

Non-Competitive Procurement Justification

Project Name: Hurricane Ian Water Control Structure (WCS) No. 106 – Phase 1

FEMA Identifier: TBD

Purpose: Water Control Structure (WCS) 106 Repairs from Hurricane Ian

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 Zep Construction, Inc. (ZEP) as part of the procurement request:

- Emergency repairs at Water Control Structure (WCS) No. 106 to Restore Critical Functioning and Protect Utilities [Phase 1]

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. Without a functioning WCS#106, significant portions of the City would be subject to uncontrolled flooding. ZEP had originally [and recently] built WCS No. 106, and as a result, was the best option to repair it quickly and correctly with the oversight of the City's EOR for the facility. ZEP's familiarity with the site allowed for a prompt repair, restoring the functioning of WCS No. 106 and restoring the water regulating capacity, protecting citizens, officials, and disaster recovery teams operating throughout the City immediately following Hurricane Ian.

IV. Duration of Non-Competitive Contract Scope of Work

Services would include Zep Construction Inc. work until the job was complete.

V. Why a Competitive Procurement Would Not Have Been Suitable

Time and the potential danger to public health and safety from a non-functioning WCS No. 106 simply did not allow or the cost and delay of developing, advertising, reviewing, and selecting another vendor to perform the needed infrastructure repairs. This facility plays an important role in water surface elevation regulation within the City, and so getting it back in working order was of the utmost importance.

VI. Conflict of Interest Checks

No conflicts of interest, either known or apparent, exist between Zep Construction Inc. and the City of North Port.

VII. Additional Considerations

The City wishes to note that it separated the present scope of work [Phase 1] from the additional work to protect and restore areas around WSC No. 106 [Phase 2]. Three quotes were sought for the Phase 2 work, but only ZEP provided a response. Phase 2 of this repair is discussed in a separate set of procurement justification memoranda.