

WAIVER OF COMPETITIVE BID (WCB) AWARD JUSTIFICATION

Departments must use this form when submitting a WCB request, per City Code. No substitute format will be accepted. Purchasing may require departments to submit additional documentation to support analysis of the justification. Additional documentation may include, but is not limited to, the statement of work, cost breakdown, funding source, grant funding, resumes, etc. If you need assistance with this form, please call Purchasing ext. 3700.

WCB request must be approved before the department engages with any vendors.

Submit completed original form to: Purchasing Dept. via PR in City ERP system. Name the attachment WCB. Please select SS in Req Code Box 4 when submitting and WCB Purchase Requisition. Purchasing provides preliminary review of all waiver requests. Final approvals are provided per award authority as determined by City Code. If approved, the Purchasing Department will assist the requestor in executing the final approval under the appropriate award authority.

All information must be provided, and all questions must be answered. The "Required Approvals" section must include a date for each **original** signature, as appropriate for the transaction.

Department and Representative Information

City of Santa Rosa

Department: Water

Name of Primary Contact for this request: Robert C. Wilson

Email Address and Phone Extension: rwilson@srcity.org 707-543-4369

By submitting this request, the Department Representative above certifies the following:

My department's recommendation for WCB is based upon an objective review of the product/service required and is in the best interest of the City.

No gratuities, favors, or compromising actions have influenced this request. My personal preference for particular brands, types of equipment, materials or firms has not been of influence. I know of no conflict of interest on my or any other individual's part, nor do I have any personal involvement in any way with the supplier(s) involved. As an approved department representative, I have gathered technical information and have made a concentrated effort to review comparable equipment/services. I hereby certify as to the validity of the information and feel confident this justification for sole source item, manufacturer, or service is accurate and appropriate for this acquisition.

By writing, justifying and submitting statements to waive competitive process, I understand these statements become part of the public record. False statements would carry weight similar to perjury. I recognize City personnel must not make any false or misleading statements in order to justify a sole source/brand or a waiver of procurement.

Vendor Information

Vendor Name: Agilent Technologies

Vendor ID in ERP System: V001823**

Vendor Point of Contact Name and Email: Angela Tsao angela.tsao@agilent.com

Required Information

Request Type:

- ☒ Goods
- ☐ General Services
- ☐ Goods & Services
- ☐ IT Goods
- ☐ IT Services
- ☐ IT Goods & Services
- ☐ New Proprietary Software
- ☐ Existing Proprietary Software
- ☐ Minor Public Work
- ☐ Insufficient Time for bidding

☐ Sole Source Item:

Item is required due to equipment compatibility, maintenance, training and parts support, or safety, and is available from only one source and is one-of-a-kind, not sold through distributors. Manufacturer is the exclusive authorized distributor.

☒ Sole Brand/Manufacturer:

Item is required due to equipment compatibility, maintenance, training and parts support, or safety, and/or is one-of-a-kind. Various sources can supply this product and will be competitively bid for this brand/manufacturer with "no substitution or like equal" language provided within the solicitation.

☐ Sole Source Service:

Services cannot be provided by any other consultant/contractor/provider.

☐ **Waiver 3-08.100 (D) of Competitive Bidding:**

If limitations on the source of supply, necessary restrictions in specifications, necessary standardization, quality considerations, or other valid reasons for waiving competition appears, then purchases may be made without recourse to the competitive bidding provisions of this chapter. Approval of waiver of competitive bidding shall be given by the same level of authority as set forth in Section 3-08.110 of this chapter.

☐ **Waiver 3-44.080 (A) of Competitive Bidding Minor Public Work:**

A minor contract for public works may be made free of the bidding requirements of this chapter when the awarding authority determines that it is in the best interests of the City to suspend competitive bidding for that contract.

☐ **Insufficient Time (Dept. must submit a corrective action plan - see Section C below):**

Estimated Requested Award Amount:* \$180,482.56

Will the purchase limit the ability of other vendors to compete on future purchases such as supplies, upgrades, or replacements? ☐ **YES** ☒ **NO**

Is your request going to become an ongoing need? ☐ **YES** ☒ **NO**

If yes, what is the yearly budget amount identified for the ongoing need? \$ _____

Description of Acquisition

Complete responses must be provided for all of the following items.

Provide a very brief and general description of the acquisition here: Upgrade, and eventual replacement, of the Volatile Organics Gas Chromatograph and Mass Spectrometer.

A. THE ACQUISITION REQUESTED IS BEING AWARDED AS A WAIVER FOR THE REASONS STATED BELOW:

1. Describe the acquisition being requested and why it is restricted to this good/service/supplier or subject to a waiver of competition.

The Inductively Coupled Plasma Mass Spectrophotometer (ICP-MS) systems developed by Agilent are best suited to Environmental analytical applications and can switch seamlessly between Drinking Water and Wastewater methodologies. Their extensive history and track record in Environmental applications make their product far superior for these purposes. Systems offered by other manufacturers would not provide the versatility needed to continue to meet our current analytical demands.

2. Provide the background of events that prompted this request.

(For non-IT and IT goods, include the unique performance factors and explain why they are required? Previous history, bid process or any other data)

The functionality of the equipment currently in place is becoming less reliable due to the age of the hardware, and obsolescence of the software. The current ICP-MS was purchased in 2007 with an estimated operational life of 10 – 15 years. While past the estimated operational life, the current ICP-MS continues to provide reliable data. A transition to similar updated equipment will enable the lab to continue using both instruments while the new one is being certified as a full-time replacement.

3. What are the consequences of not purchasing the good/service or contracting with the proposed supplier?

1. Unnecessary delay in implementation and certification of new equipment: 2-3 months training on new software and 2-3 more months in method development for unfamiliar equipment.
2. Loss of analytical versatility that would necessitate subcontracting work. The cost of hiring other labs substantial and may result in less confidence in data quality and delays in analytical information.
3. Expensive service agreement that would have already been covered by Full Spectrum Analytics if an Agilent system were purchased.

4. What criteria were used in the market research to substantiate no competition or waiver, including evaluation of other goods/services?

(Provide a narrative to the extent of your market research that includes suppliers contacted, or an explanation of why market research was not conducted. For non-IT and IT goods, also include what other products were examined and why they were rejected?)

Agilent systems are currently being used for inorganic analysis for the Laguna Environmental Laboratory. These systems were originally purchased due to the superior and patented technology that the other manufacturers lack. After initial evaluation of ICP-MS systems from other manufacturers, the equipment had limited capabilities that would compromise data quality and may not meet the City's need for precise data. Agilent currently has 55% market share for heavy metal testing equipment. While staff conducted market research by polling other environmental laboratories it was determined many of the major laboratories including PACE Analytical, Eurofins Scientific, TestAmerica, and ALS Environmental has standardized on Agilent equipment. It is important to accurately identify the heavy metal levels in this application. The possibility of falsely identifying the wrong result or missing the presence of a regulated heavy metal level could have severe consequences for permit compliance or, more importantly, for public health.

5. If possible, provide (attach) current written documentation from the Vendor that supports justification.

See attached

B. PRICE ANALYSIS:

1. How was the price determined to be fair and reasonable?

(Explain and provide the basis of your comparison to include market rates, contract pricing, historical pricing, cost breakdown, etc., as applicable.)

The quotes received directly from the manufacturer are used here as an estimate for the purchase budget. Vendor has included a discount because we are replacing our current Agilent ICP-MS with a new ICP-MS made by Agilent.

2. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier.

(Quantify and substantiate the cost savings realized or averted costs. The information provided must include numbers/data in addition to narrative that describes and supports the cost savings realized or avoided by acquiring the goods/services from this supplier.)

Staying with an Agilent ICP-MS will reduce costs. Purchasing an ICP-MS from a different manufacturer would have extra costs for an extended warranty and/or service contract which would be more than \$10,000 annually.

The costs of subcontracting lab work of this type would be roughly \$400-\$500 per sample. The Agilent system currently in place ran an average of 30 samples per day for Drinking Water in 2018, plus met all routine environmental compliance and quarterly testing of Industrial Waste, Influent, and Biosolids.

C. CORRECTIVE ACTION PLAN:

This section must be completed only if the WCB is being submitted *due to the department not allowing sufficient time to complete a required competitive acquisition process*, as the good/service could have been competitively bid or are available through a competitive process. This does not apply to emergency procurements in accordance with City Code. Please utilize an Emergency PR for acquisitions that meet the definition of local emergency.

1. How will your department ensure adequate planning to prevent future submittal of WCB's for goods or services that should have been competitively bid?

(Outline in detail the department's plan to maximize the use of competitive bidding for this acquisition in the future. Failure to follow the Corrective Action Plan may impact the department's delegated purchasing authority. This plan must be kept on file for future auditing purposes)


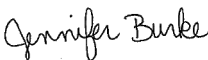
The Water department submits competitive bids regularly and provides the best costs of goods and services for our ratepayers. Occasionally, scientific instruments require higher quality components to ensure consistent data integrity for regulatory compliance and drinking water analysis.

Division Manager and Director Approvals:

By Signing Below, I Hereby Certify That:

- 1) I am aware of the City's requirements for competitive bidding, as well as the criteria for justification for sole source/brand purchasing or waiver of competitive bid.
- 2) I have reviewed the technical information presented above and concur with the findings presented.
- 3) I have determined that there is validity as to the information contained herein.
- 4) I certify that this purchase will not present a conflict of interest, as defined by City policy, and that I have received no gifts or gratuities from this supplier.
- 5) To the best of my knowledge, a sole source/brand purchase in this case would withstand a possible audit or a Vendor's protest.

Required Approvals

Division Manager	Director of Dept
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied
 <u>Sean McNeil (Aug 10, 2021 13:34 PDT)</u>	 _____
Signature of Dept Head or Designee/Date	Signature of Director or Designee/Date
<u>Sean McNeil</u> Print Name of Division Manager	<u>Jennifer Burke</u> Print Name of Director
DATE <u>Aug 10, 2021</u>	DATE <u>Aug 10, 2021</u>
Purchasing Agent's approval or denial works through the City ERP system under workflow.	

*This is a budgetary estimate only, subsequent to approval of the WCB, Department will then receive approval to request a quote(s) and this value can be adjusted when submitting final PR.

** If Vendor is not set up in City ERP System, please contact the vendor to obtain a W9, and submit a "New Vendor Request Form" to Accounts Payable, in order to obtain a Vendor ID.
<http://iweb2/NewVendorReq/Default.aspx?ID=0>

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Walter Norosky
City of Santa Rosa
4300 Llano Rd
Santa Rosa CA 95407-8042

TEL: 707 543 3361 FAX: 707 543 3399

Quotation

Quote No.	Create Date	Delivery Time	Page
3646756	07/08/2021	4 Weeks	1 of 7
Contact	Phone no.	Valid to	
Angela Tsao	408-893-5508	09/06/2021	
To place an order: Visit www.agilent.com/store to place online order using a purchase order or credit card and track your order status.			
Product	Email	FAX	
Consumables	cag_sales-NA@agilent.com	302-633-8901	
Genomics	orders@agilent.com	512-321-3128	
Pathology	customer.service@agilent.com	800-566-3256	
Instruments	Lscainstrumentsales@agilent.com	302-633-8953	
1-800-227-9770 Option 1			

Agilent 7850 ICP-MS with UMHI, H2 Cell, ISIS, SPS 4 Autosampler, MassHunter SW with PC Bundle. Installation & Familiarization plus Additional 3 Day Application Consulting. Trade-In Value for Current 7500ce ICP-MS is Applied.

Item	Product/Description	Qty/Unit	Unit List Price	Discount Amount	Extended Net Price
1000	G8422AA	1.000 EA	219,367.00 USD	76,778.45-	142,588.55
	Bundle package, Agilent 7850 (G8422A) ICP-MS, PC and MassHunter software With the following configuration: Ship-to Country : USA Advanced Acquisition H2 Cell Gas Line Installation (44K) Introduction 1 Year SW Update/Phone Assist (44W)				
	Special discount of 35.00 % is applied.				
1500	G3292A	1.000 EA	6,326.00 USD	2,214.10-	4,111.90
	PolyScience Model 6106T Recirculating Chillers. With the following configuration: Ship-to Country : USA Installation (44K)				
	Special discount of 35.00 % is applied.				
4000	CP17976	1.000 EA	686.00 USD	240.10-	445.90
	Gas Clean Carrier Gas filter kit (includes 1 connecting unit 1/8 and 2 Carrier Gas filters)				
	Special discount of 35.00 % is applied.				
5000	CP7988	1.000 EA	273.00 USD	95.55-	177.45

