



**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 attorneys for review. The attorneys will review the information you have provided to determine whether an exemption to Chapter 252's bidding requirements is defensible. 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: Police Department

Name of Contract Manager: Loraine Coleman

Departmental Attorney: Jerris Mapes, Amarna Muhammad, Hye Won Kim

Item or Service sought: Agilent Gas Chromatograph Mass Spectrometer

Goods:

Service:

Anticipated Amount: \$124,257.50

Vendor: Agilent Technologies

Current/Prior Agreement for item/service: Yes No

CSC or Purchase Order #: CSC 57763

Amount: \$119,199.55

Projected M&C Date: December 10, 2024

How will this item or service be used? The Police Department Crime Lab purchase a Gas Chromatograph Mass Spectrometer (GCMS) which is used for identification of controlled and non-controlled substances, street drugs, and volatile chemicals found at clandestine labs.

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: N/A

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

NOTE: For sole-source exemption requests, 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. [INSERT DETAILED EXPLANATION AS TO HOW/WHY CLAIMED EXCEPTION APPLIES TO THIS PURCHASE]

Section 3: Claimed Sole-Source Exemption and Justification

NOTE: For all non-sole-source exemption requests, 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?

The Police Department Forensics Analysis Laboratory (Crime Lab) currently owns six Agilent Technologies Gas Chromatography Mass Spectrometers (GCMS) configured for Police for the analysis of unknown substances to confirm the identity of street drugs confiscated by patrol officers, undercover purchases or other activities. The GCMS system confirms findings of cocaine, methamphetamine, LSD, other controlled and non-controlled substances, and volatile chemicals found at clandestine laboratories. Narcotic investigators need to know the confirmation of unknown drugs as quickly as possible in order to file cases in a timely manner with the Court system. Agilent Technologies is the sole ISO 9001-certified equipment manufacturer of the Crime Lab's six existing GCMS configured with options and proprietary software used by the Crime Lab. The Crime Lab seeks to purchase another Agilent Technologies GCMS in the amount of \$124,257.50, which is only available from Agilent Technologies.

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.

Crime Lab uses six Agilent Technologies GCMS that are compatible with the Crime Lab's other Chemistry Unit equipment and standard operating procedures. One of the six is inoperable and this new purchase will replace it. The Crime Lab must maintain specific standards with all equipment in order to maintain American National Standards Institute (ANSI) National Accreditation Board (ANAB) accreditation as a forensic laboratory.

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.). The Crime Lab owns and uses six Agilent Technologies GCMS. Crime Lab forensic analysis of unknown substances is standardized to Agilent Technologies GCMS equipment.

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: 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: Quote 4993653

Approved By:

Andrea Phillips
Andrea Phillips / Jessika Williams
Assistant City Attorney

Date: 10/30/24



Agilent Technologies, Inc.
2850 Centerville Road, MS BU2-1
Wilmington, Delaware 19808

800 227 9770 telephone
302 993 5941 facsimile
www.agilent.com

September 27, 2024

Agilent Technologies, Inc. is the sole equipment manufacturer for all line items listed on attached Quote **4993653**. 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 provider for Agilent hardware and software products:

- Agilent is the sole source of genuine component parts and replacement parts. 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 sole source for factory authorized service from factory-trained and -certified representatives. Only Agilent representatives and Agilent authorized service providers are able to 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 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.

Sincerely,

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

Agilent Technologies, Inc. Life Sciences Chemical Analysis