



DATE: 10/20/22

TO: Robert Gleason, Director of Purchasing

THRU: Alan W. Garcia, P.E., Director, Water and Wastewater Services

FROM: Mark Darmanin, Director, Water and Wastewater Services

PROJECT TITLE: Evoqua Water Technologies/Wallace & Tiernan/Integrity Municipal System Products, Equipment, Parts & Service

REQUISITION NO.: TBD

SOLE SOURCE/SOLE BRAND REQUEST

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

Water and Wastewater Operations Division (WWOD) requests approval of the sole brand procurement of Evoqua Technologies (formerly known Siemen's Water Technologies) Wallace & Tiernan/ Integrity Municipal System (IMS) products, equipment, parts and service from sole source provider Water Treatment & Controls Company. WWOD uses Evoqua Technologies/Wallace & Tiernan/IMS equipment & parts for the purpose of maintaining critical chemical feed systems/chlorinators, ammonia feeders and evaporators (odor control). The estimated annual contract value is \$161,000.

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:

Wallace & Tiernan is the original equipment manufacturer and Water Treatment & Controls Company is the sole source for Evoqua Water Technologies/Wallace & Tiernan/Integrity Municipal System Products. Provided for review and reference are authorization letters from Evoqua and Integrity Municipal Systems stating that Water Treatment & Controls Company is the exclusive municipal representative for Wallace & Tiernan/Integrity Municipal Systems equipment, parts and services in the state of Florida.

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:

Evoqua Technologies/Wallace & Tiernan/IMS equipment & parts were installed as a part of a capital improvement project completed in 1993 and the sole brand procurement of these products are required for the purpose of maintaining critical chemical feed systems/chlorinators, ammonia feeders and evaporators (odor control). Failure of any portion of the water treatment chemical feed systems could result in a public safety issue and water contamination event. WWOD requires the continued use of this brand because replacing the parts and equipment with alternative brands would void warranties provided on the existing equipment.

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: \$ 161,000.00 Contract length (if applicable): 1 yr, plus 2-1YR Renewals

Expenses to date: \$200,431.00

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

If yes, when and by whom?

Water and Wastewater Operations Division

How was item/service procured?

Sole Brand, Sole Source

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

OPN2115563Q1, N1308003Q1

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.

Wallace & Tiernan sole manufacturer of Evoqua Water Technologies/Wallace & Tiernan/IMS products, equipment and parts. Wallace & Tiernan and Intergrity Municipal System equipment and parts are not interchangeable with any other manufacturer brands. To consider any other brand for the sole purpose of being competitive, would void warranties on existing equipment and WWS would be required to re-engineer and retrofit existing system. The amount of time and cost of installing a different brand would far outweigh the cost of replacing with the original equipment, as well as potentially creating another sole source/brand situation. Evoqua Technologies /Wallace & Tiernan/IMS equipment & parts were installed as a part of a capital improvement project completed in 1993. All subsequent master agreements since 2007 have been awarded as sole source, sole brand.

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"

Jose Otero

REQUESTOR/EVALUATOR
(PRINT)

Jose Otero

REQUESTOR/EVALUATOR (SIGN)

Digitally signed by Jose Otero
Date: 2022.10.21 07:50:01
-04'00'

10/21/22

DATE

Mark Darmanin

DEPT./DIV. DIRECTOR OR
DESIGNEE (PRINT)

MARK M.
DARMANIN

DEPT./DIV. DIRECTOR OR
DESIGNEE (SIGN)

Digitally signed by MARK M.
DARMANIN
Date: 2022.10.21 10:27:25 -04'00'

Alan Garcia

DATE

Digitally signed by Alan
Garcia
Date: 2022.10.21 15:49:10
-04'00'

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:

The purpose of this contract is for the provision of Evoqua Technologies/Wallace&Tiernan brand products, parts, and repair services.

The potential life of the agreement has been revised to contract term of one (1) year with four (4) one year renewal periods, see attached email.

