

Non-Competitive Procurement Justification

Project Name: Hurricane Ian Water Control Structure (WCS) No. 106 – Phase 2

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. as part of the procurement request:

- Re-establishing, Restoring, and Protecting Immediate Area Around Initial Emergency Repairs to WCS No. 106 [Phase 2]

III. Why a Non-Competitive Procurement Was Necessary

Attempts at competition were made for Phase 2 of these repairs. Three (3) quotes were sought from two locally-active contractors known to the City, Dejonge and Kelly Bros, but neither were inclined to provide a quote. ZEP re-affirmed the validity of its previous quote, and therefore the City immediately issued the notice to proceed. The risk of new and further damage to the areas surrounding WCS No. 106 outweighed any potential benefits from trying to formally solicit sealed bids immediately following Hurricane Ian, with the City and surrounding jurisdictions fully engaged in emergency response operations.

IV. Duration of Non-Competitive Contract Scope of Work

Services would include ZEP. work until the job was complete.

V. Why a Competitive Procurement Would Not Have Been Suitable

While attempts at creating competition were undertaken for Phase 2 of the repairs to WCS No. 106, the conditions present in the City, and southwest Florida generally, following Hurricane Ian would not support full and open competition. Electrical service remained out across the area, and cell phone service was spotty at best. Roads within the City were washed out, and as indicated above, otherwise viable contractors were declining to take work of this relatively “small” magnitude. Had ZEP been forced to delay until bids or additional quotes were solicited, it would have very likely de-mobilized and not submitted a quote. This scenario would have left a newly repaired WCS#106 and the adjacent commercial property in imminent danger of additional damage and the resulting impacts to the City. The decision was made to protect life and property where timing and conditions would not allow for formal competition.

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 in efforts to create competition, this work was separated from the initial emergency repair to WCS No. 106, which is discussed in a separate set of procurement justification memoranda.