



**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:

Item or Service sought:

Goods:

Service:

Anticipated Amount: [\$111,221.05]

Vendor: [Agilent Technologies Inc.]

Current/Prior Agreement for item/service: Yes No

CSC or Purchase Order #: [PSK 14958]

Amount: [\$86,116.40]

Projected M&C Date: N/A

How will this item or service be used? [The Agilent Technologies contract will be used for service on instruments manufactured by Agilent technologies for Agilent hardware and software, parts, training, technical support, and at-your-site service and support procedures.]

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.[The instruments listed on quote 5001094427 and any attached components use a technologically advanced method to analyze chemicals and to identify unknown samples. Agilent Technologies, Inc. is the sole equipment manufacturer and ISO 9001-certified source for factory-authorized service for 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 that Agilent Customer Education courses do not provide factory-level service training, certification, or authorization. Please contact Agilent if there is a question related to a particular company's claim to be factory authorized or certified.]

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 equipment manufacturer and ISO 9001-certified source for factory-authorized service for 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.

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.

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.).

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 included 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: [EXPLAIN OUTSIDE SOURCE 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
Assistant City Attorney

Date: 12/7/2022



November 12, 2022

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Agilent offers a variety of support plans covering an unlimited number of repairs with no dollar value maximum, scheduled factory recommended maintenance according to predefined checklists, and expedited contract-level response. 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 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 bid or quotation.
- Any former Agilent employee forfeits factory certification/authorization upon termination of Agilent employment.
- 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 exclusive provider of Agilent Smart Alerts, which is 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, which provide automated, metrology-based compliance testing, documentation and reporting.
- Agilent is the sole contact for escalation to Agilent's factory for engineering expertise.
- Only certified Agilent field service engineers have access to Agilent's password-protected, confidential and proprietary tools that enable our engineers to efficiently diagnose and service across the entire product portfolio, as well as optimize instrument performance. Agilent's array of proprietary diagnostic tools ensure that our certified field service engineers have the maximum level of certainty when troubleshooting complex technical issues.



Agilent Technologies

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- Only Agilent instruments supported by an Agilent OEM service agreement are covered by the Agilent Services Guarantee. This guarantee states that “should your Agilent instrument require service while covered by an Agilent support agreement, we guarantee repair or we will replace your instrument free of charge”.
- Only Agilent support agreement customers will have access to repair parts for EGS modules.
- If a customer purchases a support agreement from a third party service provider, asset management company or insurance broker - and that third party subcontracts work back to Agilent - the customer will not have access to the preferred features of a standard Agilent support agreement. Since the customer would not have purchased an Agilent support agreement and will be considered a basic trade customer, they will not have access to preferred FSE response times, preferred parts delivery, repair parts for EGS modules, the Agilent Guarantee or an array of other valuable Agilent support agreement features.

If you have any questions, please feel free to contact me at 512-241-0638. Thank you very much.

Sincerely,

Mike Wolnik
Agilent Technologies
Life Sciences & Chemical Analysis Group