A Request for Information (RFI) was posted from December 9, 2022 through December 19, 2022 with no responses received.

Annual estimate is \$161,000, with a potential value of \$805,000.

Purchasing Agent Signature:

STACY-ANN
BROWN

Digitally signed by STACY-ANN
BROWN
Date: 2023.01.03 11:08:17 -05'00'

Date:

Purchasing Manager Signature: Jose Hidalgo

Digitally signed by Jose Hidalgo
Date: 2023.01.03 12:59:32 -05'00'

APPROVAL AUTHORITY

REASON/SUGGESTED ACTION (IF DISAPPROVED):

Approved

Signature: Robert Gleason

Digitally signed by Robert Gleason
Date: 2023.01.26 13:12:03 -05'00'

Date:



October 21, 2022

Mr. Jose Otero
Broward County Water & Wastewater Services
2555 West Copans Road
Pompano Beach, FL 33069

Ref: Manufacturer's Representation

Dear Mr. Otero:

The purpose of this letter is to confirm that Water Treatment & Controls Company (Pensacola, FL 32534) is the sole and exclusive representative of Integrity Municipal Systems LLC for the A-758 Lime Slaker and parts in the state of Florida. In 2012, Integrity Municipal Systems LLC purchased The A-758 slaker product line originally developed by Wallace and Tiernan.

Please do not hesitate to contact us if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gail Dorton", is positioned above the printed name.

Gail Dorton
Customer Service Manager - Slakers
Integrity Municipal Systems LLC
13135 Danielson St., Suite 204, Poway, CA 92064, U.S.A
Phone: (858) 218-3752 (Direct)
Phone: (858) 486-1620 (Main Office)
Fax: (616) 772-2693
Email: Gail@IntegrityMS.net



October 7, 2022

Broward County Water & Wastewater Services
2555 West Copans Road
Pompano Beach, Florida 33069

Dear Jose Otero;

This letter is to advise that Water Treatment & Controls Technology, Inc dba Water Treatment & Controls is an authorized *exclusive* distributor and sales representative for Evoqua Water Technologies, LLC for equipment service and sales of aftermarket parts to municipal customers.

Authorized to represent the following Evoqua Products *exclusively in municipal markets* for the sale of equipment, instruments and products manufactured by us:

Wallace & Tiernan

- Analyzers & Controllers
- Gas Feed

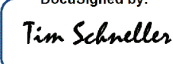
Authorized Markets *exclusively* within the states of Florida, Georgia, and Alabama.

Water Treatment & Controls is located at:
9900A N Palafox Street
Pensacola, FL 32534

Evoqua Water Technologies, LLC utilizes Distributors and Sales Representatives to promote and support our equipment on a regional basis.

Contract#: Water Treatment_2020_0430
Letter Expiration Date: October 7, 2023

With regards,

DocuSigned by:

AAD8055D88AD4B7...
Tim Schneller
Global Channel Leader

Cc:partners@evoqua.com; jotero@broward.org; bbirgel@watertc.com

This letter is valid only if on file with Evoqua. To check the validity of this letter, please contact partners@evoqua.com.

Solicitation OPN2125751F1

Request for Information: Evoqua Water Technologies/Wallace & Tiernan

Bid Designation: Public



Broward County Board of County Commissioners

Bid OPN2125751F1

Request for Information: Evoqua Water Technologies/Wallace & Tiernan

Bid Number **OPN2125751F1**
Bid Title **Request for Information: Evoqua Water Technologies/Wallace & Tiernan**

Bid Start Date **Dec 9, 2022 4:30:26 PM EST**
Bid End Date **Dec 19, 2022 2:00:00 PM EST**
Question &
Answer End Date **Dec 16, 2022 5:00:00 PM EST**

Bid Contact **Stacy-Ann Brown**
Purchasing Agent
Purchasing Division
954-357-5856
stabrown@broward.org

Contract Duration **Not Applicable**
Contract Renewal **Not Applicable**
Prices Good for **Not Applicable**

Bid Comments **This is a Request for Information (RFI) . This is not a request for pricing or a commitment to purchase.**

This Request for Information (RFI)/ Notice of Intent to Designate Sole Source/Sole Brand is intended to ascertain whether the commodity or service specified below is currently available from multiple providers/brands. The following products are thought to be available from only a single source/brand.

