

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

Blue Sheet No. 20020711

1. REQUESTED MOTION:

ACTION REQUESTED: Approve waiving the formal process for BW-02-12 ARTIFICIAL REEF CONSTRUCTION, and award to Kelly Brothers Inc., in the amount of \$73,500.00. Also, approve a budget transfer from FBIP Reserve for Contingencies in the amount of \$73,500.00 and amend FY01-02 - 05/06 Capital Improvement Program accordingly.

WHY ACTION IS NECESSARY: In accordance with the Lee County Contract Manual, approved by the Board on September 25, 2001, Bid Waivers and expenditures over \$50,000.00 require Board approval.

WHAT ACTION ACCOMPLISHES: Kelly Bothers Inc., will pickup and transport 1400 cubic yards of material from site on Pine Island Road to a staging area at the Ft. Myers Beach, and then transport and deploy the material on the South Reef at a later date.

2. DEPARTMENTAL CATEGORY:

08 Natural Resources
COMMISSION DISTRICT #:

A8A

3. MEETING DATE:

07-02-2002

4. AGENDA:


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

5. REQUIREMENT/PURPOSE:
(Specify)

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

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Public Works
- C. DIVISION Natural Resources
- BY: Roland Ottolini, Div. Director



7. BACKGROUND:

A construction project in North Fort Myers adjacent to the Wal-Mart at US 41 and Pine Island Road has unearthed approximately 1400 cubic yards, or about 1800 tons of limestone boulders ranging from about 1' in diameter to 6' in diameter. This type of rock is ideal material for artificial reefs as it is the same type of rock that creates the offshore ledges seen in the Lee County waters. Also, this material type does carry a market value for other uses and is not available for reef use commonly. Lee County has deployed only one reef using limestone rock in the past and its performance has reaffirmed our belief that it makes excellent reef material.

The project manager, Dan Myers of Pooley Construction, has informed County staff that the rock is available for \$2500 and the County would be responsible for the loading and trucking costs. A local 501.c3 organization, LeeReefs Inc., has agreed to pay the cost of the material, \$2500.00, contingent upon the County funding the transport and deployment. Upon approval of funding, LeeReefs will donate the rocks to Lec County for deployment. This represents a unique opportunity to create a public/private partnership to further the goals of Lee County's Artificial Reef Program.

Therefore, it is being requested that the Board approve a waiver of the formal bidding process for this new artificial reef construction project. Due to the very short time frame as the reef material, 1400 tons of limestone rock, is at a construction site and has to be removed from the site by the middle of July. This type of material is not available commonly and would be a wonderful opportunity to create this reef site.

Continued on page 2

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
					OA	OM	Risk	GC	
<i>6/17/02</i>	<i>[Signature]</i>	N/A	<i>PAD 6/17/02</i>	<i>[Signature] 6/17/02</i>	<i>[Signature] 6/18/02</i>	<i>[Signature] 6/18/02</i>	<i>[Signature] 6/19</i>	<i>[Signature] 6/18/02</i>	<i>[Signature] 6/17/02</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

**RECEIVED BY
COUNTY ADMIN. EW**
6/19 4:30
**COUNTY ADMIN.
FORWARDED TO:**
6/19 3:30

**REC'D 6/17/02
by CO. ATTY.**
2:35 PM
**CO. ATTY.
FORWARDED TO:**
Budget
6-17-02 3:30

Page 2

Natural Resources took informal bids for the project and only received one (1) bid from Kelly Brothers, Inc. in the amount of \$73,500.00. While no other companies chose to bid on the project, the price received is still a very competitive price.


Also, it is being requested that the Board approve a budget transfer from FBIP Reserve for Contingencies in the amount of \$73,500.00 and amend FY01-02 – 05/06 Capital Improvement Program accordingly.

Funds will be made available in account: 20307830104.506540

**INTEROFFICE MEMORANDUM
FROM
PUBLIC WORKS
NATURAL RESOURCES MANAGEMENT**

Date: June 10, 2002

TO: Cindy Logan
Contracts

From: Roland Ottolini 
Natural Resources Manager

SUBJECT: Bid Waiver for Artificial Reef Construction Project.

We would like to request a waiver to the formal bidding process for a new artificial reef construction project. This project is on a very short time frame as the reef material, 1400 tons of limestone rock, is at a construction site in North Fort Myers and has to be removed from that site by the middle of July. Informal bid packages were sent out last week and one bid was received. This bid was from Kelly Brothers, Inc. and is for \$73,500.00. While no other company chose to bid on the project, this is still a very competitive price. This type of material is not available commonly and we would like to take this opportunity to get some of it in the water. In addition, a local 501.c.3 group, LeeReefs, Inc. has agreed to purchase the material from the owner for a price of \$2500. Upon approval from the BOCC, LeeReefs will donate the rock to Lee County for deployment. This represents an opportunity to enter into a public/private agreement beneficial to both sides. Additional backup for this project can be found on the attached sample blue sheet. This blue sheet contains other requested Board actions, including creation of project accounts and budget transfers.

