



DATE: 01/22/2024

TO: Robert Gleason, Director, Purchasing Division

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

FROM: Mark Darmanin, Director, Water and Wastewater Operations

PROJECT TITLE: Ovivo USA LLC for Ovivo/Eimco Equipment, Replace

REQUISITION NO. TBD

SOURCE/BRAND NAME: Ovivo USA LLC for Ovivo/ Eimco Equipment

SOLE SOURCE/SOLE BRAND/ONLY ONE REASONABLE SOURCE REQUEST

☒ SOLE SOURCE ☒ SOLE BRAND ☐ ONLY ONE REASONABLE SOURCE

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

Water and Wastewater Services (WWS) requests Sole Brand, Sole Source Board Standardization of Ovivo USA, LLC (formerly EIMCO Water Technologies - EWT™); Ovivo/Eimco equipment, parts and repair services from Ovivo USA LLC (Ovivo) or it's authorized distributor at the time of purchase. Ovivo is the Original Equipment Manufacturer (OEM).

Broward County Water and Wastewater Services (WWS) has approximately \$10,000,000.00 worth of equipment in operations located at the North Regional Wastewater Treatment Plant, which consist of various sizes and types of process equipment. Equipment list includes twelve (12) Clarifiers, Gravity Thickeners, Grit Collectors, Vacuum Filters, Treatment Units, Filter Underdrains, Mechanical Mixers, Mechanical Aerators, Catwalks/ Hand Rails, Columns, Beams, Rake Arms, Gear Units, Motors, and ancillary instruments and

II. JUSTIFICATION: Please check all boxes that describe your reason(s) for determining that only one source or brand is reasonably available.

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 purchase for the following reasons.

Ovivo/ Eimco equipment is manufactured, fabricated, installed and sold by OVIVO USA, LLC. The parts are not interchangeable with any other brand and the equipment can be serviced only by Ovivo authorized service technicians. To use any other brand of equipment would require replacing expensive process equipment in its entirety; to replace the Ovivo equipment to accommodate any other brand of equipment

Business Case (Only One Reasonable-Source¹ or Only One 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.
- ☒ Other/or additional information - using this only one reasonable source, only one reasonable brand purchase benefits the County for the following reasons:

Ovivo/Eimco equipment is manufactured, fabricated, installed, maintained under extended warranty and sold solely by OVIVO USA, LLC. The parts are not interchangeable with any other manufacturers equipment can only be serviced by a Factory Authorized Field Service Technicians.

As per the attached correspondence, Ovivo USA, LLC is the sole source manufacturer and exclusive distributor of all EIMCO Water Technologies parts and equipment. Ovivo USA, LLC is the original equipment manufacturer (OEM) of the subject proprietary equipment, and as such there is no other combination of OEM supplier and OEM authorized installer that can offer both factory approved components and factory approved installation services from a Florida State Licensed Contractor.

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: \$1,426,756.74 Contract length (if applicable): 5 Year

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

If yes, provide the following and attach any supporting documentation (e.g., previous approved memoranda):

Vendor name and date Ovivo USA LLC for Ovivo Method of Procurement Bid & Master Agreement

What is the current contract (Procurement Catalog) or purchase order number? OPN2117459Q_1

Expenditures to date: \$1,057,721.70

Will this procurement utilize any local/state/federal grant funding? ☐ Yes ☒ No

If yes, attach any supporting documentation (e.g., grant agreement).

If this is a sole brand, is there an "authorized" dealers/resellers list? ☐ Yes ☒ No

If yes, provide the manufacturer's "authorized" dealers/resellers list.

¹ Commonly known as Most Reasonable Source

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.

Water and Wastewater Services has over \$10,000,000 in Ovivo/Eimco equipment located at it's water and wastewater treatment plants. Most of these equipment has been installed and in operations for thirty years. Therefore, replacing the equipment in order to accommodate other brand(s), would cost the County in excess of \$20 million including Consultant Engineering Services for compatibility studies of new design, modification to accommodate existing services, demolition and disposal of existing equipment and the installation of new equipment.

CERTIFICATION: I have thoroughly researched the sole source, sole brand, only one reasonable source, or only one reasonable brand justification and fully understand the implications of Section 838.22 of the Florida Statutes:

(2) "It is unlawful for a public servant or a public contractor who has contracted with a governmental entity to assist in a competitive procurement to knowingly and intentionally obtain a benefit for any person or to cause unlawful harm to another by circumventing a competitive solicitation process required by law or rule through the use of 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".