Services/Commodities Required: Furnish all labor, tools, materials, equipment, and supervision and provide repair service for Evoqua Water Technologies / Wallace & Tiernan/Integrity Municipal Systems Products, Equipment and Parts for Water and Wastewater Services Division.

If you are capable of meeting or exceeding the specification requirements for this product or equivalent, respond to this RFI/Notice of Intent to Designate Sole Source/Sole Brand through Periscope S2G. Provide product literature for any product to assist in determining if the product is comparable. The Director of Purchasing shall have sole authority in deciding what is comparable.

Prospective Vendors are requested to provide information regarding their ability to supply the commodities or contractual services described or written explanation or other documentation contesting the proposed designation as a Sole Source/Sole Brand. Prospective Vendors will be considered only if they provide documentation demonstrating that they are capable of meeting or exceeding the specification requirements stated herein.

All Vendor responses will be evaluated by the Director of Purchasing who shall have sole authority in establishing the approved equal status of the commodity or service offered by the vendor. The Director of Purchasing shall consider such submittals and notify all submitting vendors of the decision whether to designate as a Sole Source/Brand, which decision shall not be subject to objection, protest, or appeal..

Questions and Answers: The County provides a specified time for Vendors to ask questions and seek clarification regarding the requirements of the solicitation. All questions or clarification inquiries must be submitted through Periscope S2G by the date and time referenced in the solicitation document (including any addenda). The County will respond to all questions via Periscope S2G.

This RFI/Notice of Intent to Designate Sole Source/Sole Brand will remain posted until the due date and time indicated.

Item Response Form

Item **OPN2125751F1--01-01 - Evoqua Water Technologies/Wallace & Tiernan Products, Equipment, Parts & Service**

Quantity **1 contract**

Prices are not requested for this item.

Delivery Location **Broward County Board of County Commissioners**

No Location Specified

Qty 1

Description

This Request For Information is to aid in ascertaining whether services to furnish all labor, tools, materials, equipment, and supervision and provide repair service for Evoqua Water Technologies / Wallace & Tiernan/Integrity Municipal Systems Products, Equipment and Parts are currently available from multiple providers and/or to obtain product literature to assist in determining if the product/services offered meet or exceed the requirements as outlined in the Bid Comments.

Vendors should submit a response electronically through Periscope S2G. Vendor should upload any supporting information in Periscope S2G to assist in determining if the product or service is comparable.

Question and Answers for Bid #OPN2125751F1 - Request for Information: Evoqua Water Technologies/Wallace & Tiernan

Overall Bid Questions

There are no questions associated with this bid.

**Bid Tabulation Packet
for
Solicitation OPN2125751F1**

**Request for Information: Evoqua Water
Technologies/Wallace & Tiernan**

Bid Designation: Public



Broward County Board of County Commissioners

Bid #OPN2125751F1 - Request for Information: Evoqua Water Technologies/Wallace & Tiernan

Creation Date **Dec 9, 2022**

End Date **Dec 19, 2022 2:00:00 PM EST**

Start Date **Dec 9, 2022 4:30:26 PM EST**

Awarded Date **Not Yet Awarded**

OPN2125751F1-01-01 Evoqua Water Technologies/Wallace & Tiernan Products, Equipment, Parts & Service						
Supplier	Unit Price		Qty/Unit	Total Price	Attch.	Docs
				No Bids		
Agency Product Code:			Supplier Notes:			
Agency Notes:						

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