

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20031021

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Bid Waiver No. W-030753 to waive the formal quotation procedure and accept the negotiated offer of three percent off of contractor pricing by Ferguson Waterworks for Water, Sewer, and Irrigation Materials for the Utilities Division. A bid waiver has been requested because Utilities would like to add materials not covered under an existing quote (Q-020081) with Ferguson, to take advantage of one stop for all underground material purchases. Request Board approval for a waiver term that will run through 12/31/07, which is the original term of Quote No. Q-020081.

WHY ACTION IS NECESSARY: Purchases anticipated to be over \$50,000.00 must be approved by the Board.

WHAT ACTION ACCOMPLISHES: This waiver will allow the Utilities Division to purchase needed items from Ferguson Waterworks that are not on Quote No. Q-020081, at a fair price.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #**

A10A

3. MEETING DATE:

09-16-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:
(Specify)**

- STATUTE
- ORDINANCE
- ADMIN. AC-4-1
- CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT
- C. DIVISION **Utilities**

BY: **Rick Diaz**

8/26/03

7. BACKGROUND: On October 8, 2002, the Board approved Quote No. Q-020081, Water, Sewer, and Irrigation Materials to Ferguson Waterworks. On July 1, 2003, Lee County assumed the assets and operations of Gulf Utilities System Inc. (GES), and at that time realized that some underground supplies needed at the new GES plants were not on the existing quote. Lee County Utilities requested an offer from Ferguson Waterworks to cover the purchase of items not on the quote. The Utilities Division feels that Ferguson Waterworks made a fair and competitive offer for these additional items.

- ATTACHMENTS:** (1) Justification Form for Waiver (2) Approved Blue Sheet for Quote No. Q-020081
(3) Offer from Ferguson Waterworks (4) Acceptance memo from Utilities for offer

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>9/27/03</i>	<i>Janet Sheehan 8-26-03</i>			<i>8/28/03</i>	<i>OA</i>	<i>OM</i>	<i>Risk</i>	<i>GC</i>	<i>8/27/03</i>
<i>[Signature]</i>	<i>E. Pfanner</i>			<i>[Signature]</i>	<i>8/28/03</i>	<i>9/04/03</i>	<i>8/28/03</i>	<i>8/28/03</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: **8/27/03**
Time: **3:30 PM**
Forwarded To: **[Signature]**

RECEIVED BY
COUNTY ADMIN:
8-28-03
10:00
COUNTY ADMIN
FORWARDED TO: **[Signature]**

ATTACHMENT # 1

APPROVED: 7/9/02

JUSTIFICATION FOR SOLE SOURCE AND/OR WAIVER PURCHASE

REQUISITION NUMBER _____ DATE _____

DEPARTMENT PUBLIC WORKS BUSINESS UNIT UTILITIES

SUGGESTED VENDOR

FERGUSON UNDERGROUND

ITEM DESCRIPTION AND REASON FOR SOLE SOURCE AND/OR WAIVER:
(MAY ALSO BE ATTACHED AS A MEMO)

ANY AND ALL ITEMS NOT IN OUR ORIGINAL QUOTE FOR UTILITIES PIPING,
FITTINGS, ETC.

TECHNICAL CHARACTERISTICS:

UNDERGROUND UTILITIES FITTINGS, PIPING, GLANDS AND OTHER
APPURTENANCES.

REASON FOR REQUESTING SOLE SOURCE:

() ITEM MUST MATCH EXISTING EQUIPMENT, WHICH IS:

() ITEM IS A REPAIR PART FOR EXISTING EQUIPMENT, WHICH IS:

() ITEM IS TO BE ATTACHED TO EXISTING ITEM, WHICH IS:

Revision Date:

'03 AUG 25 AM 11:23

TECHNICAL CHARACTERISTICS OF REQUESTED ITEM ARE ESSENTIAL TO OUR NEEDS
BECAUSE:

SEVERAL ITEMS NEEDED WERE NOT INCLUDED IN ORIGINAL QUOTE.

