



DATE: 3/3/22

TO: Robert Gleason, Director of Purchasing

THRU: Ricardo Charlton, Division Director, Operations Division

FROM: Arnold De La Cruz, Port Maintenance Manager, Operations Division

PROJECT TITLE: ABB INC for Switch Gear Engineering/Repair/Maintenance/Retrofits/Parts

REQUISITION NO.: PEO0001928

### SOLE SOURCE/SOLE BRAND REQUEST

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

Port Everglades (7) SAMSUNG container cranes are power by GENERAL ELECTRIC switch gear equipment. Replacements parts and service from GENERAL ELECTRIC have been standardized by the Board since May 13, 2003.

In 2019 GENERAL ELECTRIC sold their switch gear product line to ABB INC. Therefore, ABB INC is now the OEM vendor to provide spare parts, engineering, & service. Substitutes from other manufacturers do not exist and would not be interchangeable with the switch gear electrical systems. Due to the extensive service life of the equipment ABB INC's standardization is required.

Furthermore, the three new cranes from Shanghai Zhenhua Heavy Industries Co Ltd. that arrived on November 2020 and are currently in service are also powered by ABB switch gear equipment electrical systems and require the same support. On September 10, 2021 the PORT exercised the option to procure three additional identical cranes. The additional crane are schedule to arrive September 2023.

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 Port's (10) SAMSUNG/ZPMC container gantry cranes along with the future cranes (3) scheduled to arrive in September 2023 are equipped with ABB switch gear equipment. These systems are the primary source of power, most essential and critical components of the cranes.

**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:

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:  Contract length (if applicable):   
Expenses to date:

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

If yes, when and by whom?

How was item/service procured?

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

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.

ON AVERAGE \$250,000 PER YEAR. The Port is requesting the standardization of ABB INC. A standardization status will maintain parts continuity, interchangeability, and keep the equipment uniform. ABB INC designed electrical systems and its respective spare parts are not interchangeable with other OEMs and cannot be purchased from other vendors. Furthermore any other manufacturer will require extensive unpractical modifications to the cranes switch gear equipment, at considerable cost and equipment downtime.

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"

Arnold Delacruz  
REQUESTOR/EVALUATOR  
(PRINT)

ARNOLD  
DELACRUZ  
Digitally signed by ARNOLD  
DELACRUZ  
Date: 2022.03.03 15:20:06 -05'00'

3/3/22  
DATE

Ricardo Charlton  
DEPT./DIV. DIRECTOR OR  
DESIGNEE (PRINT)

RICARDO  
CHARLTON  
Digitally signed by RICARDO  
CHARLTON  
Date: 2022.03.04 09:39:33 -05'00'

3/4/22  
DATE

The Purchasing Agent has reviewed the request and has completed the required due diligence per the Procurement Code Section(s) 2125 and 21.26. The Purchasing Agent recommends the following:

- Sole Source     Sole Brand    Reasonable Source     RFI attached    Rejected
  - Request Authorization to Negotiate
- Additional Information:

Request for Information (RFI) No. OPN2123791F1 for Switch Gear Products, Maintenance, Engineering, and Repairs was publicly posted on 01/27/2022 and opened on 02/09/2022 with a response from ABB INC. stating they are the only authorized OEM repair and maintenance provider. The Purchasing Agent recommends approval of the Standardization of switch gear products from ABB INC. formerly GENERAL ELECTRIC Switch Gear Division), in accordance with Broward County Procurement Code, Section 21.19.(c) - Standardization, for the container cranes at Port Everglades.

Purchasing Agent Signature: Jacqueline A. Chapman  
Digitally signed by Jacqueline A. Chapman  
Date: 2022.03.08 09:19:22 -05'00'

Date: 3/08/22

CAROLYN  
MESSERSMITH  
Digitally signed by CAROLYN  
MESSERSMITH  
Date: 2022.03.23 15:42:14  
Purchasing Manager

**APPROVAL AUTHORITY**

REASON/SUGGESTED ACTION (IF DISAPPROVED):

[Empty box for Reason/Suggested Action]

Signature: Robert Gleason  
Digitally signed by Robert Gleason  
Date: 2022.03.25 14:13:54 -04'00'

Date: 3/25/22