



DATE: 4/28/23

TO: Robert Gleason, Director of Purchasing

THRU: Christine Shorey, CPPO, Purchasing Manager, Sr

FROM: Michael P. Pacitto, P.G., Chief Development Officer

PROJECT TITLE: Terminal Connectors Project and Various FLL Projects

REQUISITION NO.: TBD

SOLE SOURCE/SOLE BRAND REQUEST

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

The Terminal Connector project includes the addition of approximately 81,300 sq ft between Terminals 1, 2 and 3. The eastern portion includes the connector between Terminals 1 and Terminal 2 (58,200 sq ft) while the western portion will connect Terminal 2 and Terminal 3 (23,100 sq ft). The addition includes both upper (ticketing) and lower levels (bag claim/ramp) and will also modify both levels of Terminal 2 (approximately 16,300 sq ft) within the bag claim area and the east and west portions of the facility. Aside from new construction, the modifications to Terminal 2 will include renovation/replacement of bag claim level and devices, buildout of interior office and concession shell spaces. Work also includes demolition, carpet replacement, painting, terrazzo, MEP upgrades, ceiling replacement, lighting addition/replacement, additional signage/wayfinding, checkpoint relocation and queuing expansion, site work associated with the expansion areas as well as the addition of a new chiller plant and new FP&L vault on the east side of the facility.

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:

The construction associated with this Project will require coordination and connection to the Airport's METASYS Building Automation System, for which Broward County Aviation Department (BCAD) has an existing Master Agreement in place with sole source vendor Johnson Controls, Inc (JCI). When these systems are modified or expanded, such contracts require that the approved Vendor be used in order to maintain the programming, and warranties, etc., that are in place.

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:

The JCI METASYS Building Automation System is currently installed throughout Fort Lauderdale Hollywood-International Airport (FLL), and uses software that is proprietary to JCI. Please see attached proprietary letter provided by JCI for your review. Continued use of this sole source, sole brand Vendor will allow for continued integrity and consistency at FLL without interruption of service, for existing and future projects that utilize the JCI system and software. BCAD is responsible for coordinating and implementing multiple construction projects throughout FLL which require the use of JCI, and respectfully requests continued use of this Vendor for this and future projects.

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: \$ 2,900,000.00 Contract length (if applicable): N/A

Expenses to date: \$573,890.00 (Contract BBLD212353Q1)

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

If yes, when and by whom?

Johnson Controls, Inc.

How was item/service procured?

Sole Source/Brand

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

BLD212353Q1

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.

The use of an alternate source would require replacement of all JCI equipment and software installed throughout FLL, including revalidation of the equipment and processes, and re-training of all associated personnel at significant, unanticipated costs to the County. The amount of time and costs for such an endeavor far outweighs the cost of utilizing the existing vendor JCI, which uses proprietary software.

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"

Staci Montefusco

REQUESTOR/EVALUATOR
(PRINT)

Staci Montefusco

Digitally signed by Staci Montefusco
Date: 2023.05.02 11:06:56 -04'00'

REQUESTOR/EVALUATOR (SIGN)

5/2/23

DATE

Michael P Pacitto

DEPT./DIV. DIRECTOR OR
DESIGNEE (PRINT)

Michael Pacitto

Digitally signed by Michael Pacitto
Date: 2023.05.02 12:17:45 -04'00'

DEPT./DIV. DIRECTOR OR
DESIGNEE (SIGN)

5/2/23

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:

RFI No. PNC2126562R1_F1 was posted via Periscope from May 23, 2023 thru June 16, 2023 with no responses received.