NO OTHER MANUFACTURER OF THIS TYPE OF PRODUCT EXISTS

OTHER MANUFACTURERS OF THIS TYPE OF PRODUCT DO NOT MEET OUR MINIMUM
REQUIREMENTS: N/A

MANUFACTURER'S NAME: _____

REASON: _____

MANUFACTURER'S NAME: _____

REASON: _____

MANUFACTURER'S NAME: _____

REASON: _____

OTHER _____

MUST PERFORM PRICE OR COST ANALYSIS OR ATTACH NEGOTIATED PRICE QUOTE
FROM VENDOR; LETTER FROM MANUFACTURER STATING SOLE SOURCE.

A) PRICE ANALYSIS PERFORMED

BASED ON:

LETTER RECEIVED FROM QUOTED VENDOR AGREEING TO DISCOUNT ANY
AND ALL ITEMS NOT INCLUDED IN ORIGINAL QUOTE.

Revision Date:

B) COST ANALYSIS PERFORMED:

BASED ON:

LETTER RECEIVED FROM VENDOR PROVIDING A DISCOUNTED PRICE

ON ALL ITEMS NOT INCLUDED IN ORIGINAL QUOTE.



SIGNATURE AND TITLE OF REQUESTER
RICK DIAZ, P.E., UTILITIES DIRECTOR

I, Earl Pflaumer

, AUTHORIZED BUYER,

CONCLUDE THE FOLLOWING:

SOLE SOURCE JUSTIFICATION IS ADEQUATE AND PURCHASE IS AUTHORIZED WITHOUT COMPETITIVE BIDDING.

SOLE SOURCE JUSTIFICATION IS INADEQUATE AND REQUISITION IS RETURNED TO DEPARTMENT.

DUE TO TIME RESTRAINTS PURCHASE IS AUTHORIZED WITHOUT COMPETITIVE BIDDING.

COMPETITIVE/NON-COMPETITIVE BID WAIVER APPROVED.
lead to existing quote. additional req. items

Earl Pflaumer
BUYER

Janet K. Sheehan 8-26-03
PURCHASING DIRECTOR

Revision Date:

ATTACHMENT #2

Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20021100

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the award of Formal Request for Quotation No.: Q-0200081 Water, Sewer, & Irrigation Materials, Annual Purchase for the purchase of underground parts and related items on an as needed basis for Lee County Utilities to the lowest, responsive, responsible vendor, Ferguson Waterworks for the section prices listed on the attached Lee County Tabulation Sheet. The initial term of award is for five years and authority is requested to renew this quote for one additional five-year period, upon mutual agreement of both parties. Price escalation/de-escalation clause allows for price increases with documentation after 365 days and each 30-day period thereafter; across the board decreases are subject to implementation at any time. Funding will come from the individual department or division's budget whom will be responsible for monitoring their individual expenditures.

WHY ACTION IS NECESSARY: Pursuant to the Lee County Payment and Procedures Manual, expenditures for these products necessitates the use of a formal written quotation as outlined within Section 9.

WHAT ACTION ACCOMPLISHES: Establishes competitive prices for the purchase of these products to be utilized on an as needed, when needed basis for Lee County Utilities.

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #

C10A

3. MEETING DATE:

10-08-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. AC-4-1
- CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT
- C. DIVISION Utilities

BY: Rick Diaz, Director

[Signature] FOR RICK DIAZ

7. BACKGROUND:

The Division of Purchasing received sealed bids on August 13, 2002. On that date fourteen responses were received, of which ten were "No Bids". The quotes have been thoroughly reviewed and a recommendation is being made to award to Ferguson Waterworks who met the specification requirements, based on the pricing listed on the attached Lee County Tabulation Sheet and bid response. The initial term of award is for five years and authority is requested to renew this quote for one additional five-year period, upon mutual agreement of both parties. Funding will come from the individual department or division's budget whom will be responsible for monitoring their individual expenditures. On August 27, 2002, vendors that quoted were notified of Lee County's intent to award the quote to Ferguson Waterworks based on lowest, responsive, responsible bid. On August 28, 2002, a "Notice of Intent to Protest" was received and on September 9, 2002, a "Formal Protest" package was received from Corcel Corp.

