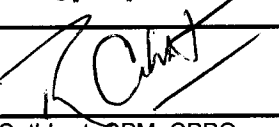


MANATEE COUNTY GOVERNMENT

SOURCE SELECTION

SUBJECT	Construction Services for the Perico Cell Tower	DATE POSTED	June 29, 2010
PURCHASING REPRESENTATIVE	Blair C. Getz, Purchasing x 3053 R.C. "Rob" Cuthbert, Purchasing x 3014	DATE CONTRACT SHALL BE AWARDED	N/A ¹³ 6/30/2010
DEPARTMENT	Financial Management, Purchasing Division	CONSEQUENCES IF DEFERRED	N/A 
SOURCE RECOMMENDATION	N/A	AUTHORIZED BY DATE	R.C. Cuthbert, CPM, CPPO June 29, 2010

ACTION DESIRED

Authorization to terminate negotiations with Vertex Development, LLC, Tampa, FL to provide Construction Services for the Perico Cell Tower and to cancel any further action related to RFP#09-1180BG.

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

- 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
- Continued on page 2

SUMMARY

Authorization to terminate negotiations with Vertex Development, LLC, Tampa, FL and cancel any further action related to RFP#09-1180BG

ATTACHMENTS: (List in order as attached)

N/A

INSTRUCTIONS TO BOARD RECORDS:

N/A

COST

N/A

SOURCE (ACCT# & NAME)

N/A

COMMENTS

N/A

AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT)

N/A

- Manatee County was 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 DemandStar 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 am.
- 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 met on **5/28/2009**. The Committee members are:
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 of Tampa, proposed only for the Coquina Beach location and was not short listed for that reason.

- **6/25/2009** Oral Presentations took place 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 an Agreement 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 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 (3) 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 (20) year lease. A monthly payment schedule shall be part of the final agreement.
- **Florida Towers, LLC** is qualified to deliver the desired project; however, certain elements dropped them to the #2 ranking 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 revenue proposed was far less than that of the top ranked firm and had negative impact on the final consideration. The negative revenue conditions were not negotiable by this firm.

- **7/28/2009** The BCC authorized the Selection Committee to enter into negotiations with the top ranked firm, Vertex Development, LLC.
- **8/14/2009** The initial negotiation meeting was held. Additional information is to be provided from Vertex.
- **9/10/2009** Vertex required information, bonding, sample lease, etc.
- **10/14/2009** Sent Request for Legal Services to County Attorney's Office (CAO) to begin development of land lease.
- **12/14/2009** Received the first draft of lease agreement from CAO.
- **12/23/2009** Sent email to Vertex of draft lease per CAO.
- **1/8/2010** Resent draft lease to CAO with Purchasing Department's suggested changes.
- **4/13/2010** Received final draft of lease agreement from CAO; emailed Vertex for review and comment by April 30, 2010.
- **4/13/2010 – 6/28/2010** Received no constructive communication from Vertex
- **5/3/2010** Sent email to Vertex asking for update and to execute lease.
- **5/21/2010** Received no response. Called Vertex and contractor and left messages; no responses.
- **6/21/2010** Sent final email to Vertex establishing a deadline.
- **6/28/2010** Received email from Vertex Development, LLC stating "Mr. Getz, I regret to inform you that Vertex has lost its' potential tenants on this site due to the current economic climate. This has made the project unfeasible and we must withdraw from our negotiations. I sincerely regret not being able to move forward with this project."
- The RFP is hereby cancelled. A revised RFP may be developed; however, no date for issuance can be established at this time.
- Manatee County wishes to thank all firms that submitted proposals for consideration. The time, effort and resources required for these proposals are appreciated by the County and we hope that you submit future Requests For Proposals.