Oscar Asgar, Construction Project M	Oscar Asgar <small>Digitally signed by Oscar Asgar Date: 2024.01.22 11:08:26 -05'00'</small>	01/22/2024
REQUESTOR/EVALUATOR (PRINT)	REQUESTOR/EVALUATOR (SIGN)	DATE

Mark Darmanin, Director, Water and	Mark Darmanin <small>Digitally signed by Mark Darmanin Date: 2024.01.23 12:10:55 -05'00'</small>	
DEPT/DIV DIRECTOR OR DESIGNEE (PRINT)	DEPT/DIV DIRECTOR OR DESIGNEE (SIGN)	DATE
Alan W. Garcia, P.E., Director, Water	Alan Garcia <small>Digitally signed by Alan Garcia Date: 2024.01.23 14:02:20 -05'00'</small>	01/23/2024

DEPT/DIV DIRECTOR OR DESIGNEE (PRINT)	DEPT/DIV DIRECTOR OR DESIGNEE (SIGN)	DATE
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PURCHASING DIVISION USE ONLY

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:

<input checked="" type="checkbox"/> Sole Source	<input checked="" type="checkbox"/> Sole Brand	<input type="checkbox"/> Only One Reasonable Source/Brand ²	<input type="checkbox"/> Reject
<input type="checkbox"/> Authorization to Negotiate	<input checked="" type="checkbox"/> Standardization	<input type="checkbox"/> Board Award	

Attachments

<input type="checkbox"/> Request for Information	<input type="checkbox"/> Previous Approved Documentation
<input type="checkbox"/> Vendor Letter	

² As per Florida Statute 287.057(3)(c), FLL projects valued ≥\$325,000 require 15 business day posting of intended sole source designation

Additional Information (e.g., Number, opening date, # of responses, Agency reviewed yes/no):

The Purchasing Agent affirms that the required due diligence has been completed through Request for Information (RFI) No. 2310-016 and recommends approval of this request. RFI No. 2310-016 was advertised on October 25, 2023 and ended on November 3, 2023 with no response. A letter dated January 12, 2024 (Exhibit 1) states that "Ovivo USA, LLC is the "Sole Source" manufacturer and exclusive distributor of all EIMCO Water Technology parts/equipment." It is recommended that the Ovivo Repair, Installation and Rehabilitation Services and associated replacement parts be procured as a Sole Source/Sole Brand, and to proceed with Board approval as an open-end standardized contract with a two-year initial term, in the estimated amount of \$2,000,000, and a potential total amount of \$5,000,000.00 for the five year term (per Requisition No. WWO0008039).

Purchasing Agent Signature:

TAMAR HAYE Digitally signed by TAMAR HAYE
Date: 2024.01.30 14:46:35 -05'00'

Reviewer Title: Purchasing Agent Senior, Supervisor

Reviewer Signature: **Jacqueline A. Chapman** Digitally signed by
Jacqueline A. Chapman
Date: 2024.01.30 15:04:47 -05'00'

APPROVAL AUTHORITY

☒ APPROVED ☐ DISAPPROVED

REASON/SUGGESTED ACTION (IF DISAPPROVED):

Title: Purchasing Manager

Signature: **Jose Hidalgo** Digitally signed by Jose
Hidalgo
Date: 2024.01.30 15:50:11 -05'00'

Title:

Signature: **Constance Mangan, Asst. Director, on behalf of** Digitally signed by Constance
Mangan, Asst. Director, on behalf of
Date: 2024.02.05 14:35:09 -05'00'

**Bid Tabulation Packet
for
Solicitation 2310-016**

Request for Information: Ovivo USA, LLC

Bid Designation: Public



Broward County Board of County Commissioners

Bid #2310-016 - Request for Information: Ovivo USA, LLC

Creation Date **Oct 18, 2023**

End Date **Nov 3, 2023 2:00:00 PM EDT**

Start Date **Oct 25, 2023 4:22:08 PM EDT**

Awarded Date **Not Yet Awarded**

2310-016-01-01 Ovivo USA, LLC					
Supplier	Unit Price	Qty/Unit	Total Price	Attch.	Docs
			No Bids		
Agency Product Code:		Supplier Notes:			
Agency Notes:					

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**Bid Tabulation Packet
for
Solicitation OPN2127828F1**

**Request for Information: Repair, Installation, Equip and
Rehabilitation Services**

Bid Designation: Public



Broward County Board of County Commissioners

Bid #OPN2127828F1 - Request for Information: Repair, Installation, Equip and

Rehabilitation Services

Creation Date **Mar 5, 2024**

End Date **Mar 14, 2024 2:00:00 PM EDT**

Start Date **Mar 5, 2024 2:49:07 PM EST**

Awarded Date **Not Yet Awarded**

OPN2127828F1—01-01 Ovivo USA, LLC						
Supplier	Unit Price		Qty/Unit	Total Price	Attch.	Docs
				No Bids		
Agency Product Code:			Supplier Notes:			
Agency Notes:						

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