BACKGROUND CONTINUED ON PAGE TWO

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services	G County Manager
<i>[Signature]</i> 9-26-02	<i>[Signature]</i> 9-26-02	N/A		<i>[Signature]</i> 9/26/02	OA OM Risk GC <i>[Signatures]</i>	<i>[Signature]</i> 9-26-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by Cathy

Date: 9/26/02

Time: 3:00 pm

Forwarded To:

RECEIVED BY
COUNTY ADMIN. DS

9/26 3:11

COUNTY ADMIN.
FORWARDED TO: DS

9/26 4:00

BACKGROUND CONTINUED FROM PAGE ONE

Blue Sheet # 20021100

Page 2

On September 25, 2002 an informal protest hearing was held by the Dispute Committee to hear the protest from Corcel Corp. and then render a decision. The Dispute Committee members were: Janet Sheehan, Purchasing; Emma Wolf, Budget Services, and Richard Beck, Facilities Management. As a result of the protest hearing, the Dispute Committee voted unanimously (3-0) to deny the protest filed by Corcel Corp. and uphold the staff recommendation to award this quotation and forward the project to the Board for their decision.

On September 26, 2002, Protestor (Corcel Corp.) withdrew bid protest and has been advised that they can speak during the public comment or write a letter to the Board members regarding the award of this project.

ATTACHMENTS:

- (1) Tabulation Sheet
- (2) Specifications
- (3) Addendum to specifications
- (4) Vendors Proposals
 - a. Ferguson Waterworks
 - b. Corcel Corp.
- (5) Department Recommendation
- (6) Notice of Intent to File Protest, from Corcel Corp. dated 8.28.02
- (7) Formal Protest package submitted from Corcel Corp., dated 9.9.02
- (8) A Summary of the Bid Protest Timeline
- (9) Memorandum regarding legal issues by the Asst. Co. Attorney
- (10) Withdrawal of Bid protest dated 9.26.02



Ferguson Enterprises, Inc.
17323 Jean Street
Ft. Myers, FL 33912
Phone: (239) 433-0556
FAX: (239) 433-0405

www.ferguson.com

August 4, 2003

Lee County Director of Purchasing
Attention: Janet Sheehan
3434 Hancock Bridge Parkway
Fort Myers, Florida 33902

Subject: Non-Quoted Items on Quote # Q-20081

After reviewing Lee County's purchases of items that did not appear on the annual quote (quotation # Q-020081), Ferguson Waterworks would like to offer three percent off of contractor pricing on future purchases of all non-quoted items.

Ferguson Waterworks will create two accounts. One account for orders that are on the annual quotation Q-020081. The second account would be for only the items that do not appear on the annual bid. We will offer Lee County an additional three percent off the payables owed for any material billed on the non-annual account.

We appreciate your continued business, and ask that you let us know if there are any additional issues we may help to remedy.

Sincerely,

A handwritten signature in cursive script that reads 'Debra Bevins'.

Debra Bevins

A second handwritten signature in cursive script, appearing to be 'Debra Bevins' with a flourish at the end.

ATTACHMENT #4

Earl Pflaumer - Re: Letter from Ferguson Waterworks, Quote # Q-020081

Page 1

From: Rick Diaz
To: Pflaumer, Earl
Date: 8/18/03 12:16PM
Subject: Re: Letter from Ferguson Waterworks, Quote # Q-020081

Mr. Pflaumer, LCU would like to try this avenue for one year to see if it works. If it does not, we will go out for the entire quote including these items. In other words, we are willing to accept the 3% discount offered. Thanks, Rick.

