



**CITY OF FORT WORTH  
CHAPTER 252 EXEMPTION FORM**

Instructions: Fill out the entire form with detailed information. Once you have completed this form, provide it to the Purchasing attorney for review. The attorney will review the information you have provided to determine whether an exemption to Chapter 252's bidding requirements is defensible. If you are printing this form to provide to Legal, please do not provide the Primer portion. Failure to provide sufficient information may result in follow up questions and cause a delay in the attorney's determination.

**Section 1: General Information**

Requesting Department: Water Department

Name of Contract Manager: Richard Lisenbee

Department's Attorney: Taylor Paris

Item or Service sought:

Goods:

Service:

Anticipated Amount: \$507,000.00 plus a 5% annual fee increase

Vendor: Brio Services, LLC

Current/Prior Agreement for item/service: Yes  No

CSC or Purchase Order #: CSC 46815

Amount: \$693,926.00

Projected M&C Date: December 13, 2022

How will this item or service be used? Brio is needed for its specialized knowledge on continued software as a service, program management, software configuration, and consulting for the Water Utility's Work Order and Asset Management System (Maximo).

Please see the accompanying Technical Memo.

Has your department started a requisition or otherwise contacted the Purchasing Division related to obtaining this good/service? Yes  No

If yes, please provide requisition number or brief explanation of contact with Purchasing Division: [DETAILED DESCRIPTION]

**Section 2: Claimed Exemption and Justification (Other than sole source)**

NOTE - For a claimed sole-source exemption, complete Section 3.

Please indicate the non-sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions:

- A procurement necessary to preserve or protect the public health or safety of the City of Fort Worth's residents;
- A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
- A procurement for personal, professional, or planning services;
- A procurement for work that is performed and paid for by the day as the work progresses;
- A purchase of land or a right-of-way;
- Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
- Personal property sold:
  - at an auction by a state licensed auctioneer;
  - at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
  - by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
  - under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;
- Services performed by blind or severely disabled persons;

- Goods purchased by a municipality for subsequent retail sale by the municipality;
- Electricity; or
- Advertising, other than legal notices.

Please provide details and facts to explain why you believe the exemption applies to the purchase. You may also attach documentation to this form.

Brio Services, LLC has provided ongoing program management for the Maximo implementation under CSCO 46815. The Project Team selected Brio because of their expertise in Work and Asset Management, the water utility industry in general, and the administration of the Maximo software platform. Brio also possesses extensive knowledge of Fort Worth's Water Utility operations and business processes derived from previous engagements and projects. Brio continues to provide comprehensive program management, process improvement, functional direction, software configuration, software-as-a-service oversight, user training, and other services related to the implementation of Maximo to support the Utility's Enterprise Asset Management Framework.

Approval of this 252 Exemption and the following M&C will formally authorize the annual operating expenditures for Brio to administer the Maximo program and consolidate multiple expiring contracts into one engagement. Brio will manage the closeout of the capital project and the transition to a software-as-a-service subscription model. The capital project expenditures will migrate from initial CIP implementation into ongoing operations and maintenance within the Water and Wastewater Utility operating fund during FY23. Remaining capital fund commitments total \$330,000.00 for the completion of the project and the transition to annual operating expenditures.

Please see the accompanying Pricing Sheet.

### **Section 3: Claimed Sole-Source Exemption and Justification**

NOTE - For any non-sole-source exemption, complete Section 2.

Please indicate the sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions

- \*A procurement of items that are available from only one source, including:
  - items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;

- films, manuscripts, or books;
- gas, water, and other utility services;
- captive replacement parts or components for equipment;
- books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

How did you determine that the item or service is only available from one source?  
[EXPLAIN HOW YOU DETERMINED EXCEPTION APPLIES (RESEARCH, COMMUNICATIONS, DOCUMENTATION)]

Attach screenshots and provide an explanation of any independent research you conducted, through internet searches, searching cooperatives, or discussions with others knowledgeable on the subject matter that corroborate that the item is available only from a single source.  
[SHOW YOUR RESEARCH/WORK THAT LEAD TO YOUR CONCLUSION]

Did you attach a sole source justification letter?  Yes  No

Describe the uniqueness of the item or service (e.g. compatibility or patent issues, etc.).  
[DESCRIBE THE UNIQUENESS OF THE ITEM/SERVICE THAT QUALIFIES IT AS A SOLE SOURCE]

#### **Section 4: Attorney Determination**

With the facts provided by the department, is the use of the claimed exemption defensible if the City were to be challenged on this purchase?  Yes  No.

Was there anything attached to this form that was relied on in making this determination?  Yes  No.

If yes, please explain: Brio Technical Memo

Was there anything not included on this form or attached hereto that was relied on in making this determination?  Yes  No.


If yes, please explain:[EXPLAIN OUTSIDE SOURCE OF INFORMATION]

Will the standard terms and conditions apply?  Yes  No.

Will the contract require special terms?  Yes  No.

Will the contract require review by the department attorney?  Yes  No.

**Approved By:**

  
\_\_\_\_\_  
Jeremy Anato-Mensah/ Jessika Williams  
Assistant City Attorney

Date: 11/18/2022



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713-858-2425  
www.brio-consulting.com

**TO:** Richard Lisenbee, Senior Water Technology Manager, Fort Worth Water Department  
**FROM:** Nancy Lerner, Project Manager, Brio Consulting  
**DATE:** November 15, 2022  
**SUBJECT:** Technical Memorandum: Fort Worth Water Department Asset Management Program Scope of Solution for Continuing Support and Technology Hosting Services

## CURRENT SITUATION

The Water Utility has been using Maximo since 2005 and had completed several system upgrades and interfaces as it expanded system utilization. The Utility uses Maximo to manage asset information, maintenance strategies, work orders, root cause analysis, warehouse operations, and material requisitions.

The Utility has substantively achieved the objectives of the asset management capital program, such as establishing Utility-wide standards, introducing formal work planning and scheduling, integrating the work management system with the GIS and customer care system, and creating a comprehensive database of assets and maintenance history. The processes and technology established under this capital program are transitioning from capital to operating activities.

The application is currently hosted by a third party. Under the current arrangement, the Utility owns its software licenses and is responsible for software maintenance, upgrades, and general database administration. The host is responsible for the hardware and operating systems for production, test, and development environments. Server reliability (uptime) has not met the Utility's expectations, and system performance (response times) are slower than the Utility would like. The Utility has a public/private partnership with a biosolids processing firm that was required to implement an identical Maximo configuration so that the Utility and the biosolids processor could easily share asset and maintenance information. The biosolids processor is using a full Software as a Service model. The Utility inspected the system once it was implemented and verified that system performance was significantly better than that provided by the Utility's current hybrid solution.

In addition, the Utility expected the host to provide basic server and database administration services that Water IT staff are now providing. The software is due for a significant upgrade. Under the current hosting arrangement, much of the upgrade work will be the City's responsibility. Once the upgrade is complete, the software licensing structure will change, and it will be difficult to manage the new licensing structure under the current hybrid hosting model. A Maximo-as-a-Service model is recommended to alleviate these stress points.

Currently, there are more than 450 Maximo users managing more than 80,000 work orders per year. 1.65 Million assets and work locations are managed in the system. Two large warehouses manage more than 7,000 unique inventory items in Maximo. More than 1,000 unique preventive maintenance strategies are managed in the system.

The Water Utility employs skilled Maximo system administrators and database administrators who can support end users and provide the reports and basic system configurations the users need. The Utility does not require this level of end user support from a software host.

## BUSINESS OBJECTIVES

The Utility intends to continuously improve and expand its asset and work management program. Specific objectives for the next five years include:

- Establish and maintain consistent asset hierarchy structures across all treatment plants.
- Formalize the coordination of maintenance and construction activities across division lines.
- Improve customer service and workforce productivity related to Meter Services.
- Incorporate the Fire Department's hydrant testing program with the Water Utility's hydrant maintenance and asset management program.
- Integrate the materials management activities associated with the Utility's asset and work management program with the City's standard procurement processes and technology.
- Formalize routine assessment of asset criticality and condition to support CIP planning.

The Utility intends to transition from the current hybrid hosting model to a more comprehensive technical service solution in which the host is fully responsible for the servers, database, software license maintenance, and technical upgrades, allowing Water Utility personnel to focus on end user support and application enhancement development associated with business needs. Specific objectives include:

- Provide a highly responsive, reliable, and secure Maximo environment.
- Eliminate the need for the Utility to manage the servers and databases that support the Maximo application.
- Eliminate the need for the Utility to manage software licensing and to upgrade and patch the software and related infrastructure.

## REQUIREMENTS TO MEET OBJECTIVES

The following services are required under the enterprise work and asset management system contract:

- Advise and coach Utility staff on opportunities to optimize asset management, work management, and materials management business processes, align business practices with adopted standards and industry best practices, and leverage existing investments in data and technology. Assist Utility staff in defining appropriate new functional requirements for the Maximo system and associated interfaces.
- Assist the Water Utility's Maximo System Administrators in translating requirements for Maximo functional enhancements and interfaces into designs and technical specifications that are aligned with the current system configurations and architecture.
- Assist the Water Utility's Maximo System Administrators in developing and testing functional enhancements to the Maximo system to support the Utility's continuous improvement efforts.
- Provide technical development services for complex configurations and new interfaces under the direction of the Water Utility's Project Manager.
- Assist the Water Utility's Maximo System Administrators in providing functional support and training for end users as new business processes and software functionality are introduced.
- Support the Utility's implementation of business objectives, including:

- Provide the Maximo application as a service with an appropriate level of system administration that meets the Utility's reliability and performance expectations.
- Establish and maintain consistent asset hierarchy structures across all treatment plants.
- Formalize the coordination of maintenance and construction activities across division lines.
- Improve customer service and workforce productivity related to Meter Services.
- Incorporate the Fire Department's hydrant inspection program with the Water Utility's hydrant maintenance and asset management program.
- Integrate the materials management activities associated with the Utility's asset and work management program with the City's standard procurement processes and technology.
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