



**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 Lab Services]

Name of Contract Manager: [Katrina Nwinye]

Department's Attorney: Chris Mullins

Item or Service sought:

Goods:

Service:

Anticipated Amount: [\$130,000]

Vendor: [Agilent Technologies, Inc. ]

Current/Prior Agreement for item/service: Yes  No

CSC or Purchase Order #: N/A

Amount: N/A

Projected M&C Date: N/A

How will this item or service be used? [The Gas Chromatograph with Mass Spectrometer will be used to determine Atrazine in drinking water and Caffeine in drinking and waste water. If the City does not purchase what is requested, we would lose the ability to test for these analytes and thus lose our accreditation from the Texas Commission on Environmental Quality(TCEQ).]

**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. [Agilent Technologies, Inc. is the sole ISO 9001-2015 certified equipment manufacturer of the 8890 Gas Chromatograph configured with options found on Quote 4353235. Only Agilent manufactures a Gas Chromatograph that can match the specifications of the 8890 and the options requested. Agilent is the sole source for the existing proprietary factory software used by the Central Laboratory. Agilent is also the ISO 9001-certified source for factory-authorized service, including installation and familiarization, for all Agilent hardware and software, parts, training, technical support, and at-your-site service and support procedures. Only Agilent service representatives are certified through current and ongoing factory training and hold factory authorization to perform service on Agilent equipment. Agilent does not certify, authorize, or warrant any individuals, third parties, or other equipment manufacturers outside Agilent's authorized service provider network to provide service or support for any Agilent product. Services performed by providers who are not Agilent factory-authorized could invalidate Agilent's warranties, and/or lead to irreparable damage, and/or cause safety hazards. Agilent is the sole source for proprietary factory recommended software updates/upgrades, engineering upgrades, and maintenance procedures. ]

### **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?

[Agilent Technologies, Inc. is the sole ISO 9001-2015 certified equipment manufacturer of the 8890 Gas Chromatograph configured with options. Agilent is the sole source for the existing proprietary factory software used by the Central Laboratory.]

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.

[Agilent is also the ISO 9001-certified source for factory-authorized service, including installation and familiarization, for all Agilent hardware and software, parts, training, technical support, and at-your-site service and support procedures. Only Agilent service representatives are certified through current and ongoing factory training and hold factory authorization to perform service on Agilent equipment. Agilent does not certify, authorize, or warrant any individuals, third parties, or other equipment manufacturers outside Agilent's authorized service provider network to provide service or support for any Agilent product. Services performed by providers who are not Agilent factory-authorized could invalidate Agilent's warranties, and/or lead to irreparable damage, and/or cause safety hazards.]

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.). [As the manufacturer, they are the only company that supports the hardware and software for the specific material. The Water Department will utilize this agreement to maintain the existing Agilent hardware and software that is already utilized in the Central Laboratory. If the City does not purchase what is requested, we would lose the ability to test for these analytes and thus lose our accreditation from the Texas Commission on Environmental Quality(TCEQ).]

#### **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: The Department provided a sole source letter.

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: N/A

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  
Assistant City Attorney

Date: 07/27/2023



Agilent Technologies, Inc.  
2850 Centerville Road, MS 3J5  
Wilmington, DE 19808-1610

800 227 9770 telephone  
302 993 5941 facsimile  
[www.agilent.com](http://www.agilent.com)

May 18, 2023

To Whom It May Concern:

Agilent Technologies, Inc. ("Agilent") is the sole ISO 9001-2015 certified equipment manufacturer of the 8890 Gas Chromatograph configured with the options found on Quote **4353235**. Only Agilent manufactures a gas chromatograph that can match the specifications of the 8890 and the options requested. Agilent is the sole source service provider for Agilent hardware and software products. Please contact Agilent if there is a question related to a company's claim to be factory authorized or certified.

