



City of Hollywood, Florida

2600 HOLLYWOOD BLVD. • P.O. Box 229045 • ZIP 33022-9045

DATE: **January 28, 2016**

RE: BLANKET ORDER #: **B002836**

PRODUCT/SERVICE: **Star Fixed network
automatic meter reading system single port
meter transmission units**

**Aclara Technologies, LLC
Attn: Bruce Clard
30400 Solon Rd
Solon, OH 44139**

Telephone Contact: 314-895-8032
Email: bclark@aclara.com

Dear Vendor:

This is to inform you that the City of Hollywood, Florida is entering into a Blanket Order with your Company based on one of the following:

- | | | |
|-------------------------------------|-----------------------------------|-----------------|
| <input type="checkbox"/> | FORMAL BID # | DATED: |
| <input type="checkbox"/> | INFORMAL BID # | DATED: |
| <input type="checkbox"/> | RENEWAL OF FORMAL BID # | DATED: |
| <input type="checkbox"/> | EXTENSION OF FORMAL BID/RFP# | DATED: |
| <input checked="" type="checkbox"/> | WRITTEN QUOTATION # 12715a | DATED: 1/6/2016 |
| <input type="checkbox"/> | VERBAL QUOTATION PER | DATED: |
| <input type="checkbox"/> | STATE OF FLORIDA CONTRACT # | DATED: |
| <input type="checkbox"/> | BROWARD COUNTY BID # | |
| <input type="checkbox"/> | OTHER: | |

The term of this order is **2/18/16** through **2/17/17**

NTSS-015-16.

The estimated annual dollar value is **\$100,000.00**.

The obligations of the City of Hollywood under this order are subject to the availability of funds lawfully appropriated for its purpose by the City Commission and are subject to the terms and conditions contained on the Purchase Order form.

The City of Hollywood Departments will issue hard copy orders against this Blanket Order as your authorization to deliver. All invoices must reference each unique document number.

If you have any questions, please contact **Robert Lowery** at (954) 921-3552

RL

c: Public Utilities
Finance



CITY OF HOLLYWOOD, FLORIDA

PROCUREMENT SERVICES DIVISION

Sole Source Justification Form (Use for Purchases(s) in excess of \$2,500)

2015 DEC 16 PM 2:21

CITY OF HOLLYWOOD
PROCUREMENT SERVICES
DIVISION

Per City of Hollywood Ordinance § 38.40 (C) (3) 'sole source' purchases are exempt from the competitive bid and competitive proposal requirements. *Sole-source supplies and services, such as unique, patented, or franchised supplies or services, are exempt if the Director of Procurement Services determines, after a good faith review of available sources, that a particular supply or service is available from only one source.*

Date 12/11/2015

Department/Office 4000

Division/Area 4012

Contact Person Joshua McDermott

Title Public Utilities Manager

Phone 954 921-3046

Email jmcdermott@hollywoodfl.org

1. Requested Vendor Aclara Technologies, LLC

Vendor Number 32824

Address 30400 Solon Rd., Solon, OH 44139

Contact Person Bruce Clard

Title VP, Contracts

Phone 314-895-8032

Email bclark@aclara.com

2. Product/Service being requested (be specific). Star fixed network automatic meter reading system single port MTUs.

3. Detailed description of the product/service function and purpose. The MTU is the element that reads the water meter and sends the reading to the billing department.

4. Please explain in detail why this vendor is the sole source supplier for the required product/service. Be sure to explain the necessary features this vendor provides which are not available from any other vendor. Aclara is the manufacturer of the equipment and they do not use 3rd party vendors to sell their product.

5. Please explain in detail what process the Department/Office took to verify that there are no other vendors or products/services available to perform the required function. We obtained a letter from the vendor confirming that they are the only source (attached).

Procurement Service Division use only

Requisition # R _____

Purchase Order # P _____

Blanket Purchase Order # _____

BPO _____

(As Applicable)

(As Applicable)

(As Applicable)

(Revised 9/2013)

6. Please submit supporting documentation from the vendor or other sources certifying that this vendor is a sole source for the required product/service being requested. For example, the vendor holds the distribution rights, productions rights, copyrights, trademark and/or patent:

- Vendor holds the exclusive rights for the product/service.
- Vendor is the sole provider of the product/service that has unique characteristics essential to the needs which no other product is capable.
- Product is replacing existing product and necessary to maintain warranty or service contract.
- Product is replacing existing product and is not interchangeable with any other product.

7. Total cost of the requested product/service? MTUs are \$100 ea.

8. Total estimated annual (fiscal year) cost of requested product/service? \$100,000.00

Account Number(s) 42.4012.00772.536.005226 _____

9. Is this product/service covered by a warranty? Yes No

If yes, please attach a copy of the warranty details.

10. Would this purchase(s) result in the potential of future purchases for related products/services being restricted to a particular vendor or create a specific vendor as sole source provider for related items?

Yes No

If yes, please describe the related products/services and estimated cost(s.)

11. Would this purchase(s) result in any future maintenance costs which are not included in the initial purchase?

Yes No

If yes, please attach a draft maintenance plan which includes cost estimates and funding source(s.)

12. Is this a grant related purchase? Yes No

If yes, please provide details (timeline, expiration dates, milestones, special procurement requirements, etc.) _____

Will this require matching funds? Yes No

What is the grant source? _____

What is the grant (dollar) amount? _____

13. Please complete an advanced search of the vendor recommended for award on the Federal Government's Systems for Award Management at www.sam.gov.

Procurement Service Division use only

Requisition # R _____
BPO _____
(As Applicable)

Purchase Order # P _____
(As Applicable)

Blanket Purchase Order # _____
(As Applicable)

Date of Advanced Search 12-09-15

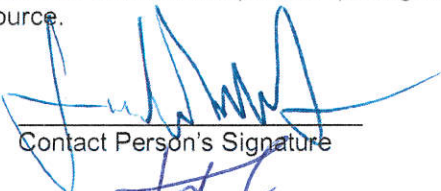
Company Name(s) Searched
Aclara

Search Results
Aclara Technologies, LLC

REQUESTING DEPARTMENT RECOMMENDATION

WARNING: Per Florida Statutes 838.22(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.

I recommend that the competitive quoting/bidding process be waived and that the goods/services be purchased as a sole source.



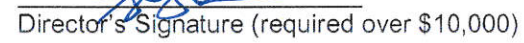
Contact Person's Signature

12/11/15
Date





Supervisor's Signature

12/14/15
Date



Director's Signature (required over \$10,000)

12/15/15
Date

APPROVAL (Procurement Service Division Use Only)			
Verified By:		Date	<u>1/7/15</u>
Approved By:		Date	<u>1/28/16</u>

Procurement Service Division use only

Requisition # R
BPO
(As Applicable)

Purchase Order # P
(As Applicable)

Blanket Purchase Order #
(As Applicable)



945 Hornet Drive
Hazelwood, MO 63042
www.AclaraTech.com

314.895.6500
314.895.6543 fax

December 10, 2015

Laura Cummins
Store Keeper
City of Hollywood
Underground Utilities
P.O. Box 229045
Hollywood, FL 33022

Subject: Aclara Sole Source Statement

Dear Ms. Cummins,

We confirm that Aclara Technologies LLC (Aclara) is the sole manufacturer, sole supplier and sole maintenance provider of the STAR Network AMI System which is currently installed throughout the City of Hollywood, Florida.

The STAR® Network and its STAR NCC Software, STAR Programmer Software, Meter Transmission Unit (MTU), and Data Collector Unit (DCU) are proprietary products of Aclara which are not compatible with any other Automatic Meter Reading System. In addition, Aclara is the only provider of STAR Software and System Maintenance Services.

We look forward to the opportunity to continue to support the City of Hollywood, Florida with our STAR® products and services.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Enyard Jr.", written over a horizontal line.

Robert Enyard Jr.
VP, Patent and Legal Counsel
Aclara Technologies LLC



Proposal Quotation and Acceptance Form

Proposal No: 12715a(Revision 1/6/16)

Proposal Date: 1/6/2016

Quoted by: Mike Schleicher

Customer: City of Hollywood (FL.)

Attention: Laura Cummins

Customer Reference #: _____

Item #	Aclara Part No.	Description	Qty	Unit Price	Extended Price	Lead Time, Weeks ARO
1	501-8150D	Encoder - Single Port - 12' wire	1,120	\$ 86.50	\$ 96,880.00	TBD
2	FREIGHT-WATER,	Shipping & Handling	1	\$ 3,120.00	\$ 3,120.00	-

Subtotal: \$ 96,880.00

Material Handling & Freight: \$ 3,120.00

Grand Total: \$ 100,000.00

GENERAL NOTE:

This Proposal/Quotation is based upon the terms and conditions set forth in the *Aclara Standard Terms and Conditions of Sales for Equipment and Certain Services* document, available on Aclara's website at <http://www.aclara.com/terms-and-conditions/>. Any conflicting or additional terms and conditions contained in any resulting purchase order are hereby rejected unless agreed to in writing by Aclara.

ADDITIONAL TERMS:

- Each Line Item will be shipped within the number of weeks stated after receipt of an acceptable order (ARO).
- This quotation is based upon receipt and acceptance of an order by the earlier of a.) the date entered at the right, or b.) 60-days after the Proposal Date contained herein. 3/11/2016
- Products are sold CPT Destination in accordance with Incoterms 2010. Prices quoted exclude any applicable Sales Taxes.
- To place an order, please send a signed copy of this form and/or your Purchase Order referencing this quotation to the e-mail address at the right: aclaraorders@aclara.com
- Other

Customer Acceptance: _____
Please Sign

Date: _____

Name & Title: _____
Please print name and title

Basic Warranty

Aclara RF Systems Inc. warrants to the original PURCHASER of a STAR® Utility Meter Transmission Unit (MTU) that the MTU shall perform in accordance with the specifications in effect at the time of original product shipment and shall be free from defects in material and workmanship for a period of ten (10) years from the date of original product shipment (the "full warranty period").

Any STAR® Utility MTU manufactured by Aclara RF Systems Inc. that, within the full warranty period: (i) fails to perform in accordance with the specifications in effect at the time of original product shipment or (ii) fails as a result of a defect in material or workmanship, when returned to Aclara RF Systems Inc., freight prepaid, will be repaired or replaced at the option of Aclara RF Systems Inc. without charge to the PURCHASER. A STAR® Utility MTU which has been repaired or replaced by Aclara RF Systems Inc. will be returned to the PURCHASER by Aclara RF Systems Inc., freight prepaid. All costs associated with the removal and/or reinstallation of a defective STAR® Utility MTU shall be the responsibility of the PURCHASER. Aclara RF Systems Inc. warrants replacement MTUs for the longer of (i) the remaining term of the full warranty period applicable to the STAR® Utility MTU repaired or replaced or (ii) one year from the date the repaired STAR® Utility MTU or its replacement is returned to PURCHASER. Aclara RF Systems Inc. reserves the right to supply factory refurbished equipment, new equipment, or a newer model that provides equivalent or better performance.

Extended Warranty

Subject to the limitations set forth below, Aclara RF Systems Inc., will replace any STAR® Utility MTU that, after expiration of the full warranty period but before the expiration of the twentieth (20th) full year after the date of original product shipment (the "extended warranty period"): (i) fails to perform in accordance with the specifications in effect at the time of original product shipment or (ii) fails as a result of a defect in material or workmanship. The cost of replacement will be prorated in accordance with the following table based on the number years of service before failure.

Years of Service	Replacement Cost Percentage
11	55%
12	60%
13	65%
14	70%
15	75%
16	80%
17	85%
18	90%
19	95%
20	100%

The cost of replacement will be calculated by multiplying the applicable replacement cost percentage by the STAR® Utility MTU price in effect at the time of replacement. The defective MTU must be returned to Aclara RF Systems Inc. by the PURCHASER, freight prepaid. Aclara RF Systems Inc. will pay the freight charges for the return of the replacement to the PURCHASER.

All costs associated with the removal and/or reinstallation of a defective STAR® Utility MTU shall be the responsibility of the PURCHASER. Aclara RF Systems Inc warrants MTUs replaced pursuant to the Extended Warranty for one year from the date the replacement is returned to the

The information contained herein is proprietary and confidential to Aclara RF Systems Inc. and shall not be released or disclosed to any third party without prior written approval.



Notice of Intent to Award a Sole Source Procurement

Date: January 14, 2016

NTSS-015-16

Due Date for Comments: January 21, 2016

E-mail Address: rlowery@hollywoodfl.org

Fax Number: 954-921-3086

THIS IS NOT A COMPETITIVE BID

The proposed contract action is for product or services for which the City of Hollywood intends to negotiate and award with only one source under the authority of the City of Hollywood City Code Section 38.40 (C) (3) Sole-source supplies and services. Any responses received as a result of this Notice of Intent shall be considered solely for the purpose of determining whether to conduct a competitive procurement in the future. Responses will not be considered as proposals, bids, or quotes.

The Procurement Services Division has received a request to make the following sole-source procurement:

Requesting Department/Office: Public Utilities

Product and/or services to be purchased: Part# 501-8150D, Encoder-Single Port 12' wire. The MTU is the element that reads the water meter and sends the reading to the billing department.

Anticipated Cost: \$100,000.00

Sole Source Justification: Aclara Technologies, LLC is the manufacturer of the equipment and they do not use third part vendors to sell their product.

Action To Be Taken:

No action is required if you agree this proposed purchase is a valid sole-source. If you do not agree that this proposed purchase is a sole-source, you may respond by submitting in writing their name, address, point-of-contact, telephone number, email, and a statement regarding capability to provide the specified procurement. Interested firms will be considered only if they respond with clear and convincing documentation that they are capable of meeting or exceeding the requirements stated herein. All responses received within five (5) business days after the date of publication of this synopsis will be reviewed by the City.

All responses must be in writing and returned to ATTN: Robert Lowery, by Email or Facsimile number 954-921-3086 prior to the "Due Date for Comments." Please do not submit a bid for this public posting.



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[Vendor view of bid](#)

[Chat](#) | [Description](#) | [Attachments](#)

Bid #NTSS-015-16 - Part 501-8150D, Encoder Single Port 12 Wire. NOTICE TO SOLE SOURCE

Time Left	Bid has ended.	Notifications	Report (Bidder Activity)
Time Started	Jan 13, 2016 4:22:43 PM EST	# of suppliers that viewed	10 View
Time Ended	Jan 21, 2016 5:00:00 PM EST	Q & A	View Questions & Answers
Agency Information	City of Hollywood, Florida, FL (view agency's bids)		Q&A Deadline: Jan 21, 2016 3:00:00 PM EST

Department Public Utilities [\(view department's bids\)](#)
Bid Classifications [Classification Codes](#)
Bid Regions [Regions](#)
Bid Contact [see contact information](#)
View Rules Click here to [change](#) the rules for this bid.
Best and Final Offer: [Create](#)

Approval

View Approval Flow [View Approval Flow](#)
Approval Status - Approved

Description

Bid Number NTSS-015-16
Title Part 501-8150D, Encoder Single Port 12 wire.
Budgeted Amount \$100,000.00 [\(change\)](#)
Estimated Amount \$100,000.00
Estimated Amount \$100,000.00 (This price is estimated - not guaranteed)
Description Aclara Technologies, LLC is the manufacturer of the equipment and they do not use third part vendors to sell their product.

The proposed contract action is for product or services for which the City of Hollywood intends to negotiate and award with only one source under the authority of the City of Hollywood City Code Section 38.40 (C) (3) Sole-source supplies and services. Any responses received as a result of this Notice of Intent shall be considered solely for the purpose of determining whether to conduct a competitive procurement in the future. Responses will not be considered as proposals, bids, or quotes.

Documents

[Select All](#) | [Select None](#) | [Download Selected](#)

- 1. [Bid Cover Page](#) [\(download\)](#)
- 2. [Bid Submission Page UPDATED as of Oct 2014](#) [\(download\)](#)
- 3. [NTSS-015-16 Aclara Technologies.pdf](#) [\(download\)](#)

= Included in Bid Packet = Excluded from Bid Packet.

Contractor Advertisements

[View All Ads](#)

There are no advertisements on this solicitation.

NOT AWARDED REASON

The City of Hollywood did not receive any responses to teh NTSS and will proceed with award to Aclara Technologies, LLC.

[Product Feedback](#)

Questions? Contact a BidSync representative: 800-990-9339 or email: support@bidsync.com

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Product Feedback