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Angela Tsao	408-893-5508	09/06/2021	
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Product	Email	FAX	
Consumables	cag_sales-NA@agilent.com	302-633-8901	
Genomics	orders@agilent.com	512-321-3128	
Pathology	customer.service@agilent.com	800-566-3256	
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Item	Product/Description	Qty/Unit	Unit List Price	Discount Amount	Extended Net Price
	1-position Connecting Unit 1/8 in				
	Special discount of 35.00 % is applied.				
6000	8710-1709	1.000 EA	37.55 USD	13.14-	24.41
	Cutter, tube Cutter, tube 1/8 to 5/8 od tube				
	Special discount of 35.00 % is applied.				
7000	CP7988	1.000 EA	273.00 USD	95.55-	177.45
	1-position Connecting Unit 1/8 in				
	Special discount of 35.00 % is applied.				
8000	CP7981	2.000 EA	46.50 USD	32.54-	60.46
	Wall Mounting Bracket, Gas Clean Wall Mounting Bracket for 1-position connecting unit only				
	Special discount of 35.00 % is applied.				
9000	5185-5850	1.000 EA	700.00 USD	245.00-	455.00

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Item	Product/Description	Qty/Unit	Unit List Price	Discount Amount	Extended Net Price
ICP-MS Checkout Solutions					
Special discount of 35.00 % is applied.					
10000	5188-6524	1.000 EA	918.00 USD	321.30-	596.70
PA tuning solution set, 2 bottles of 100mL: 20ppm each of zn, be, CD, As, 10PPM of Ni, Pb, Mg, 5ppm of Tl, NA, Al, U, Cu, Th, Ba, Co, Sr, V, Cr, Mn, Li, Sc, In, Lu, Bi 2.5ppm of Y, Yb in 2- 2.5% HNO3					
Special discount of 35.00 % is applied.					
11000	5188-6564	1.000 EA	172.00 USD	60.20-	111.80
ICP-MS stock tuning solution (100 mL). Contains 10 mg/L: Li, Y, Ce, Tl and Co in a matrix of 2 percent HNO3					
Special discount of 35.00 % is applied.					
12000	5184-3566	1.000 EA	324.00 USD	113.40-	210.60
ICP-MS Tuning Sol 10 ug/L 2x 500mL Contains 10 ppb Li, Y, Ce, Tl, Co in 0.2 wt % HNO3					
Special discount of 35.00 % is applied.					

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Item	Product/Description	Qty/Unit	Unit List Price	Discount Amount	Extended Net Price
13000	G8415A	1.000 EA	13,333.77 USD	4,666.82-	8,666.95
	<p>SPS 4 is a compact 4 rack autosampler, ideal for high throughput labs requiring the ultimate in performance without compromising bench space.</p> <p>With the following configuration: Integrated Cover Kit (002) : Selected Pumped Drain Kit (007) : Selected Ship-to Country : USA SPS 4 Integrated cover kit SPS 4 Pumped Drain Kit Installation (44K) Introduction</p> <p>Special discount of 35.00 % is applied.</p>				
14000	H2149A	1.000 EA	11,059.00 USD	2,764.75-	8,294.25
	<p>Method and Application Consulting On-site consulting for a maximum of 4 participants. Certificates and manuals not included.</p> <p>With the following configuration: Ship-to Country : USA Three Day On-site (Includes Travel)</p> <p>Special discount of 25.00 % is applied.</p>				



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Item	Product/Description	Qty/Unit	Unit List Price	Discount Amount	Extended Net Price
				Gross Amount	: \$ 253,562.32
				Total Discount	: \$ 87,640.90
				Net Amount	: \$ 165,921.42
				Sales Tax	: \$ 14,561.14
				Total	: \$ 180,482.56

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Ask about our attractive payment options and how we can help you acquire the latest innovations while minimizing the upfront costs. Contact your Agilent sales representative today or visit us online at www.agilent.com/en/technology/agilent-financial-solutions to learn why more and more labs are choosing these flexible payment plans and identify which works best for you.

To place an order: Visit www.agilent.com/store to place online orders using a purchase order or credit card and track your order status.

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To place an order, the following information is required:

- Purchase order number or credit card, delivery date, ship to, invoice to, end user, and quote number.
- GSA customers please provide GSA contract #.

EXCLUSIVE OFFERS FOR NEW INSTRUMENT CUSTOMERS, go to www.agilent.com/chem/exclusiveoffers

TO CHECK THE STATUS OF AN ORDER:

- 1) Visit www.agilent.com/store to check the status of your order.
- 2) Call 1-800-227-9770 (option 1) any weekday between 8 am and 8 pm Eastern time, in the U.S., Canada & Puerto Rico. You will need to know the purchase order or credit card number the order was placed on.

TERMS AND CONDITIONS:

- Pricing: Web prices are provided only for the U.S. in U.S.dollars. All phone prices are in local currency and for end use. Applicable local taxes are applied.
- All Sales Tax is subject to change at the time of order.
- Shipping and Handling Charges: Orders with a value less than \$4000 or those requiring special services such as overnight delivery may be subject to additional shipping & handling fees. Some of these charges may be avoided by ordering via the Web
- Payment Terms: Net 30 days from invoice date, subject to credit approval.

* Quotation Validity: This quotation is valid for 60 days unless otherwise indicated.

* Warranty period for instrumentation is 1 year. The Warranty period for columns and consumables is 90 days.

Visit www.agilent.com/chem

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- For Literature, Application notes, and other information, select [Library](#).
- For Online Technical Support including the Technical Support Assistant and Frequently Asked Questions, select [Technical Support](#).

It is Agilent Technologies intent to ship product at the earliest available date unless specified otherwise.



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The sale of Agilent Products and Services referenced in this quotation is subject to the then current version of Agilent's Terms of Sale, and any Supplemental Terms or Occasional Reseller Terms of Sale or other applicable terms referenced herein. The sale of Microplates Products shall be subject to Microplates Terms of Sale and any Supplemental Terms or other applicable terms referenced herein. The sale of Microplates Tooling Products shall be subject to Microplates Tooling Terms of Sale and any Supplemental Terms or other applicable terms referenced herein. All of the above "Terms" as applicable. A copy of the Terms is either attached or has been previously provided to you. Please contact us if you have not received a copy or require an additional copy. If you have a separate agreement in effect with Agilent covering the sale of Products and Services referenced in this quotation, the terms of that agreement will take precedence for those Products and Services. Agilent expressly objects to any different or additional terms in your purchase/sales order documentation, unless agreed to in writing by Agilent. Products and Services availability dates are estimated at the time of the quotation. Actual delivery dates or delivery windows will be specified at the time Agilent acknowledges and accepts your purchase order. The above conditions shall apply to the fullest extent permitted by the law. You may have other statutory or legal rights available. Commodities, technology or software exported from the United States of America ("U.S.") or from other exporting countries will be subject to the U.S. Export Administration Regulations and all exporting countries' export laws and regulations. Diversion contrary to U.S. law and the applicable export laws and regulations is prohibited.

WCB_ICP-MS_

Final Audit Report

2021-08-10

Created:	2021-08-10
By:	Priscilla Reyes (preyes@srcity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAE-1gQcSNn9486qLI50O2nMZG0vTr53nE

"WCB_ICP-MS_" History

-  Document created by Priscilla Reyes (preyes@srcity.org)
2021-08-10 - 8:15:32 PM GMT- IP address: 12.249.238.210
-  Document emailed to Sean McNeil (smcneil@srcity.org) for signature
2021-08-10 - 8:17:06 PM GMT
-  Email viewed by Sean McNeil (smcneil@srcity.org)
2021-08-10 - 8:33:55 PM GMT- IP address: 12.249.238.210
-  Document e-signed by Sean McNeil (smcneil@srcity.org)
Signature Date: 2021-08-10 - 8:34:17 PM GMT - Time Source: server- IP address: 12.249.238.210
-  Document emailed to Jennifer Burke (jburke@srcity.org) for signature
2021-08-10 - 8:34:19 PM GMT
-  Email viewed by Jennifer Burke (jburke@srcity.org)
2021-08-10 - 9:09:07 PM GMT- IP address: 12.249.238.210
-  Document e-signed by Jennifer Burke (jburke@srcity.org)
Signature Date: 2021-08-10 - 9:12:04 PM GMT - Time Source: server- IP address: 12.249.238.210
-  Agreement completed.
2021-08-10 - 9:12:04 PM GMT