Below you will find items in support of Agilent's position as a sole source provider for hardware that matches the technical specifications requested via quote **4353235**:

- The Agilent 8890 GC is a state-of-the-art gas chromatograph that provides superior performance for all applications.
- The Agilent 8890 GC is one of the most self-aware GCs available, sensing—and compensating for— atmospheric pressure fluctuations to ensure precise chromatography.
- The Agilent 8890 GC monitors system health, provides alerts for potential issues, and helps solve problems so that you can plan work, rather than react to it.
- The Agilent 8890 GC features core microchannel-based electronic pneumatic control (EPC) architecture. Unique to Agilent, this design protects against gas contaminants, such as particulates, water, and oils, thereby improving reliability and longevity and leading to extremely precise retention time reproducibility.
- The Agilent 8890 GC's mobile access features allow you to monitor, troubleshoot, manage, and pause/start remotely on a browser interface optimized for mobile viewing to ensure smooth operation wherever you are.
- Agilent's proprietary Capillary Flow Technology provides a new dimension in chromatography with reliable, leak-free, in-oven capillary connections that stand up to repeated GC oven cycling over time. The 8890 GC has enhanced hardware to extend capillary flow capabilities and enhanced data system software to simplify setup and operation of backflush techniques. Programmable, eco-friendly Sleep Mode reduces power and gas consumption during periods of inactivity, while Wake Mode readies the system for high-throughput operation.

Agilent is also the ISO 9001-certified source for factory-authorized service, including installation and familiarization, for all Agilent hardware and software, parts, training, technical support, and at-your-site service and support procedures. Only Agilent service representatives are certified through current and ongoing factory training and hold factory authorization to perform service on Agilent equipment. Agilent does not certify, authorize, or warrant any individuals, third parties, or other equipment manufacturers outside Agilent's authorized service provider network to provide service or support for any Agilent product. Services performed by providers who are not Agilent factory-authorized could invalidate Agilent's warranties, and/or lead to irreparable damage, and/or cause safety hazards. Please be advised of that authorization. Please contact Agilent if there is a question related to a particular company's claim to be factory authorized or certified.

Below you will find items in support of Agilent's position as a sole source service provider for Agilent hardware and software products:



- Agilent is the sole source for factory-authorized service from factory-trained and -certified representatives. Only Agilent representatives and Agilent authorized service providers can attend factory training, including update trainings, and to receive ongoing service notes in order to remain certified and authorized. Further, only factory-authorized representatives are backed by Agilent's factory engineering and global product support infrastructure. Current, up-to-date factory training records are available on-demand from Agilent covering all specific Agilent instrument models listed on a bid or quotation.
- Any former Agilent employee forfeits factory authorization upon termination of Agilent employment.
- Agilent is the sole source of genuine component parts and replacement parts. Furthermore, Agilent's global service parts logistics network manages a \$30M+ inventory of parts with greater than 96% on-time service parts delivery performance.
- Agilent is the sole source for proprietary factory recommended software updates/upgrades, engineering upgrades, and maintenance procedures.
- Agilent is the exclusive provider of Agilent Remote Advisor, the only platform capable of accessing and monitoring built-in system intelligence from Agilent instruments to provide remote diagnostics and detailed operational reports.
- Agilent is the sole source of Agilent Enterprise Edition qualification procedures and the Agilent Compliance Engine software providing automated, metrology-based compliance testing, documentation, and reporting.
- Agilent is the sole contact for escalation to Agilent's factory for engineering expertise and, if deemed necessary by Agilent, replacement of an entire instrument at no cost while covered by an Agilent service agreement through the Agilent Service Guarantee (available with CrossLab Bronze, Silver or Repair Service. PM Only agreements not included).

Agilent's 8890 GC's built-in intelligent capabilities give you the freedom to work with your gas chromatograph, not on it. These capabilities can also grow over time as your analytical needs change, so that you can keep your lab moving toward a successful future.

Sincerely,

A handwritten signature in black ink that reads "Lindsay Willett".

Agilent Technologies, Inc.  
Life Sciences and Chemical Analysis



# Quotation

Katrina Nwinye  
 Chemist  
 City of Fort Worth  
 Water Dept  
 Rolling Hills Water Treatment  
 2600 SE Loop 820  
 FORT WORTH TX 76140-1010

Quote No.	Create Date	Delivery Time	Page
4418998	06/29/2023	8 Weeks	1 of 5
Contact		Phone no.	Valid to
Carol Stazo		214 697 4333	08/31/2023
<b>To place an order:</b> Visit <a href="http://www.agilent.com/store">www.agilent.com/store</a> 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			

Item	Product/Description	Qty/Unit	Unit List Price	Discount Amount	Extended Net Price
1000	G3540A	1.000 EA	40,226.00 USD	14,079.10-	26,146.90
	Agilent 8890 GC System Custom  With the following configuration: Ship-to Country : USA Qty He Cons Mod (303) : 1 Country of Origin : United States INERT Cap S/SI inlet with EPC - 100psi MSD Interface Helium Conservation Module Factory plumbing For quick installation Exhaust Deflector Assy 8890 with USA Country of Origin Installation (44K) Introduction (44L)				
	Special discount of 35.00 % is applied.				
2000	G7077CA	1.000 EA	103,434.00 USD	36,201.90-	67,232.10
	5977C Inert Plus MSD Turbo EI Bundle  With the following configuration: Ship-to Country : USA ADD CHEMSTATION DA W/ CS FAM GC/MSD INERTPLUS EI FOR 8890 GC ADD 2ND MONITOR SUBSTITUTE IDP3 OIL FREE SCROLL PUMP Installation (44K) Introduction (44L) 1 Year SW Update/Phone Assist (44W)				
	Special discount of 35.00 % is applied.				





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Product	Email	FAX	
Consumables	cag_sales-NA@agilent.com	302-633-8901	
Genomics	orders@agilent.com	512-321-3128	
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Item	Product/Description	Qty/Unit	Unit List Price	Discount Amount	Extended Net Price
3000	<b>G1041C</b>	1.000 EA	3,851.00 USD	1,347.85-	2,503.15
	NIST MS Library Upgrade to move from the previous generation of NIST to the latest.  Special discount of 35.00 % is applied.				
4000	<b>G4513A</b>	1.000 EA	10,777.00 USD	3,771.95-	7,005.05
	7693A Autoinjector Includes transfer turret, 16-sample turret, mounting post, parking post for GC. 10ul syringe, and solvent bottles.  With the following configuration: Ship-to Country : USA Installation (44K) Introduction (44L)  Special discount of 35.00 % is applied.				
5000	<b>G4514A</b>	1.000 EA	12,676.00 USD	4,436.60-	8,239.40
	7693 Tray, 150 vial includes three removable  With the following configuration: Ship-to Country : USA Installation (44K) Introduction (44L)  Special discount of 35.00 % is applied.				
6000	<b>H2149A</b>	1.000 EA	9,219.00 USD	2,673.51-	6,545.49



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Item	Product/Description	Qty/Unit	Unit List Price	Discount Amount	Extended Net Price
	Method and Application Consulting On-site consulting for a maximum of 4 participants. Certificates and manuals not included.  With the following configuration: Ship-to Country : USA Two Day On-site (Includes Travel)				
	Special discount of 29.00 % is applied.				
			Gross Amount	: \$	180,183.00
			Total Discount	: \$	62,510.91
			Net Amount	: \$	117,672.09
			Shipping & Handling	: \$	3,000.00
			<b>Total</b>	<b>: \$</b>	<b>120,672.09</b>

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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](http://www.agilent.com/chem/exclusiveoffers)

TO CHECK THE STATUS OF AN ORDER:

- 1) Visit [www.agilent.com/store](http://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 90 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](http://www.agilent.com/chem)
- For Training course information and registration including e-Seminars, select [Education](#).
  - 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.



**Agilent Technologies**

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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.

Agilent Payment Method: ACH  
 Credit card accepted only at the time of order placement.  
 Agilent will charge 3% of the invoiced amount, when term invoices are paid with a credit card.