



DATE: July 06, 2020

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: David Clemente, Purchasing Manager

FROM: Dr. Jennifer Jurado, Director, EPCRD; Dan West, Director, Parks and Recreation Department

PROJECT TITLE: Broward County Sea Turtle Conservation Prgm. and Marine Environmental Education Ctr.

REQUISITION NO. ENV0000538

### SOLE SOURCE/SOLE BRAND REQUEST

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

The scope of work for the Broward County Sea Turtle Conservation Program (BCSTCP) includes daily sea turtle nesting surveys from March 1-October 31 from the Palm Beach County line to the Miami-Dade County line; sub-meter accuracy (in certain areas) of nest locations to allow for mechanical beach cleaning activities and nest re-establishment; protection of at-risk nests (predation, lighting, erosion) to maximize hatchling survival; response to injured, stranded, or deceased sea turtles; interpretive programs and outreach efforts that include hatchling releases, turtle talks, career day events, and table exhibits; monthly lighting surveys.

The Marine Environmental Education Center (MEEC) scope of work includes conducting conservation programs; providing an interactive environmental educational experience adjacent to natural ocean and shore habitat; care and display of one or more live, non-releasable sea turtles in the Carpenter House property's pool; interpretive displays installed at the MEEC describing sea turtle biology and conservation issues; sea turtle releases, interpretive lectures and/or demonstrations, and related construction and renovations at the MEEC.

**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:

**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:

On October 27, 2015 (Item 30) the Board of County Commissioners approved only one reasonable source designation with Nova Southeastern University (NOVA) for delivery of a merged Sea Turtle Conservation Program and Marine Environmental Education Center. Prior to this merger, these services had been provided under two separate contract agreements with NOVA, specific to each initiative. The merged delivery of services and reasonable source designation was based on the ability to provide continuity in data collection, outreach services and the co-delivery of program services by a single research and conservation team, and the anticipated cost savings through joint delivery. This joint program has been effectively delivered by NOVA for the last 5 years.

Of specific note, Nova Southeastern University (NSU) staff is currently the only entity with a valid Florida Fish and Wildlife Conservation Commission permit to carry out sea turtle conservation activities in delivery of Broward County's Program; only one such permit can be issued for the nesting beach area covered by the Program. Any interruption in sea turtle permitting or monitoring could, by permit conditions, delay beach cleaning for 65 days, compromise beach project permitting, or threaten nesting activities or hatching success. There is currently no other person/organization permitted to fulfill the expanse of monitoring and conservation activities as part of the BC Sea Turtle Program/Marine Env. Education Center facility including daily nesting surveys, care of a resident sea turtle, and conducting public hatchling releases.

Additionally, NSU has developed specialized personnel with unique training, experience, and program oversight supported by the research and educational facilities coordinated at the Nova Southeastern University Oceanographic Institution. Historical investments in the training of personnel, participation and engagement of NSU students, and oversight by leading institutional instructors, coupled with the acquisition of capital equipment (including beach-appropriate vehicles and vehicles to transport live sea turtles) and extensive infrastructure provided by NSU has been fundamental to the successful operation of this program for much of its history.

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: \$506,362.37      Contract length (if applicable): 1 year, 4 additional renewals

Expenses to date: \$1,593,794.78

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

If yes, when and by whom? Nova Southeastern University

How was item/service procured? Reasonable source

What is the current contract (MA) or purchase order number? R1385805A1\_1

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.

As noted in the section above, only a person/organization with a valid Florida Fish and Wildlife Conservation Commission permit can carry out sea turtle conservation activities in delivery of Broward County's Program. There is no alternative service provider with which to base a cost/benefit analysis. The Board of County Commissioners previously approved joint delivery of the Marine Environmental Education Center and Sea Turtle Program Services based on efficiency, NOVA's historic delivery of these same services, the benefits derived from academic collaboration, including fostering of student experience and education, and the certainty of services delivered under FWC permit, which NOVA holds.

To utilize an alternate vendor for this Program would require reconstruction of the program from the ground up at significant cost (both financial and time), including capital equipment (such as beach-ready vehicles and vehicles to transport live sea turtles), data collection equipment, and training of new staff, while losing the advantage of academic and student engagement. Additionally, the joint contract agreement with the County and NSU for the Sea Turtle/Marine Env. Educational Center facility has allowed notable leveraging of the broader NSU resources (including public engagement, research, media) , participation of student volunteers, and the additive value derived through years of collaboration, and especially in the last 5 years with the merged program, including continuance of data collection, outreach services, and staffing with the co-delivery of program services by a single research and conservation team.

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"

REQUESTOR/EVALUATOR (PRINT)	REQUESTOR/EVALUATOR (SIGN)	DATE
Jennifer Jurado	Jennifer Jurado <small>Digitally signed by Jennifer Jurado Date: 2020.07.06 15:25:10 -04'00'</small>	July 6, 2020
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 has reviewed and concurs this reasonable source form based on Nova Southeastern University (NSU) staff is currently the only entity with a valid Florida Fish and Wildlife Conservation Commission permit to carry out sea turtle conservation activities in delivery of Broward County's Program; only one such permit can be issued for the nesting beach area covered by the Program. There is no alternative service provider with which to base a cost/benefit analysis. Lastly, an alternate vendor for this Program would require reconstruction of the program from the ground up at significant cost (both financial and time).

Purchasing Agent Signature: **DAVID CAMPBELL** Digitally signed by DAVID CAMPBELL  
Date: 2020.09.01 16:50:44 -04'00'    Date: August 31, 2020

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

Signature: **DAVID CLEMENTE** Digitally signed by DAVID CLEMENTE  
Date: 2020.09.09 16:49:28 -04'00'    Date: September 9, 2020

Director of Purchasing Signature: **BRENDA BILLINGSLEY** Digitally signed by BRENDA BILLINGSLEY  
Date: 2020.09.16 11:12:05 -04'00'    Date: