

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

Blue Sheet No. 20030669

1. REQUESTED MOTION:

ACTION REQUESTED: Declare a limited, temporary, emergency by Resolution for the GES System acquisition which requires certain, immediate and necessary improvements, for the protection and convenience of the GES assets and customers.

WHY ACTION IS NECESSARY: Board of County Commissioners' approval is required for any Emergency Declarations.

WHAT ACTION ACCOMPLISHES: Allows the County to proceed with certain, immediate improvements to the GES Utility, acquired as of July 1, 2003.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

A 12A

3. MEETING DATE:

07-01-2003

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION General Services
- BY: David M. Owen
[Signature]
Chief Assistant County Attorney

7. BACKGROUND:

As of July 1, 2003, Lee County has assumed the assets and operations of the Gulf Utilities System, Inc. (GES), in South Fort Myers.

During the course of the County's "due diligence" preparations for the transfer of the GES assets to the County, certain improvements to the GES System infrastructure were identified, and funds appropriated for their construction in the 2003 Bond Series for the assets acquisition (the 2003 "B" Bonds).

(BACKGROUND CONTINUED - NEXT PAGE)

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
N/A	N/A	N/A		<i>[Signature]</i> 6/16/03	OA RK 6/16	OM 6/17/03	RISK 6/18/03	GC 6/17/03	<i>[Signature]</i> 6-17-03

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

RECEIVED BY
COUNTY ADMIN. *[Signature]*
6-16 12:30
COUNTY ADMIN.
FORWARDED TO: *DS*
6/17 5:00

CO. ATTY 6/16/03
FORWARDED
TO CO. ADMIN.
[Signature]

BACKGROUND (Continued)

Many of the proposed improvements need to be made (begun) immediately in order to best protect the assets of the System themselves and for the protection and convenience of the customers of the System; now acquired.

The adoption of a "Temporary, Limited Emergency" Resolution for the Utilities Division procurement purposes will assist in the expeditious implementation of the needed improvements.

Much like the Temporary Emergency Resolution that was developed and adopted by the Board earlier for the repairs to the Sanibel Bridges and Causeway facilities; 1) all vendor contracts will come to the Board for approval, although some may be "after the fact", 2) County standards and qualifications for vendors will remain the same and 3) the Resolution will be temporary in nature, in this case, for only one (1) year upon its approval by the Board.

The proposed Resolution is for the sole purpose of expediting the procurement of vendors, materials and projects in order to protect the GES assets and enhance water and wastewater service to the customers of the former GES System consistent with the service provided to the balance of the Lee County Utilities' System customers.

Staff recommends approval of the Temporary, Emergency Procurement Resolution to be effective for one (1) year from adoption.

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF LEE COUNTY DECLARING A LIMITED, TEMPORARY EMERGENCY RELATIVE TO THE ACQUISITION OF THE GULF ENVIRONMENTAL SYSTEM, INC.'S (GES) WATER AND WASTEWATER FACILITIES, REAL PROPERTY AND CUSTOMERS; PROVIDING FOR FINDINGS AND DECLARATION; PROVIDING FOR AUTHORIZATIONS, TERM AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners ("Board") is the governing body in and for Lee County, a political subdivision and charter county of the State of Florida; and,

WHEREAS, the Board possesses all County and Municipal authority with respect to governance and for the protection and convenience of its citizens, residents and customers, to include the Declaration of County Emergencies when warranted; and,

WHEREAS, based upon the examinations, findings and recommendations of the County Utilities Director and consulting engineers, the Board now desires to declare that a limited, temporary emergency exists with respect to the County's acquisition of the Gulf Environmental Utility System, Inc. ("GES"), for purposes of expediting the procurement of vendors and materials for certain, immediate improvements needed to be made to the GES Utility System in the public's interest and for the System customers' convenience.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The above recitals are hereby adopted as being true and accurate, and as if set out further at length in this section.

2. Based upon the inspections made, analyses, scientific findings and recommendations of the County Utilities Director and consulting engineers with respect to the need for certain immediate improvements to the GES System in order to better serve its customers, the Board hereby finds and declares that a limited, temporary emergency exists with respect to the operations of the GES Utility System.
3. The Board hereby finds that the ordinary delays incident to utilizing the normal course of competitive selection for outside vendors of goods and services necessary for the construction of certain, immediate improvements to the GES Utility System would be detrimental to the interests of the County and the convenience of the GES customers, by unnecessarily increasing the timing of those procurements and construction activities.
4. As the result, County staff is hereby directed to take all lawful actions as expeditiously as practicable to make those immediate improvements to the GES Utility System as indicated by Exhibit A, hereto.
5. In keeping with the Declaration of this Limited, Temporary Emergency, the Board hereby waives the provisions of the Lee County Purchasing and Contracts Manuals, and invokes the relevant exceptions as provided for by general law for emergency procurements with respect to competitive selection and procurement for goods or services necessary for the implementation of the immediate improvements to the GES Utility System as set out in Exhibit A. All other provisions of the Purchasing and Contracts

Manuals (i.e., requirements for satisfactory qualifications, bonding, insurance, experience, financial stability, etc.), other applicable provisions of general law and the Lee County Utilities Operations Manual, shall remain in full force and effect. All selections for Construction Managers, Contractors, Materialmen and other such vendors will be submitted to the Board of County Commissioners for approval, regardless of price. Such submittals may be made "after the fact", if work schedules require procurements to be made for public safety or convenience purposes in advance of regular Board of County Commissioners' scheduling for those approvals.

6. This Resolution will remain in effect for a period of one year from its date of adoption, at which time it will then be deemed to be expired, and of no further force or effect.
7. This Resolution will take effect immediately upon its adoption by the Board of County Commissioners at a regularly scheduled meeting.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY _____
BOB JANES _____
RAY JUDAH _____
ANDREW COY _____
JOHN ALBION _____

DULY PASSED AND ADOPTED this ____ day of _____, 2003.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

Exhibit A

The following list provides the description of the immediate improvements needed by Lee County Utilities to ensure and enhance regulatory compliance and uninterrupted water, wastewater and reclaimed water services to the San Carlos and Estero area customers:

1. San Carlos Wastewater Treatment Plant Improvements.
2. Bartow (San Carlos) Water Treatment Plant Improvements.
3. Three Oaks Wastewater Treatment Plant expansion completion and improvements.
4. GES Corkscrew Water Treatment Plant (Pinewoods Water Treatment Plant) deep injection well addition, wellfield expansion and general improvements.
5. Improvements and connection to approximately 50 sewage lift stations.
6. Improvements to existing GES water distribution system.
7. Installation of necessary water main extensions to enhance water pressure and quality in specific sectors of GES.

As the result, the Emergency Procurement Waivers are requested to be applied to the following:

1. Mechanical equipment and services (i.e., pumps, gearboxes, tanks, filters, welding, fabricating, steel, etc.).
2. Electrical components (i.e., safety switches, breakers, conduit, variable speed drives, wiring, lighting, etc.).
3. Dewatering equipment (i.e., pumps, wellpoints, headers, etc.).
4. Telemetry equipment and services (i.e., remote terminal units, computers, sensors, communication equipment, etc.).
5. Raw sewage, lift station equipment (i.e., pumps, generators, electrical panels, precast structures, etc.).
6. Building supplies.
7. Security and intrusion prevention systems (i.e., closed circuit cameras, motor sensors, fence equipment, etc.).
8. Chemical supplies (i.e., chlorine [bleach], sulfuric acid, fluoride, carbon dioxide, powdered activated charcoal, etc.).
9. Heavy equipment purchases and rentals (i.e., excavators, jack and bore equipment, directional boring equipment, backhoes, forklifts, trucks, etc.).
10. Electric motor rewinding services.