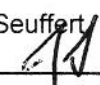


MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Construction Services for the Perico Cell Tower	TYPE AGENDA ITEM	Consent
DATE REQUESTED	July 28, 2009	DATE SUBMITTED/REVISED	July 2, 2009
BRIEFINGS? Who?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Financial Mgmnt/Purchasing	AUTHORIZED BY TITLE	Jim Seuffert  Director
CONTACT PERSON TELEPHONE/EXTENSION	Blair C. Getz, Purchasing x 3053 R.C. "Rob" Cuthbert, Purchasing x3014	PRESENTER/TITLE TELEPHONE/EXTENSION	Jim Staples, Director, Property Management Dept., x 7489
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
Authorization to enter into negotiations with the top ranked firm, Vertex Development, LLC, Tampa, FL to provide Construction Services for the Perico Cell Tower.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Ordinance 08-43, Manatee County Purchase Code Section 2-26-45, Contracts and Administration.

BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> Manatee County is interested in leasing County owned property located off Manatee Avenue to a wireless carrier or tower company. The selected proposer shall construct, install, maintain and operate a wireless communications facility. The selected proposer will be responsible for the related equipment, cables accessories and improvements including a monopole antenna support structure at least 199' in height. The selected proposer will be responsible for all permitting requirements and must comply with all federal, state and local laws, rules, and regulations. This negotiation will result in the proposer entering into a lease agreement with Manatee County for the lease of County owned property on which the tower will be constructed. Funding Source: NOT APPLICABLE <p>Continued on page 2</p>

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input checked="" type="checkbox"/>	OTHER County Attorney review, if necessary, will be requested after negotiations have concluded

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
None		None	
COST:	N/A	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A

of units for RJC

- Manatee County was also interested in leasing County owned property located on Coquina Beach to a wireless carrier or tower company, however it was determined not to pursue this tower location at the present time.
- The selected proposer shall be required to negotiate a formal agreement, acceptable to Manatee County. The Manatee County Board of County Commissioners and/or the Purchasing Manager will be responsible for the negotiated agreement as the best and final offer for the consideration of award and execution. The Board of County Commissioners and/or the Purchasing Manager shall determine if award of the agreement is to be considered; rejected and direct further negotiations; rejected and terminate negotiations; or accepted, authorizing the Chairman and/or the Purchasing Manager to execute the agreement.
- The terms of the lease agreement will be an initial five (5) year lease with three (3) additional renewals of five (5) years each for a total potential lease of twenty (20) years in length.
- The proposal package was submitted, reviewed and approved by Property Management. The subject Request For Proposal #09-1180BG was advertised on April 4, 2009 and notice of its availability was made via County Web site and Demand Star Bid Notification Delivery System to eight hundred ninety seven (897) firms considered possibly capable of providing this type of service. Twenty two (22) firms downloaded the request for proposal and three (3) responses to the solicitation were received on May 14, 2009. The opening was conducted at 10:00 A.M.
- Eleven (11) local firms that were directly contacted and made aware of this Request For Proposal were:

Alpha-Omega Communications, LLC – Longboat Key	Qore Property Sciences – Tampa
Betacom, Inc. – Temple Terrace	R H Moore & Assoc., Inc. – Tampa
Coastal Electric Constructor, Inc. – Tampa	Florida Towers – Weston
Collier Enterprises II, LLC – Tampa	Vertex Development, LLC – Tampa
Charlie Dean Towers - Tampa	Rapid Systems – Tampa
Land Assessment Services – Tampa	

There are **no known Manatee County firms** that provide the services described in the proposal package.

- The Selection Committee that met on May 28, 2009 consisted of:
Mike McLaughlin – Network Integrator, Information Services Department, **Voting Member**
Dave Hubbard – Radio Division Manager, Information Services Department
Darin Cushing – Project Manager, Property Management Dept/Construction Svcs, **Voting Member**
Blair C. Getz – Contract Negotiator, FMD Purchasing Division, Chair, **Voting Member**
- Following a Selection Committee evaluation, two (2) firms of the three (3) proposals received, were selected to provide oral presentations and are listed below alphabetically:

Florida Towers, LLC – Weston
Vertex Development – Tampa

The third proposal received, Collier Enterprises, Tampa was for the Coquina Beach location only and was not short listed for that reason.

- Oral Presentations took place on June 25, 2009 allowing one (1) hour for each firm. The voting members of the Selection Committee (McLaughlin, Cushing and Getz) ranked the firms as follows for the purpose of negotiating a contract with the top ranked firm.
 1. Vertex Development, LLC
 2. Florida Towers
- **Vertex Development, LLC**, the top ranked firm demonstrated exceptional qualifications and an excellent understanding of the Means and Methods to deliver the required cell tower project successfully and in a time frame acceptable to the County. Expert Construction Managers, Inc. of Brandon, FL is the general contractor and has been selected by the proposer to construct the cell tower. This firm was in attendance at the Oral Presentation. The team members each had an opportunity to speak of their involvement in the Design/Build process of the project. They each were highly competent in their individual fields of expertise. The proposer was asked if they would commit to contracting with a Manatee County electrical firm; this is the one element of the project that the general contractor would not be self performing. The proposer as well as the general contractor answered in the affirmative to this question. The proposers' single project bonding capacity is \$3.5million and the general contractors' current bonding capacity is \$6.5million.
- The president of Vertex was asked that in conjunction with their monthly lease payment to the County if revenue sharing could be part of the final Agreement. They were most receptive to this idea and offered three lease payment plans that they have utilized in the past. This will be negotiated at the proper time with the proper County staff involvement. This proposer, prior to any negotiations, has made to the County a total revenue offer of \$537,407.49 for the twenty year (20) lease. A monthly payment schedule shall be part of the final agreement.
- Florida Towers, LLC is well qualified to deliver the desired project; however, certain elements dropped them to the #2 ranking and they are listed as follows:
 1. This proposer stated that they had no firm commitments from cell phone companies to lease space from them on the proposed tower. They further explained that most potential customers will not commit to space until the cell tower construction was reality. This factor would leave the County open for this proposer to walking away from negotiations if they could not secure clients for this tower.
 2. The \$1million bonding capacity of this proposer is considerably less than that of the top ranked firm.
 3. The maintenance schedule of this proposer was viewed by the Selection Committee as highly suspect.
 4. The physical location of this proposer was cause for concern by the committee members due to the time required for onsite response if needed.
 5. The final consideration was the revenue proposed was far less than that of the top ranked firm and had negative conditions tied to the revenue which by this firms own admission were not negotiable.

This project will be managed by the Property Management Department, Construction Management Division.