RESOLUTION NO. 2024-01

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING THE WAIVER OF COMPETITIVE SOLICITATION FOR CEI SERVICES THROUGH CALENDAR YEAR 2024; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, § 2-176(c) of the Village Code requires that most purchases of services in excess of $50,000 to be acquired through a competitive selection process; and

WHEREAS, § 2-179 of the Village Code provides that the Village Council may, by majority vote, waive the competitive bidding procedures outlined in this article if the Village Council determines that it is impractical to do so; and

WHEREAS, the Village staff have made attempts to competitively solicit for Construction Engineering Inspection (CEI) services to assist on Village projects with no response from the market; and

WHEREAS, CEI services do not actually involve licensed construction or the provision of professional engineering services, but rather involve supervision and inspection of ongoing construction projects which are not within the purview of the Building Official; and

WHEREAS, the Village's ability to acquire CEI services is critically important to ensuring the Village's numerous ongoing and planned public improvement projects remain on schedule and on budget; and

WHEREAS, based on the apparent inability of the marketplace to satisfy the Village's need for CEI services via competitive solicitation, the Village staff has recommended waiver of the competition requirement such that staff could directly solicit providers of such services and negotiate terms of agreements which are acceptable to both the service providers and Village; and

WHEREAS, the Council finds that it is impractical to require Village staff to continue to solicit for CEI services using the competitive method given the market's clear response to such efforts that providers do not wish to take the time to participate in that process where the participation may not result in an award, particularly given ample other private sector opportunities which are not subject to the competitive solicitation requirements; and

WHEREAS, the Council finds the adoption of this Resolution to be in the best interest of the Village and its citizens.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, THAT:

1. The waiver of competitive solicitation for CEI services is approved through December 31st 2024.

2. The Village Manager and his staff are authorized to directly solicit individual CEI services providers outside of a competitive solicitation process. To the extent the Village Code requires Council approval of any resulting contracts due to their dollar value, such approvals must still be obtained.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 7th day of February, 2024.

Jon McLain, Mayor

Attest:

Carol Sacco, Village Clerk