



DATE: 05/13/2024

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: Brooks Ammonia Gas Feed Maintenance and Repair

REQUISITION NO. TBD

SOURCE/BRAND NAME: Brooks Instrument LLC

## 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 Operations Division (WWOD) requests approval of sole brand Brooks Instrument from sole source provider Cross Company for the Maintenance and Repair services of Brooks Instrument ammonia gas feed systems (ammoniators) with an approximated cost of \$95,000.

WWOD is committed to supplying high quality potable water to our citizens in Broward County. In order to continue with this purpose, WWOD has been replacing several equipment with the latest technology at their Water Treatment Plants (WTPs). Currently, one of Broward County WTPs has been installing the latest technology for the ammonia gas feed system with a set point controller manufactured by Brooks Instrument. This ammonia gas feed system has several advantages such as small foot print, low costs, easy operation and it can be operated remotely. In addition, the technical support from Brooks Instrument is very accessible.

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.

As per the attached letter from Brooks Instruments, Cross Company is the exclusive Brooks Instrument, LLC representative for Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, Tennessee, Virginia and Washington D.C.

**Business Case (Only One Reasonable-Source<sup>1</sup> 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:

Brooks Instrument equipment is manufactured, fabricated, installed, and maintained under extended warranty and sold solely by Brooks Instrument. The parts are not interchangeable with any other manufacturers equipment and can only be serviced by Factory Authorized Technicians. Also, other Counties have recommended to Broward County the usage of this 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: \$95,000.00 Contract length (if applicable): 5 Years

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 Cross Company, 8/2022 Method of Procurement Reasonable Source

What is the current contract (Procurement Catalog) or purchase order number? IND2124652Q1

Expenditures to date: \$19,454.85

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.

<sup>1</sup> 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.

The existing old ammonia feed system has been installed and in operations for over 20 years. Some of these units have been removed since its repair cost is very expensive, approximately \$40,000, and the replacement parts are not very easy to find. This issue has limited Broward County to have an operational flexibility for this chemical process.

As described above, the recently installed ammonia feed system "ammoniators" works in combination with only the new recently installed set point controller, both equipment are manufactured by Brooks Instrument. If another brand of ammonia gas system is considered it would require extensive research, engineering design, resulting in unacceptable delays and additional monetary costs to Operations. This process was

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".

<b>Carlos Garcia</b>	<b>Carlos Garcia</b> <small>Digitally signed by Carlos Garcia Date: 2024.05.13 11:41:57 -04'00'</small>	<b>05/13/2024</b>
REQUESTOR/EVALUATOR (PRINT)	REQUESTOR/EVALUATOR (SIGN)	DATE
<b>Mark Darmanin, Director WWOD</b>	<b>Mark Darmanin</b> <small>Digitally signed by Mark Darmanin Date: 2024.05.14 09:21:10 -04'00'</small>	
DEPT/DIV DIRECTOR OR DESIGNEE (PRINT)	DEPT/DIV DIRECTOR OR DESIGNEE (SIGN)	DATE
<b>Alan W. Garcia, P.E., Director WWS</b>	<b>Alan Garcia</b> <small>Digitally signed by Alan Garcia Date: 2024.05.14 10:14:41 -04'00'</small>	<b>05/14/2024</b>
DEPT/DIV DIRECTOR OR DESIGNEE (PRINT)	DEPT/DIV DIRECTOR OR DESIGNEE (SIGN)	DATE

**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:

- Sole Source
- Sole Brand
- Only One Reasonable Source/Brand<sup>2</sup>
- Reject
- Authorization to Negotiate
- Standardization
- Board Award

**Attachments**

- Request for Information
- Previous Approved Documentation
- Vendor Letter

<sup>2</sup> 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):

Water and Wastewater Operations (WWO) requires Maintenance and Repair services of Brooks Instrument ammonia gas feed systems (ammoniators). A Request for Information (RFI) No. OPN2128645F1 was posted June 18, 2024 - June 26, 2024; No responses were received. The RFI supports WWO claim that no other vendor is available to provide Maintenance and Repair services of Brooks Instrument ammonia gas feed system.

Further, in a letter dated January 01, 2024, the manufacture, Brooks Instrument provided a letter stating Cross Company/ Process Solutions Group is the sole exclusive authorized representative/distributor for the territory of Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, Tennessee, Virginia, & Washington, DC. Cross Company / Process Solutions Group is authorized to quote, sale and represent all our products and offer local sales support and post sales services for our products. Accordingly, it is in the best interest of the County to procure the Agency's requested services from Cross Company / Process Solutions Group as the exclusive distributor for subsequent maintenance that are proprietary and cannot be sourced through any alternate vendor.

Per the Procurement Code, Section 21.25(b) the purchasing Agent affirms that this request is the subject of an RFI, And the required due diligence has been completed and therefore recommends approval of this Sole Source request.

