



Fulton County Board of Commissioners
Agenda Item Summary

18-0936

BOC Meeting Date

12-19-18

Requesting Agency

Public Works

Commission Districts Affected

1, 2, 3, 5, 6, 7

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval to award contract without competition - Department of Public Works, Solicitation# 18SS115933A-CT, Maintenance and Repair for AQ2 discrete analyzer in the amount of \$5,950.00 with Seal Analytical, Inc. (Mequon, WI), to provide Maintenance and repair for AQ2 discrete analyze for compliance purposes. Effective upon BOC approval.

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

In accordance with Purchasing Code Section 102-384, after conducting a good faith review, and the Purchasing Department has determined that there is only one source available for the required supply, service, or construction item, the request shall be forwarded to the Board of Commissioners for approval.

Is this Item related to a Strategic Priority Area? *(If yes, note strategic priority area below)*

Yes All People are healthy

Is this a purchasing item?

Yes

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Scope of Work: Fulton County utilizes the AQ2 Discrete Analyzer to analyze wastewater samples for regulatory NPDES compliance purposes. The AQ2 is an instrument that the county purchased over 10 years ago and is the principal instrument that performs these mandatory NPDES analyses. Due to its highly technical components and frequency of use, it requires regular service and maintenance from qualified personnel using genuine parts and supplies. SEAL Analytical, Inc. is the sole provider of parts, supplies and maintenance service provider for the AQ2 Discrete Analyzer equipment.

Community Impact: The County utilizes the contract with SEAL Analytical, Inc. for the continual service and maintenance of the AQ2 Discrete Analyzer instrument. This instrument is used to perform chemical analyses required for the County's water/wastewater permits. Maintaining this instrument is critical in producing technically valid and reliable analytical data. Failure to perform technically valid and reliable analyses could leave the County subject to fines, consent orders, and penalties levied by Georgia's Environmental Protection Division and the U.S Environmental Protection Agency.

Department Recommendation: The Department of Public Works request approval to award without competition to SEAL Analytical, Inc. to provide service and support for AQ2 Discrete Analyzer to analyze wastewater samples for compliance purposes.

Agency Director Approval		County Manager's Approval
Typed Name and Title Felicia Strong-Whitaker, Director	Phone (404) 612 5800	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Project Implications: There are no future implications of the item in terms of potential changes in budget, service provision, or County policy/operations.

Community Issues/Concerns: There are no issues/concerns raised by constituents or clients concerning the agenda item.

Department Issues/Concerns: There are no additional department recommendations or concerns related to funding, staffing, external and internal partnerships and operational inefficiencies.

History of BOC Agenda Item: New Procurement.

Contract & Compliance Information	<i>(Provide Contractor and Subcontractor details.)</i>
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Solicitation Information	NON-MFBE	MBE	FBE	TOTAL
No. Bid Notices Sent:				
No. Bids Received:				
Total Contract Value	Click here to enter text.			
Total M/FBE Values	Click here to enter text.			
Total Prime Value	Click here to enter text.			
Fiscal Impact / Funding Source	<i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i>			
	201-540-5488-1160: Water & Sewer Revenue, Public Works, Professional Services - \$5,950.00			
Exhibits Attached	<i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i>			
	Exhibit 1: Justification and Approval Memo Exhibit 2: Contractor Performance Report			
Source of Additional Information	<i>(Type Name, Title, Agency and Phone)</i>			
	Roy Barnes, Deputy Director, Public Works – 404-612-6317			

Agency Director Approval		County Manager's Approval
Typed Name and Title Felicia Strong-Whitaker, Director	Phone (404) 612 5800	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Procurement

Contract Attached: No	Previous Contracts: Yes		
Solicitation Number: 18SS115933A-CT	Submitting Agency: Public Works	Staff Contact: Roy Barnes	Contact Phone: 404-612-6317

Description: Maintenance and repair for AQ2 discrete analyzer.

FINANCIAL SUMMARY

Total Contract Value:		MBE/FBE Participation:	
Original Approved Amount:	\$0.00	Amount: .	%. .
Previous Adjustments:	\$0.00	Amount: .	%. .
This Request:	\$5,950.00	Amount: .	%. .
TOTAL:	\$5,950.00	Amount: .	%. .

Grant Information Summary:

Amount Requested: .	<input type="checkbox"/>	Cash
Match Required: .	<input type="checkbox"/>	In-Kind
Start Date: .	<input type="checkbox"/>	Approval to Award
End Date: .	<input type="checkbox"/>	Apply & Accept
Match Account \$: .		

