



DATE: 2/2/22

TO: Robert Gleason, Director of Purchasing

THRU: Tracy Jackson, Director, Regional Emergency Services and Communications

FROM: Robert Brownstein, Supervisor, Information Systems, RESC, CTD Radio

PROJECT TITLE: Public Safety Tower Repair, Installation and Maintenance Agreement

REQUISITION NO.: OCT0001238

### SOLE SOURCE/SOLE BRAND REQUEST

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

The services needed are repairs, equipment installation and maintenance services for Broward County's Public Safety Radio Towers. The service provider must meet County required licenses/certifications listed below:

- a. State of Florida Tower Specialty Contractor License
- b. PICS(Avetta) Safety Certified - PICS (Avetta) is a third party global contractor management consortium committed to improving, Health, Safety and Quality. It is a standard in many industries such as Telecommunications. Many global companies use this certification to make sure the contractor has the following: Safety and Health statistics and program, Environmental protection program, Background checks and security programs, financial stability, major projects performed including references, risk ranking based on the contractor's trade, Insurance coverage and limits, additional insurance depending on trade, and other requirements.
- c. Anritsu Sweep certified

County currently has an agreement with Kirms Communications (agreement R2111727A1\_1) for the provision of repairs, equipment installation and maintenance services for County's Public Safety Radio Towers. The agreement includes a fixed hourly labor rate and "parts on a pass through" for required materials/equipment. The agreement expires in May 22, 2022. Kirms Communications possesses all of the required licenses/certifications referenced above.

County advertised a Request for Information (RFI), TEC2124097F1, for these services. Of the four respondents to the RFI, the only vendor that complied with the requirements, licenses, certifications and qualifications for the scope of services was Kirms Communications.

Kirms Communications has been established for 39 years and has 24 years of tower work experience in Public Safety Radio Systems including microwave systems. Kirms currently has similar contracts with Palm Beach and Brevard County. Kirms is established in the tri-county area which enables them to provide Broward County with necessary prompt response times and meet the service level agreement.

Given the results of the RFI, and the above additional factors, RESC Communications and Technology Division (CTD) is requesting Kirms Communications as the Only Reasonable Source to inspect, maintain, install equipment and repair the County's Public Safety Radio Towers. RESC CTD is recommending a five (5) year term agreement. Having a five year term ensures that the County locks in a fixed price on labor throughout the five year term.

#### 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:

County advertised a Request for Information, (RFI) TEC2124097F1, for these services. Of the four respondents to the RFI, the only vendor that complied with the requirements, licenses, certifications and qualifications for the scope of services was Kirms Communications. (See Bid Tabulation: TEC2124097F1 and detailed response matrix from the four responding vendors.) Kirms Communications was the only successful vendor in meeting all listed requirements, specifically carrying the State of Florida Special Tower License. A copy of the response matrix will be provided with this Sole Source Request.

**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:

Kirms Communications is an existing supplier with Broward County (Supplier ID VS00006154) performing services related to tower inspections, repairs, installation and maintenance for County's Regional Public Safety Radio System. Kirms Communications has documented experience with Brevard and Palm Beach Counties, and meets all industry safety standards, training certifications and licensing requirements. Referenced documentation will be provided with this Sole Source Request package.

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: \$ 3,650,000.00 Contract length (if applicable): 5 years

Expenses to date: \$1,821,288.83

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

If yes, when and by whom?

Kirms Communications

How was item/service procured? RFI

What is the current contract (MA) or purchase order number? R2111727A1\_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 per the RFI, this is the only vendor that complies with all the requirements and meets the required qualifications for the scope of services.

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"

**Robert Brownstein**

REQUESTOR/EVALUATOR  
(PRINT)

 Digitally signed by Robert Brownstein  
Date: 2022.02.02 13:02:08 -05'00'

REQUESTOR/EVALUATOR (SIGN)

**2/2/22**

DATE

DEPT./DIV. DIRECTOR OR  
DESIGNEE (PRINT)

 Digitally signed by Brett Bayag for Tracy Jackson  
Date: 2022.02.17 10:07:25 -05'00'

DEPT./DIV. DIRECTOR OR  
DESIGNEE (SIGN)

**2/17/22**

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:

In accordance with Procurement Code, Section 21.25, Notice of Intent to Designate Sole Source/Sole Brand was publicly advertised under Request for Information (RFI) No. TEC2124097F1 to determine if other vendors were able to provide the requested services. The RFI was issued on January 3, 2022, and closed on January 12, 2022, with four (4) responses submitted. There were 35 views, no vendor questions were asked, and 5352 vendors were successfully invited.

The Purchasing Agent, after reviewing the supporting documentation provided by the client/agency and the RFI, recommends the approval of the Reasonable Source designation for Kirms Communication to provide repairs, equipment installation and maintenance services for Broward County's Public Safety Radio Towers.

Purchasing Agent Signature: **ECATERINA SULI-WOLF**  Digitally signed by ECATERINA SULI-WOLF  
Date: 2022.03.09 16:10:18 -05'00'    Date: **03.09.2022**

**LEAHANN LICATA**  Digitally signed by LEAHANN LICATA  
Date: 2022.03.09 15:53:23 -05'00'

**APPROVAL AUTHORITY**

REASON/SUGGESTED ACTION (IF DISAPPROVED):

Signature: **Robert Gleason**  Digitally signed by Robert Gleason  
Date: 2022.03.09 16:31:49 -05'00'    Date: **3/9/2022**