Purchasing Agent Signature:

Shamar  
Brissett

Digitally signed by  
Shamar Brissett  
Date: 2024.07.26  
14:38:33 -04'00'

Reviewer Title:

Reviewer Signature:

### APPROVAL AUTHORITY

APPROVED

DISAPPROVED

REASON/SUGGESTED ACTION (IF DISAPPROVED):

Title: Purchasing Manager

Signature: Jose Hidalgo

Digitally signed by Jose  
Hidalgo  
Date: 2024.07.29  
11:37:25 -04'00'



*Beyond Measure*

January 01, 2024

LETTER OF AUTHORIZATION  
Cross Company / Process Solutions Group  
850 Discovery Lane  
Knoxville, TN 37932

To whom it may concern,

BROOKS INSTRUMENT is a world leading manufacturer of fluid measurement and control instrumentation.

Founded in 1946, the company was acquired by Emerson Electric in the year 1964. In 2008, Emerson sold the company to AIP – American Industrial Partners. Between the years of 2008 and 2011, BROOKS purchased KEY Instruments and acquired assets of Celerity Instrumentation business group.

In 2012 BROOKS was acquired by ITW – Illinois Tools Works, Inc. a Fortune 200 company, nearly 100 years old, with more than 60,000 employees worldwide.

Cross Company / Process Solutions Group is our exclusive authorized representative/distributor for the territory of Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, Tennessee, Virginia, & Washington, DC.

Cross Company / Process Solutions Group is authorized to quote, sale and represent all our products and offer local sales support and post sales services for our products.

Please feel free to contact Cross Company / Process Solutions Group directly or the undersigned for additional information.

Regards,

*Tom Powers*

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Tom Powers  
Brooks Instrument  
Regional Sales Manager – Industrial South  
C: 832.546.4333  
Tom.Powers.BrooksInstrument.com



## Bid #OPN2128645F1 - Request for Information - Brooks Ammonia Gas Feed Systems Maintenance

Creation Date **Jun 17, 2024**

End Date **Jun 26, 2024 5:00:00 PM EDT**

Start Date **Jun 18, 2024 4:44:32 PM EDT**

Awarded Date **Not Yet Awarded**

OPN2128645F1-01-01 RFI - Brooks Ammonia Gas Feed Systems Repair Servies					
Supplier	Unit Price	Qty/Unit	Total Price	Attch.	Docs
			No Bids		
Agency Product Code:		Supplier Notes:			
Agency Notes:					

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**No Bids**

FilterBuy immediately, we do not carry the items/provide the services you are requesting. However, please keep us in mind for any future projects.

## **Solicitation OPN2128645F1**

### **Request for Information - Brooks Ammonia Gas Feed Systems Maintenance**

**Bid Designation: Public**



**Broward County Board of County Commissioners**



## Bid OPN2128645F1S

### Request for Information - Brooks Ammonia Gas Feed Systems MaintenanceS

Bid Numb           **OPN2128645F1 d**  
Bid Title           **Request for Information - Brooks Ammonia Gas Feed Systems Maintenance d**

Bid Start Da       **Jun 18, 2024 4:32 PM EDTd**  
Bid End Dat       **Jun 26, 2024 5:00:00 PM EDTd**  
Question &  
Answer End Dat   **Jun 25, 2024 5:00:00 PM EDTd**

Bid Contact       **Shamar Brissett d**  
                      **Purchasing Agdnt d**  
                      **Purchasing d**  
                      **sbrissett@broward.org d**

Bid Contact       **David Campbell d**  
                      **Purchasing Agdnt d**  
                      **Purchasing d**  
                      **davcampbell@broward.org d**

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

Bid Comments      **NOTICE OF INTENT TO DESIGNATE SOLE SOURCE/ONE REASONABLE SOURCE/SOLE BRAND**

The Purchasing Division is publishing this notice pursuant to the Broward County Procurement Code section, 21.25, Sole Source/Only Reasonable Source, and 21.26, Sole Brand. The Purchasing Division intends to award a contract without competition if it is determined to be in the best interest of the County.

**Commodity/Service:** Water and Wastewater Services (WWS) is in need of a contract to provide the furnishing, delivery, maintenance and repair of Brooks brand Ammonia Gas Feed System instruments. It is believed the recently installed ammonia feed system "Brooks Instrument Ammoniators" works in combination with only the new recently installed Brooks Instrument set point controllers. It is also believed that Cross Company is the exclusive manufacturer authorized representative for Florida to provide these products and services.

If you are capable of meeting or exceeding the specification requirements for this product or equal, 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.

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

### Item Response SMS

Item **OPN2128645F1--01-01 -RFI - Brooks Ammonia Gas Feed Systems Repair Services**

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 is a Request for Information to aid in ascertaining whether **Brooks Ammonia Gas Feed Systems Repair Services** are currently available from multiple providers and to obtain product literature to assist in determining if the product offered meets or exceeds the requirements.

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 #OPN2128645F1 - Request for Information - Brooks Ammonia Gas Feed Systems Maintenance

### Overall Bid Questions

There are no questions associated with this bid.