which incorporates requirements of 287.017 FS and 287.056 FS. The procurement is estimated at \$218,750 annually with a three-year potential of \$656,250, which exceeds 287.017 FS CATEGORY THREE threshold of \$65,000 and CATEGORY FIVE threshold of \$325,000. Florida Statute 332.0075 requires competitive procurement when exceeding the aforementioned thresholds unless an exception applies pursuant to 287.056 FS. Exception 287.056(3)(b) applies to this project for single source procurement. In accordance with 332.0075(3)(b) FS, as the procurement exceeds \$325,000, the Board of County Commissioners must award the contract.


To satisfy the posting requirement of 287.057(3)(c), results were used from a recent Request for Information (RFI) No. PNC2122436R1\_F3 that was solicited through Periscope S2G for similar services for a Terminal 1 construction project, which tested the market for possible vendors that can provide the services (Exhibit 1). 856 vendors were notified of availability, 21 viewed, and the RFI opened with 0 responses were received (Exhibit 2). Pursuant to the letter dated June 29, 2021, Johnson Controls, Inc. states that the building automation system installed throughout the Ft. Lauderdale-Hollywood International Airport uses software is proprietary to Johnson Controls (Exhibit 3). Due to the specialized subject matter and nature of this work and the lack of vendor response to the publicly advertised RFI, this agent recommends approval of Johnson Controls, Inc. as a sole source and sole brand.

As related to Section III of this memo and in accordance with Aviation's memorandum dated October 14, 2021, the Aviation Department requests the contract term to be changed from a three (3) year initial term with two (2) one-year renewals to a straight five (5) year initial term.

Purchasing Agent Signature: **RANDALL PLUNKETT**  Digitally signed by RANDALL PLUNKETT  
Date: 2021.09.20 12:30:29 -04'00'      Date: 09/20/2021

Purchasing Manager Signature: **CAROLYN MESSERSMITH**  Digitally signed by CAROLYN MESSERSMITH  
Date: 2021.09.22 09:35:44-      Date: 09/22/2021

**APPROVAL AUTHORITY**  
REASON/SUGGESTED ACTION (IF DISAPPROVED):

Signature: **Robert Gleason**  Digitally signed by Robert Gleason  
Date: 2021.10.20 10:50:58 -04'00'      Date: 10/20/2021  
Director, Purchasing Division