

RESOLUTION AUTHORIZING SOLE SOURCE CONTRACT WITH JOHNSON
CONTROLS TO PROVIDE NECESSARY EQUIPMENT AND MODIFICATIONS TO MEET
INSURANCE REQUIREMENTS TO INSURE GTA MAINTENANCE, OPERATIONS AND
ADMINISTRATIVE OFFICES FACILITY ON 223 WEST MEADOWVIEW ROAD

WHEREAS, the City completed construction of the federally and state funded 18.5 million dollar GTA Maintenance, Operations, and Administrative Offices Facility located on 223 West Meadowview Road in January 2012;

WHEREAS, the City sought to obtain property insurance on the building, and as part of this process, the insurance company, FM Global, conducted a loss prevention site visit at the building;

WHEREAS, FM Global 's field engineer visited the facility on October 15, 2012, and submitted an All in One First Baseline Risk Evaluation Report on November 20, 2012;

WHEREAS, as part of this report, FM Global identified two fire hazards that if not corrected would affect the City's liability coverage for the building in the event of a fire. These two fire hazards require the City to add automatic shut-off devices to the facility's ignitable liquid pumps;

WHEREAS, these existing pumps and systems are manufactured by Johnson Controls, Inc., and they are proprietary systems, and only Johnson Control, Inc. devices will work on these systems.

WHEREAS, based on the Memorandum of the City Attorney Office, the Federal Transit Administration (FTA) has issued guidelines in FTA Circular 4220.1F that permit FTA grantees to enter into sole source contracts if the vendor has a unique or innovative concept or capability that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted and not available from another source. FTA Circular 4220.1F also allows FTA grantees to enter into sole source contracts in the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition. Finally, FTA grantees may enter into sole source contracts when patent or data rights restrictions preclude competition.

WHEREAS, the City Attorney's Office contends that one or more of these conditions exist that will permit the City to enter into a sole source contract with Johnson Controls, Inc. pursuant to FTA regulations and guidelines.

WHEREAS, Johnson Controls, Inc. provided a quote of \$37,820 to perform these required modifications.

WHEREAS, the City obtained an Independent Cost Estimate for these types of devices on various systems, and the price quoted by Johnson Controls, Inc. is within the average range of the costs for these devices.

WHEREAS, the GTA Board voted on *November 7, 2013* to recommend to the City Council to enter into a sole source contract with Johnson Controls, Inc. to provide the necessary equipment and devices to address the issues raised in the FM Global Risk Evaluation Report;

WHEREAS, the City desires to enter into a contract with Johnson Controls, Inc. to provide the City with the necessary equipment and devices to address the issues raised in the FM Global Risk Evaluation Report;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Manager is authorized to enter into a sole source contract with Johnson Controls, Inc. to provide the necessary equipment and make the required modifications to address the conditions identified in the FM Global Risk Evaluation Report dated November 20, 2012 to properly and adequately insure the GTA Maintenance, Operations and Administrative Offices Facility on 223 West Meadowview Road.