INFORMAL SOLICITATION

**OFFICIAL BID FORM
FOR**

ARTIFICIAL REEF CONSTRUCTION

**BIDS ARE TO BE SUBMITTED BY
3:00 PM, June 10, 2002**

MAIL BID TO:

**LEE COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF NATURAL RESOURCES
1500 MONROE STREET
FT. MYERS, FL 33901
ATTENTION: CHRIS KOEPFER**

BID OPENING:

3:00 PM, June 10, 2002

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA**

**BIDDER: KELLY BROTHERS, INC.
INDIVIDUAL OR FIRM NAME**

CC-1

OFFICIAL BID FORM

Department of Environmental Services
Division of Natural Resources
P.O. Box 398
Fort Myers, FL 33902-0398

Attention: Chris Koepfer, Project Manager

1. The undersigned, hereinafter called Bidder, having visited the site of the proposed project and having become familiar with the local conditions, nature and extent of the work, and having examined carefully the Plans, Technical Specifications, and other Contract Documents, and having fulfilled their requirements proposes to furnish all labor, materials, equipment and other items, facilities and services for the proper execution and completion of the:

ARTIFICIAL REEF CONSTRUCTION

in full accordance with the drawings and specifications prepared in accordance with Request for Bid and all other documents related thereto on file in the Department of Environmental Services, Division of Natural Resources, and if awarded the contract, to complete the said work within the time limits specified for the following proposal price:

BASE BID LUMP SUM (Written in Words) Pick-up, transportation of 1400
cubic yards of material to staging area, transport of material to South Reef,
deployment of material at South Reef DOLLARS (\$ 73,500.00)

2. The BIDDER hereby agrees that:

(a) The above proposal shall remain in full force and effect for a period of 60 calendar days after the time of the opening of this proposal and it shall not be revoked, withdrawn or canceled within that time frame. Once the bidder has been notified that his bid has been awarded by the Division Director within the above time frame, the price proposed as submitted shall constitute the contract price which shall be executed within the time frames established by these documents.

2. (b) In the event the award is made to this Bidder, the Bidder will receive a Purchase Order from the County in accordance with the accepted proposal and will execute the work described within these documents.

*NOTE: KELLY BROTHERS, INC. TO HAUL 1400 CY OF R1PRAP FROM THE CURRENT LOCATION TO ITS FORT MYERS BEACH STAGING AREA AND DEPLOY AT A LATER DATE.

6. The below-signed Bidder agrees to comply with all applicable provisions as set forth in this document. The Bidder further agrees to hold harmless, defend and indemnify the County and its agents for any losses, including attorneys fees, incurred as a result of its failure to abide by the applicable Anti-Discrimination laws.

<u>CRESCENTE BAUTISTA</u>	<u>CG-C062389</u>
(Name of License Holder)	(State Certificate No.)
<u>020066</u>	<u>DS007343</u>
(Occupational No.) (Specify Jurisdiction)	(Lee County Competency No.)
	<u>656515</u>
	(State Registration No.)

In witness whereof, the Bidder has hereunto set his signature and affixed his seal this 10 day of JUNE, A.D., 20 02.

ATTEST: M. Patricia Kreutzer (SEAL)
ASSISTANT Secretary

By: Printed M. PATRICIA KREUTZER

By: Signature [Signature]
Title: PRESIDENT

<u>KELLY BROTHERS, INC.</u>	<u>(CHRIS) CRESENTE BAUTISTA</u>
Company Name	Contact Person
<u>15775 PINE RIDGE ROAD</u>	<u>239-482-7300</u>
Mailing Address	Phone Number
<u>FORT MYERS, FL 33908</u>	<u>239-482-8014</u>
City, State, and Zip	Fax Number

CC-4

3. Acknowledgment is hereby made of receipt of the following Addenda issued during the bidding period:

Addendum No. ____ Dated _____ Addendum No. ____ Dated _____

Addendum No. ____ Dated _____ Addendum No. ____ Dated _____

4. If awarded this construction contract, the Bidder agrees to complete the work covered by this contract as follows:

(a) Substantial completion in 40 consecutive calendar days from date of official Notice to Proceed.

(b) Final completion in 40 consecutive calendar days from the date of official Notice to Proceed.

5. Neither the undersigned nor any other person, firm or corporation named herein, nor anyone else to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action for this proposal by the County, also that no head of any department or employee therein, or any officer of Lee County, Florida is directly interested therein.

This proposal is genuine and not collusive or a sham; the person, firm or corporation named herein has not colluded, conspired, connived or agreed directly or indirectly with any bidder or person, firm or corporation, to put in a sham proposal, or that such other person, firm or corporation shall refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the unit prices of said proposal or proposals of any other bidder, or to secure any advantage against the County or any person, firm or corporation interested in the proposed contract; all statements contained in the proposal or proposals described above are true; and further, neither the undersigned, nor the person, firm or corporation named herein has directly or indirectly submitted said proposal or the contents thereto to any association or to any member or agent thereof.

6. The below-signed Bidder agrees to comply with all applicable provisions as set forth in this document. The Bidder further agrees to hold harmless, defend and indemnify the County and its agents for any losses, including attorneys fees, incurred as a result of its failure to abide by the applicable Anti-Discrimination laws.

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