

RESOLUTION 13-215

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, GRANTING A WAIVER OF COMPETITIVE SOLICITATION FOR THE PROCUREMENT OF A BEACH RENOURISHMENT PROJECT; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Manatee County Code § 2-26-40(c), as amended through Ordinance 13-47, authorizes the County Commission to grant a waiver of competitive source selection policies and procedures for category 4 or 5 purchases where it finds the use of a competitive process would likely result in substantial financial loss to the county; and,

WHEREAS, the County Administrator has informed the County Commission of unique factual circumstances related to the County's capital improvement project related to the County's portion of the beach renourishment project known as the Anna Maria Island Shore Protection Project (the Project); and,

WHEREAS, these facts include that the federal government has, through a competitive process, engaged the services of the Great Lakes Dredge and Dock Company (the contractor) to perform its portion of the Project and therefore has or will pay for the contractor's mobilization costs; and,

WHEREAS, County staff indicate that mobilization costs constitute a majority of the expenses incurred by dredging contractors in any major beach renourishment project; and,

WHEREAS, the County has intended, within its Capital Improvement Plan process and with planned funding assistance from the State and federal governments, to perform its own complimentary renourishment (known internally as the Coquina Beach phase of the Project); and,

WHEREAS, if the County directly contracts with the contractor to perform this work, it will avoid paying mobilization costs any other dredging contractor able to do this type of beach renourishment would need to include in a response for requests for bids, which could be between \$3 and \$5 million dollars; and

WHEREAS, the share of savings in avoiding paying mobilization costs the County will realize by directly contracting with the already-mobilized contractor is expected to exceed \$1 million dollars; and,

WHEREAS, directly contracting with the already-mobilized contractor to begin the County's portion of the Project when it completes the federal portion will allow the County's portion of the Project to be completed in a more timely manner, and will avoid disrupting area boaters, residents and businesses multiple times; and,

WHEREAS, while as a general rule the County favors competitive selection of contractors, these unique factors, including the fact that the contractor was initially selected by the federal government using a competitive selection process, very strongly justify the granting of a waiver of the County's competitive selection procedures:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. Pursuant to Manatee County Code § 2-26-40(c), as amended through Ordinance 13-47, the County Commission hereby authorizes the waiver of the County's competitive solicitation rules and procedures as would otherwise apply to that certain County capital improvement project known as the Coquina Beach Phase of the Anna Maria Island Shore Protection Project.
2. The County Administrator and Purchasing Official are authorized to undertake direct negotiations with the Great Lakes Dredge and Dock Company for the performance of this County project after it completes the related federal project and prior to demobilizing. Since the project cost would fall within Category 5, any final agreement reached by the parties shall be submitted to the County Commission for approval.
3. If negotiations are unsuccessful, the County shall utilize all applicable competitive solicitation rules and procedures to obtain bids for the completion of the project.

BE IT FURTHER RESOLVED that any existing Resolution or portion thereof of the Board of County Commissioners which contains terms or provisions which are in direct conflict with and cannot be harmonized with the provisions of this Resolution shall, as to such terms or provisions, be deemed as superseded by this Resolution.

BE IT FURTHER RESOLVED that the provisions of this Resolution are severable such that the invalidity of any one provision shall not operate to invalidate any other provision.

BE IT FURTHER RESOLVED that this Resolution shall become effective upon the effective date of Manatee County Ordinance 13-47.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, this 3rd day of December, 2013.

ATTEST:
R.B. SHORE
CLERK OF THE CIRCUIT COURT

By: *Robin Shore*
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: *Larry Butler*
Chairperson