Non-Competitive Procurement Justification

Project Name: Hurricane Ian – Engineering Services for Water Control Structure (WCS) No. 106

FEMA Identifier: TBD

<u>Purpose</u>: Procurement Justification for Kimley-Horn and Associates (KHA) to provide emergency engineering services to the City of North Port.

I. Regulatory Basis for the Non-Competitive Procurement

A non-competitive procurement was undertaken by the City on the basis of the following regulatory exception found at 2 CFR Part 200.320(c)(3):

• The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation.

II. Brief Description of the Product or Service Being Procured

The following service was procured from KHA as part of the procurement request:

 Engineering services at WCS No. 106 – KHA performed initial on-site observations of the damage to WCS No. 106, prepared designs and plans for its repair, and oversaw the construction of the repairs by others.

III. Why a Non-Competitive Procurement Was Necessary

WCS No. 106 serves a vital role in regulating the flow of water between the freshwater canal on the east side from the tidally influenced Myakkahatchee Creek on the west side of the structure. Heavy rains and flooding during and following Hurricane Ian caused severe damage to, and erosion/scouring around, WCS No. 106, resulting in the significant loss of upload ground mere feet from a large commercial facility. KHA had recently designed the new WCS#106, and so the City reached out to KHA to help expedite diagnosing and implementing the repair as an emergency procurement.

IV. Duration of Non-Competitive Contract Scope of Work

Services would include Kimley-Horn and Associates work until the job was complete.

V. Why a Competitive Procurement Would Not Have Been Suitable

Initially, undertaking a competitive procurement would have resulted in additional time that WCS#106 was inoperable, subjecting significant portions of the City to a heightened risk of flooding. Second, any firm other than KHA would have no background or experience with this particular structure, and it is safe to presume that additional time and cost would have been required to ascertain the situation and then design a constructable fix. By reaching out to KHA as the original designer of WCS#106, the City was able to promptly restore the facility to its pre-existing functioning state, protecting the City and its residents from flooding.

VI. Conflict of Interest Checks

No conflicts of interest, either known or apparent, exist between Kimley-Horn and Associates and the City of North Port.

VII. Additional Considerations

The City of North Port Department of Public Works maintains that the work covered under this procurement was immediately necessary to protect City staff and citizens from further health and safety issues from Hurricane Ian.