Funding Line 1: 201-540-5488-1160	Funding Line 2: .	Funding Line 3: .	Funding Line 4: .
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KEY CONTRACT TERMS

Start Date: .upon approval	End Date: .twelve months from issuance of Purchase order
Cost Adjustment: .	Renewal/Extension Terms: .

ROUTING & APPROVALS
(Do not edit below this line)

X	Originating Department:	Clark, David	Date: 11/8/2018
X	County Attorney:	Stewart, Derval	Date: 11/27/2018
X	Purchasing/Contract Compliance:	Strong-Whitaker, Felicia	Date: 11/27/2018
X	Finance/Budget Analyst/Grants Admin:	Freeman, Ashley	Date: 11/8/2018
.	Grants Management:	.	Date: .
X	County Manager:	Anderson, Dick	Date: 11/27/2018

**JUSTIFICATION AND APPROVAL FOR ALLOWING AWARD OF CONTRACT
WITHOUT COMPETITION**

(Section A must be completed by the User Department and then submitted to the Department of Purchasing & Contract Compliance)

SECTION A

Department: *Public Works*

Department Contact: *Roy Barnes*

Description of Supplies/Services: Maintenance and repair for AQ2 discrete analyzer

Demonstration of Contractor's Unique Qualifications:

The vendor, Seal Analytical, provides service and support for County owned equipment, the AQ2 Discrete Analyzer. This equipment is used to analyze wastewater samples for compliance purposes; specifically, it performs chemical analyses that are regulated by the County's National Pollutant Discharge Elimination System (NPDES) permit. If this equipment is not properly maintained and supported, the County would not be able to ensure compliance with its permit, which would cause the County to incur fines and penalties. The equipment was purchased through a competitive process several years ago but is still functional and the current technology. The vendor is the sole authorized provider of genuine parts and supplies, service and support for the AQ2 Discrete Analyzer. They do not authorize any other service provider to service their analyzers nor do they supply any competing companies with genuine parts and consumables for resale.

(Section B must be completed by the Department of Purchasing & Contract Compliance)

SECTION B

MARKET SURVEY

Results of Market Survey

No responses were received

Date Public Notice posted on website: *10/22/2018*

Date Public Notice closed: *10/29/2018*

REVIEW OF OFFER(S)

Were any offers received (Y/N): *No*

Number of offers received: *None*

Respondents: *N/A*

Date Offers submitted to User Department for review: *N/A*

User Department review and recommendation: *To award without competition*

Purchasing Agent review and recommendation: *Purchasing concur with user department's recommendation to award without competition to recommended vendor.*

CERTIFICATION

Having conducted a good faith review of source availability regarding the materials, goods and or services stipulated herein, subsequent to consultation with the County Manager and the recommendation of the User Department, it has been determined that there is only one source available for the required work, labor or service to be done or the supplies, materials, or equipment to be furnished, per the Fulton County Code of Ordinances §102-384, Award without competition.

I, Felicia Strong-Whitaker, Purchasing Director, certify that the facts and representations under my cognizance which are included in this justification and its supporting documentation which form the basis for this justification are complete and accurate.

Felicia Strong-Whitaker
Purchasing Director

Date

I, Dick Anderson, County Manager, certify that the facts and representations under my cognizance which are included in this justification and its supporting documentation which form the basis for this justification are complete and accurate.

Dick Anderson
County Manager

Date

DEPARTMENT OF PUBLIC WORKS
INTEROFFICE MEMORANDUM



TO: Felicia Strong-Whitaker, Director, Purchasing
FROM: David Clark, Director *DC*
DATE: September 28, 2018
SUBJECT: Sole Source – Seal Analytical, Inc.
Maintenance and repair AQ2 discrete analyzer

This letter is to confirm that Seal Analytical, Inc. is the exclusive manufacturer and supplier of the AQ Automated Discrete technology (AQ2, AQ1, AQ400) in the United States. Seal Analytical, Inc. is also the sole authorized supplier of genuine parts, supplies, service and support for the Seal AQ instruments in the United States.

cc: Roy Barnes, Deputy Director, Water Reclamation and Collection, Public Works
Tony Moore, Deputy Director, Administration, Public Works
Janice Dickenson, Material Management Manager, Public Works
Charlie Crockett, Chief Assistant Purchasing Agent, Purchasing



September 6, 2018

Fulton County Dept. of Public Works
The Water Resources Division Lab
1030 Marietta Hwy NW
Roswell, GA 30075

For the attention of Patrick Person

Dear Patrick:

This is to certify that SEAL Analytical, Inc. is the **exclusive manufacturer and supplier** of the AQ Automated Discrete technology (AQ2, AQ1, AQ400) in the United States. We are also the **sole authorized provider** of genuine parts and supplies and service and support for the SEAL AQ instruments in the United States.

