



DATE: July 09, 2020

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: Christine Calhoun, Manager, Purchasing Division

FROM: Richard Waskiewicz, Enterprise Director of Facilities/Maintenance Division, Aviation Department *RAW*

PROJECT TITLE: Arconas Bernu Aero Replacement Parts for FLL

REQUISITION NO. AVM00 4904

### 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) Maintenance Division is seeking an open-end agreement for the procurement and delivery of Arconas Bernu Aero replacement parts for the existing seating at the Fort Lauderdale-Hollywood International Airport (FLL).

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:

Fort Lauderdale-Hollywood International Airport seating in Terminals 1 & 4 are equipped with the Bernu Aero seating by Arconas. Arconas is the exclusive and sole designer, manufacturer and seller of the Bernu/Bernu Aero public seating series and all its accessories. With the number of passengers utilizing FLL, the wear and tear is above average and the need for an open-end contract for replacement parts is necessary.

**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:

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: \$400,000.00      Contract length (if applicable): Three Years

Expenses to date: \$0.00

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

If yes, when and by whom? Arconas Corporation

How was item/service procured? Competitive bid

What is the current contract (MA) or purchase order number? Z1280305B1

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.

There is no alternative source for replacement parts on the Arconas seats. If any other manufacturer's parts are purchased the expense for entirely new seating would be required.

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"

Claudja Henry Digitally signed by Claudja Henry  
Date: 2020.07.09 15:34:59 -04'00 July 9, 2020

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

Richard Waskiewicz

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:

Requisition No. AVM0004904    Estimate ~~Annual~~ amount \$400,000

The Aviation Department is seeking to purchase Arconas Bernu Aero seating for Terminal 2, and replacement parts and materials for terminals 1, 3 and 4 at the Fort Lauderdale-Hollywood international Airport (FLL), to have uniformity in Airport seating.

In a letter dated March 26, 2018, Arconas Corporation confirmed that they are the exclusive and sole designer, manufacturer and seller of the Bernu/Bernu Aero public seating series and all its accessories (Exhibit 1),

The required due diligence for Sole Source request, Arconas Bernu Aero Replacement Parts was completed through Request for Information (RFI) No. OPN2121319F1. The RFI was posted on June 17, 2020 and opened on June 22, 2020 with only Arconas Corporation responding. (Exhibit 2).

The Purchasing Agent recommend Sole Source/ Sole Brand approval Arconas Bernu Aero seating and replacement parts and materials. Previous purchase was approved Sole Source.

Per Delegation of Approval and Award Authority memorandum 19-01 dated Mach 6,2019:  
The Director of Purchasing must approve SS/SB/RS prior to issuing solicitation in excess of >\$300,000 - <\$400,000. If the amount is greater than the Director of Purchasing award authority, the SS/SB/RS must be approved by the Board prior to issuing the solicitation, if SS/SB/RS is embedded in a solicitation.

Purchasing Agent Signature: **Angela Brown** Digitally signed by Angela Brown  
Date: 2020.07.22 11:16:32 -04'00'  Reviewed by Manager: **CHRISTINE CALHOUN** Digitally signed by CHRISTINE CALHOUN  
Date: 2020.08.01 18:40:41 -04'00'

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

Signature: **BRENDA BILLINGSLEY** Digitally signed by BRENDA BILLINGSLEY  
Date: 2020.09.11 11:46:01 -04'00' Date: