



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

---

F.12.

2/25/2020

---

### Subject:

Authorization of Sole Source Purchase of In-Ground Nitrogen Reducing Biofilter Septic Systems with Proprietary Denitrifying Media

### Fiscal Impact:

Six (6) In-Ground Nitrogen Reducing Biofilter Septic Systems

Each System is \$18,000.00 installed

Total Fiscal Impact is \$108,000.00 to be funded by Brevard County's Save our Indian River Lagoon Program

### Dept/Office:

Natural Resources Management

### Requested Action:

It is requested that the Board approve the Sole Source Justification with Environmental Conservation Solutions and authorize the Chair to execute the Sole/Single Source Justification and Approval Form. It is also requested the Board authorize the Chair to execute any resulting Contract and all associated Contract documents upon review and approval of the County Attorney's Office and Risk Management.

### Summary Explanation and Background:

The Save our Indian River Lagoon Program will be funding and coordinating the installation of In-Ground Nitrogen Reducing Biofilter septic systems with proprietary Bold & Gold® Wastewater Filtration Media in accordance with the Memorandum of Understanding between Brevard County and the Florida Department of Health, approved by the Board on May 21, 2019.

The Florida Department of Health has approved the conditional use of this specific product based on its history as a denitrifying media used by the Florida Department of Environmental Protection.

Per BCC Policy 25, Sole Source item(s) are defined as the only item(s) that will produce the desired results and are available from only one source of supply. Environmental Conservation Solutions is the only authorized manufacturer and distributor of the approved product and therefore, qualifies as a sole source.

Environmental Conservation Solutions will provide all materials, permit fees, construction oversight, and subcontract material installation in compliance with the memorandum of understanding between Brevard County and the Florida Department of Health. Brevard County's Save our Indian River Lagoon Program will pay Environmental Conservation Solutions \$18,000.00 for each In-Ground Nitrogen Reducing Biofilter septic system installed, with a not to exceed amount of \$108,000.00; a total of 6 complete systems.

### Clerk to the Board Instructions:

274

---

F.12.

2/25/2020

---

None



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

February 26, 2020

**M E M O R A N D U M**

**TO:** Steve Darling, Central Services Director

**RE:** Item F.12., Authorization of Sole Source Purchase of In-Ground Nitrogen Reducing Biofilter Septic Systems with Proprietary Denitrifying Media

The Board of County Commissioners, in regular session on February 25, 2020, approved the Sole Source Justification with Environmental Conservation Solutions for the purchase of In-Ground Nitrogen Reducing BioFilter Septic Systems with Proprietary Denitrifying Media; executed the Sole/Single Source Justification and Approval Form; and authorized the Chair to execute any resulting Contract and all associated Contract documents upon review and approval of the County Attorney and Risk Management. Enclosed is the fully-executed Approval Form.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK**

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

**cc:** Finance  
Budget



## Natural Resources Management Department

2725 Judge Fran Jamieson Way  
Building A, Room 219  
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

**TO:** Steve Darling, Director, Central Services Office ~~SAS~~  
**THROUGH:** Virginia Barker, Director, Natural Resources Management Department (NRM) *VJB*  
**FROM:** Anthony Gubler, Environmental Specialist, NRM  
**DATE:** January 24, 2020  
**SUBJECT:** Authorization of Sole Source Purchase of In-ground Nitrogen Reducing Biofilter Septic Systems with proprietary Denitrifying Media.

---

Your authorization is requested for the use of Environmental Conservation Services (ECS) as the sole source for the design and installation of six In-ground Nitrogen-Reducing Biofilter (INRB) drainfields with proprietary Bold & Gold® Wastewater Filtration Media.

The Save Our Indian River Lagoon Program will be funding and coordinating the installation of INRB septic systems in accordance with the Memorandum of Understanding (MOU) between Brevard County and the Florida Department of Health (FDOH), approved by the County Commission on May 21, 2019. In the near future, more INRB septic systems will be installed using different denitrifying media, once additional media are approved by Florida Department of Environmental Protection.

In 2017, Brevard County entered in agreement with ECS for the installation of Passive On-site Treatment System (POTS®) drainfields using Bold & Gold. In 2018, the state rule standards for septic system drainfield designs changed and Brevard County and ECS now plan to install six INRB drainfields with Bold & Gold® Wastewater Filtration Media per the new state rules.

ECS will, provide all materials, pay permit fees, provide construction oversight and sub-contract material installation in compliance with the County's MOU with FDOH. Brevard County's Save Our Indian River Lagoon Program will pay ECS \$18,000 for each INRB system installed, up to \$108,000 in total.

Should you have any questions or concerns, please contact Anthony Gubler (x58409).

### Attachments:

Sole Source Form

Sole Source Justification Memos from Environmental Conservation Solutions



**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
SINGLE/SOLE SOURCE JUSTIFICATION AND APPROVAL FORM**

**Sole Source:** The *ONLY* known supplier for unique products and services where no other options are available.  
**Single Source:** Though there may be alternate sources for the product or service requested, circumstances dictate the use of the proposed vendor. (i.e., availability, timeliness, location, etc.)

**PART I – GENERAL REQUESTOR INFORMATION**

Date Submitted: 01/17/2020      Requesting Department: Natural Resources Management  
Requisition #: \_\_\_\_\_      Contact Person/Phone #: Anthony Gubler / 321-350-8409  
One-time Purchase ☒    //    Annual Purchase ☐  
Amount of Purchase: \_\_\_\_\_ (One time)    //    \$108,000.00 (Estimated annual amount)

**PART II – RECOMMENDED VENDOR INFORMATION**

Vendor/Contractor Name: Environmental Conservation Solutions, LLC  
Vendor/Contractor Contact Name: Chris Bogdan, President  
Vendor/Contractor Phone: (407) 608-9860  
Vendor/Contractor Email: Chris.Bogdan@ecs-water.com

**PART III – SINGLE/SOLE SOURCE VALIDATION**

1. **Provide a detailed description of service/commodity to be provided by the vendor.**

In-ground Nitrogen Reducing Biofilters using Bold & Gold® Wastewater Filtration Media to be installed as six septic system as approved by the Florida Department of Health (FDOH).

2. **State why the recommended vendor is the only one capable of providing the required supplies and/or commodities. Include any back-up information or documentation that supports your recommendation.** (Acceptable responses to this question will include strong pragmatic/technological information that supports the claim that there is only one vendor that can provide the services and/or commodities). Attach vendor letter and additional sheet if necessary.

The FDOH has approved the conditional use of this specific product based on it's history as a denitrifying media used by the Florida Department of Environmental Protection. Environmental Conservation Solutions is the only manufacturer and distributor of the Bold & Gold Wastewater Filtration Media under license from the University of Central Florida.

3. **List any other sources that have been contacted and explain in detail why they cannot fulfill the County's requirements.** (Responses to this section should include information pertaining to any research that was conducted to establish that the vendor is a sole source. Responses should include information pertaining to discussions with other potential suppliers, and why they were no longer being considered by the County).

No other manufacturers or sources of this patented product.

F.12  
112

Check all entries below that apply to the proposed purchase which exempt formal competition. Attach a memorandum containing complete justification and support documentation as directed in the selected entry. (More than one entry will apply to most sole source products/services requested).

- ☒ 1. SOLE SOURCE REQUEST IS FOR THE ORIGINAL MANUFACTURER OR PROVIDER. THERE ARE NO REGIONAL DISTRIBUTORS. (Attach the manufacturer's written communication that no regional distributors exist. Item no. 4 must also be completed.)
- ☐ 2. SOLE SOURCE REQUEST IS FOR THE ONLY STATE OF FLORIDA DISTRIBUTOR OF THE ORIGINAL MANUFACTURER OR PROVIDER. (Attach the manufacturer's - not the distributor's - written certification that identifies all regional distributors. Item no. 4 must also be completed.)
- ☐ 3. THE PARTS/EQUIPMENT ARE NOT INTERCHANGEABLE WITH SIMILAR PARTS OF ANOTHER MANUFACTURER. PARTS ARE "DIRECT REPLACEMENTS" PARTS/COMPONENTS FOR EXISTING EQUIPMENT. (Explain in a separate memorandum.)
- ☒ 4. THIS IS THE ONLY KNOWN ITEM OR SERVICE THAT WILL MEET THE SPECIALIZED NEEDS OF THIS DEPARTMENT OR PERFORM THE INTENDED FUNCTION. (Attach separate memorandum with details of specialized function or application.)
- ☐ 5. THE PARTS/EQUIPMENT REQUIRED FROM THIS SOURCE ARE TO PERMIT STANDARDIZATION. (Attach separate memorandum describing the basis for standardization request.)
- ☐ 6. NONE OF THE ABOVE APPLIES. A DETAILED EXPLANATION AND JUSTIFICATION FOR THIS SOLE SOURCE REQUEST IS CONTAINED IN AN ATTACHED MEMORANDUM.

#### PART IV – CERTIFICATION AND APPROVALS

I have reviewed the following Single/Sole Source justification and concur with the request, fully understanding the implications of Section 838.22 of the Florida Statutes:

(2) "It is unlawful for a public servant or a public contractor who has contracted with a governmental entity to assist in a competitive procurement to knowingly and intentionally obtain a benefit for any person or to cause unlawful harm to another by circumventing a competitive solicitation process required by law or rule through the use of a sole-source contract for commodities or services."

(3) "It is unlawful for any person to knowingly agree, conspire, combine, or confederate, directly or indirectly, with a public servant or a public contractor who has contracted with a governmental entity to assist in a competitive procurement to violate subsection (1) or subsection (2)."

(5) "Any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084."

Each undersigned individual hereby attests that he/she took part in the non-competitive procurement identified above, and has reviewed Florida Statutes, Chapter 838 as it relates to sole source contracts, and that he/she is independent of, and has no conflict of interest in, the entity evaluated and selected.


Requisitioner Signature: Gubler, Anthony Digitally signed by Gubler, Anthony  
Date: 2020.01.30 15:46:29 -05'00' Date: 01/30/2020

Requesting Department Director Signature:  Date: 02/03/20

Central Services Office Director or Purchasing Manager's approval:  Date: 17 FEB 2020

Assistant County Manager/County Manager Approval

(as applicable—ACM, \$25K-\$50K // County Manager \$50K-\$100K):

 Date: 2/25/2020  
COMMISSIONER BYRAN A. LOBER

Sole Source Approval ID #: \_\_\_\_\_

ATTEST:

  
SCOTT ELLIS, CLERK

As approved by Board February 25, 2020



**Brevard County Natural Resources**  
**2725 Judge Fran Jamieson Way**  
**Melbourne, FL 32940**

**January 22, 2020**

**Reference: Bold & Gold® Wastewater Filtration Media**

**Mr. Gubler:**

**Environmental Conservation Solutions (ECS) is the sole manufacturer and distributor of the Bold & Gold® Wastewater Filtration Media under license from the University of Central Florida. There are no regional distributors of the product.**

**Please let me know if you have any questions and have a wonderful day.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "CB", followed by a horizontal line.

**Chris Bogdan, President**

**Environmental Conservation Solutions**

Rethinking Water Management Systems

P: 407.298.5121

[enviroconsolutions.com](http://enviroconsolutions.com)

P.O. BOX 607356 Orlando, FL 32860



Brevard County Natural Resources  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940

January 22, 2020

Reference: Sole Source Information for Bold & Gold® Wastewater Filtration Media

Mr. Gubler:

Bold & Gold® Wastewater Filtration Media is patented by the University of Central Florida. Environmental Conservation Solutions (ECS) is the sole manufacturer of the Bold & Gold® Wastewater Filtration Media under license from the University of Central Florida. Bold & Gold® was developed at the direction of the Florida Department of Environmental Protection (FDEP) and the water management districts to find a cost-effective treatment solution to remove nitrogen and phosphorus from runoff water. The media has been tested and proven throughout Florida in projects dating back to 2009. FDEP final reports are available at your request.

Please let me know if you have any questions and have a wonderful day.

Sincerely,

A handwritten signature in black ink, appearing to read "CB", with a long horizontal line extending to the right.

Chris Bogdan, President  
Environmental Conservation Solutions