This letter confirms that SEAL Analytical, Inc. **does not** authorize **any** other service provider to service our analyzers.

This letter also confirms that SEAL Analytical, Inc. **does not** supply **any** competing companies with genuine parts and consumables for resale. SEAL provides **GENUINE, BRAND NEW parts** to our customers, which are guaranteed to be compatible with our instruments. In addition, we ensure compatibility of the operational software with any replacement part used.

Thank you for your interest in SEAL Analytical, Inc. products and service. We look forward to continuing our working relationship.

Sincerely,

A handwritten signature in black ink that reads "LALIA POTTER". The signature is stylized and written in all caps.

Lalia Potter
General Manager
SEAL Analytical, Inc.

DEPARTMENT OF PURCHASING & CONTRACT COMPLIANCE

CONTRACTORS PERFORMANCE REPORT
CONSTRUCTION SERVICES

Report Period Start	Report Period End	Contract Period Start	Contract Period End
6/1/2018	9/30/2018	1/1/2018	12/31/2018
PO Number			PO Date
11191700000000000332			1/1/2018
Department	Public Works		
Bid Number			
Service Commodity	Laboratory Support		
Contractor	SEAL ANALYTICAL SERVICES		

0 = Unsatisfactory	<i>Achieves contract requirements less than 50% of the time. not responsive, effective and/or efficient. unacceptable delay, incompetence, high degree of customer dissatisfaction.</i>
1 = Poor	<i>Achieves contract requirements 70% of the time. Marginally responsive, effective and/or efficient; delays require significant adjustments to programs; key employees marginally capable; customers somewhat satisfied.</i>
2 = Satisfactory	<i>Achieves contract requirements 80% of the time; generally responsive, effective and/or efficient; delays are excusable and/or results in minor programs adjustments; employees are capable and satisfactorily providing service without intervention; customers indicate satisfaction.</i>
3 = Good	<i>Achieves contract requirements 90% of the time. Usually responsive; effective and/or efficient; delays have not impact on programs/mission; key employees are highly competent and seldom require guidance; customers are highly satisfied.</i>
4 = Excellent	<i>Achieves contract requirements 100% of the time. Immediately responsive; highly efficient and/or effective; no delays; key employees are experts and require minimal directions; customers expectations are exceeded.</i>

1. Project Development (-Specification Compliance – Technical Excellence – Reports/Administration – Personnel Qualification)

Comments:

0

1

2

3

4

Excellent Quality of Goods and services.

2. Design (-Were Milestones Met Per Contract – Reliability – Responsiveness to Direction/Change – On Time Completion – Liquidated Damages)

Comments:

0

1

2

3

4

Excellent timeliness of performance.

3. Award - Proposal Development (-Met Timeless/Due Dates - Reasonable/Cooperative - Flexible/Motivated - Prompt Problem Notification)

Comments:

18-0936

- 0
- 1
- 2
- 3
- 4

Seal Analytical are very responsive to our questions and inquiries.

4. Construction (-Mobilization Timely – Were Milestones Met – Met/Exceeded Specifications – Within Budget Performance – Proper Invoicing – Quality of Work – Responsive to Owner)

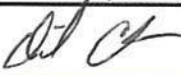
- 0
- 1
- 2
- 3
- 4

Comments:
Excellent Customer Satisfaction.

5. Closeout Action and Contractors Key Personnel (-Effective Management - Credentials/Experience - Ability to Accomplish Mission - Conduct)

- 0
- 1
- 2
- 3
- 4

Comments:
Key personnel are very responsive.

Overall Performance Rating: <u>4.0</u>		
Would you select/recommend this vendor again? (Check box for Yes. Leave Blank for No) <input checked="" type="radio"/> Yes <input type="radio"/> No	Rating completed by:	patrick.person
Department Head Name	Department Head Signature	Date
David Clarke		9/14/2018

18-0858 - Request approval of a Resolution authorizing the e