



**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: Charmaine Baylor

Department's Attorney: Taylor Paris

Item or Service sought:

Goods:

Service:

Anticipated Amount: \$490,000.00

Vendor: Superior, LLC.

Current/Prior Agreement for item/service: Yes No

CSC or Purchase Order #: CSC 45635

Amount: \$490,000.00

Projected M&C Date: August 23, 2022

How will this item or service be used? Water seeks to set up a new sole source agreement to continue the maintenance, support, and professional services for the Utility Billing System, in the amount of \$490,000.00.

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: _____

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.

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?

Maintenance for the Water Utility's Superior Billing System is only provided by one source. The Water Department has had this proprietary system since 2003. Please see the attached Sole Source letter they provided.

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.

Please see the attached Sole Source letter form Superior.

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.). This is a proprietary system and Water has utilized it since 2003. Please see the attached sole source letter from Superior.

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 from CentralSquare dated 7/28/22

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

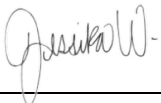
If yes, please explain:

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:



Taylor Paris / Jessika Williams
Assistant City Attorney

Date: 8/3/22



CentralSquare Technologies, LLC
1000 Business Center Drive
Lake Mary, FL 32746

July 28, 2022

Charmaine Baylor
Senior IT Business Planner
City of Fort Worth
200 Texas Street
Fort Worth, TX 76102

To Ms. Baylor:

This letter is in response to the City of Fort Worth's request for a sole source letter from our company. This letter is to confirm that NaviLine is a sole source product, manufactured, sold, serviced, and distributed exclusively by Superior LLC., a subsidiary of CentralSquare Technologies (CentralSquare). This product must be purchased directly by institutions from CentralSquare at the address listed above. There are no agents or dealers authorized to resell this product. Naviline is sold only as a direct transaction between CentralSquare and end Clients.

Sincerely,

DocuSigned by:

3F55A63FF2B0407...

Matt Korte
Vice President of Sales, Public Administration
CentralSquare Technologies