Purchasing Agent Signature:

**LASHONNE
WILLIAMS-CANTY**

Digitally signed by LASHONNE
WILLIAMS-CANTY
Date: 2023.06.21 10:47:33
-04'00'

Date:

Purchasing Manager Review 

APPROVAL AUTHORITY

**Christine C.
Shorey**

Digitally signed by
Christine C. Shorey
Date: 2023.08.01
12:17:11 -04'00'

REASON/SUGGESTED ACTION (IF DISAPPROVED):

Signature:

**Robert
Gleason**

Digitally signed by Robert
Gleason
Date: 2023.08.01 15:56:27
-04'00'

Date:

**Bid Tabulation Packet
for
Solicitation PNC2126562R1_F1**

**Building Automation System Expansion and Modification
Services**

Bid Designation: Public



Broward County Board of County Commissioners

Bid #PNC2126562R1_F1 - Building Automation System Expansion and Modification Services

Creation Date **May 11, 2023**

End Date **Jun 16, 2023 2:00:00 PM EDT**

Start Date **May 23, 2023 5:33:26 PM EDT**

Awarded Date **Not Yet Awarded**

PNC2126562R1_F1-01-01 Building Automation System Expansion and Modification Services					
Supplier	Unit Price	Qty/Unit	Total Price	Attch.	Docs
			No Bids		
Agency Product Code:		Supplier Notes:			
Agency Notes:					



To: Vilmaida Rodriguez, Broward County Aviation Department

Date: April 28, 2023

RE: Johnson Controls Metasys Products Sales and Support for South Florida

Dear Vilmaida:

Johnson Controls (JCI) comes to market in a two-channel approach in South Florida (SFL). Direct and Indirect channels. The two channels do not work together nor have anything to do with supporting each other.

The direct channel supporting FLL represents JCI and brings all services, training, products, parts, and the latest building offerings JCI has to offer. Based on this approach, if someone else other than the local SFL JCI branch were to work on the system that is still under warranty, JCI SFL would not support that provider, and we would cancel any remaining warranty.

Johnson Controls cannot (and does not) try to control or block anyone from servicing or working on Metasys products or from selling Metasys products procured from some source other than the JCI SFL branch offices.

Please let me know if you have any questions about Johnson Controls Metasys product sales, support, and/or service policies for South Florida.

Thank you for your continued business.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Marcos Valladares'.

Marcos Valladares
Market General Manager
Johnson Controls
1830 Park Lane South
Jupiter, Florida 33458
(860) 202-9368

Johnson Controls, Inc. 15901 SW 29th Street, Suite 801, Miramar, FL 33027



To: Broward County Aviation Department

Date: April 28, 2023

RE: Metasys Building Controls System Sole Source Justification

The Metasys Energy Management Control System utilized at Ft Lauderdale-Hollywood International Airport was manufactured (OEM) and installed by Johnson Controls, and has been the maintainer of this proprietary building controls system in subsequently negotiated contracts.

The Johnson Controls Branch Office in Miramar Florida is the only OEM owned provider for materials, installation, engineering, and support services of the BCAD owned system. In addition to providing highly competent maintenance and calibration, the OEM presence results in ready access to repair materials, accurate diagnostic procedures, quick responses to emergencies and timely implementation and availability for future software upgrades.

Thank you for your continued business.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M Valladares', with a long horizontal flourish extending to the right.

Marcos Valladares
Market General Manager
Johnson Controls
1830 Park Lane South
Jupiter, Florida 33458
(860) 202-9368

Johnson Controls, Inc. 3802 Sugar Palm Dr. Tampa, FL 33619



To: Vilmaida Rodriguez, Broward County Aviation Department

Date: February 17, 2023

RE: Johnson Controls Metasys Products Sales and Support for South Florida

Dear Vilmaida:

Johnson Controls (JCI) comes to market in a two-channel approach in South Florida (SFL). Direct and Indirect channels. The two channels do not work together nor have anything to do with supporting each other.

The direct channel supporting FLL represents JCI and brings all services, training, products, parts, and the latest building offerings JCI has to offer. Based on this approach, if someone else other than the local SFL JCI branch were to work on the system that is still under warranty, JCI SFL would not support that provider, and we would cancel any remaining warranty.

Johnson Controls cannot (and does not) try to control or block anyone from servicing or working on Metasys products or from selling Metasys products procured from some source other than the JCI SFL branch offices.

Please let me know if you have any questions about Johnson Controls Metasys product sales, support, and/or service policies for South Florida.

Thank you for your continued business.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MV', written over a light blue circular background.

Marcos Valladares
Market General Manager
Johnson Controls
1830 Park Lane South
Jupiter, Florida 33458
(860) 202-9368