>>> Earl Pflaumer 08/15/03 02:21PM >>>

On August 7th I sent over a copy of the letter from Ferguson Waterworks where they made an offer to add the non-quoted products for the new locations to the existing Quote. I was checking to see if their offer was acceptable, or if not, how did you want to proceed. Janet thought it would be good if we could start the new fiscal year with this issue resolved. Thanks

CC: Figueroa, Orlando; Harper, James



**INTEROFFICE MEMORANDUM
FROM
PUBLIC WORKS
UTILITIES**

Date: August 27, 2003

To: David Owen
Chief Assistant County Attorney

From: Rick Diaz
Division Director

SUBJECT: SHERIFF'S OFFICE YOUTH RANCH

Please read the enclosed Memorandum of Understanding (MOU) from our sheriff to Commissioner Judah addressing the concept of a Lee County Youth Ranch (LCYR). Lee County Utilities is in favor of this project for many reasons. It not only helps us comply with the vulnerability mitigation of our water treatment plant (Corkscrew) but it will provide somewhat of a workforce that will assist with different chores involved with our facility.

Upon your review, please set up a meeting with Mr. Lavender and us to discuss this further, followed with a Blue Sheet for BOCC approval. Please call me with any questions at 707-1852.

RD:dt

Enclosure

**cc: Jim Lavender
Ivan Velez
Howard Wegis
Harry Horn, LCSO
Rod Shoap**

SHERIFF
Rodney Shoap



County of Lee
State of Florida

June 23, 2003

FILE COPY

The Honorable Ray Judah
Chairman
Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902

Dear Commissioner Judah:

The Lee County Sheriff's Office and the Lee County Deputy Sheriffs Association, Inc. (DSA) would like to enter into a Memorandum of Understanding (MOU) with the Board of County Commissioners. The subject of the MOU would be property owned by Lee County Utilities, located within Str 22-46-26-00-00001.0020, to be used for a Lee County Youth Ranch (LCYR).

The LCYR will be a mentoring facility where law enforcement, the Lee County Deputy Sheriffs Association, Inc., and members of the community will mentor youth away from crime and drugs and toward more productive, healthy lifestyles. It will also be a location utilized by Lee County judges for youth community service. The ranch will be open 7 days a week. It will not be a residential facility for the housing of youth. All construction and related expenses, and operating expenses, will be the responsibility of the Lee County Deputy Sheriffs Association, Inc.

The LCYR will consist of the following buildings:

Phase I Concept:

- Administration/Welcome Center:

4000 sq. ft. for Project Manager, DSA office, on-site security office, sign-in/information areas, plus mentoring/counseling rooms.

- *Picnic Pavilion:

1900 sq. ft. screened with built-in BBQ grill. Will be used by youth, for elementary school class brown bag lunch/field trips, open to groups for lunch tours, and open-air classroom.



- ***Restroom Facilities**

- **Residence:**

1800 sq. ft. home for retired deputy for on-site security.

- ***Shelter:**

BBQ grill and picnic tables for outdoor classroom, shelter for youth and mentors.

Phase II Concept:

- **Education Center:** 2000 sq. ft.

- **Horse Barn/Feed Storage and Outdoor Amphitheater:** 4,000 sq. ft.

- **K-9 Training Classroom, Office, and Field Training Area**

- **Chapel, Mess Hall, Youth Store (Dispense Clothing/School Supplies)**

Components indicated by an asterisk (*) will be built utilizing existing Lee County Parks and Recreation facility blueprints.

Sincerely,



Rodney Shoap
Sheriff

RMS/lvb

cc: Commissioner John Albion
Commissioner Andy Coy
Commissioner Bob Janes
Commissioner Doug St. Cerny
Mr. Don Stillwell
Mr. Jim Lavender