

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida

12:26 pm Nov 10, 2022

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

IN THE MATTER OF:

SFWMD ORDER NO. 2022-068-DAO



AMENDED EMERGENCY AUTHORIZATION
FOR PROCUREMENT OF GOODS AND
SERVICES MADE NECESSARY
BY HURRICANE IAN

_____ /

ORDER AMENDING EMERGENCY ORDER

The South Florida Water Management District ("SFWMD"), enters this Amended Emergency Order under sections 120.569(2)(n), 373.119(2), and 373.439, Florida Statutes, and Rule 40E-0.108(2), Florida Administrative Code, amending Emergency Final Order No. 2022-048-DAO to extend the authorization for the emergency procurement of goods and services and the suspension of rules and policies requiring advertisement or competition due to the impacts and time constraints caused by Hurricane Ian ("the Storm").

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 ("Executive Order") declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by the Storm. On September 24, 2022, the Governor of Florida issued Order 22-219 expanding the state of emergency to the entire State of Florida.

2. The Storm crossed Florida as a major hurricane, causing widespread damage to property and structures in counties throughout the SFWMD's jurisdiction.

3. The Executive Order found that the special duties and responsibilities of some agencies in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, the Executive Order gave each political subdivision of the State authority to waive procedures and formalities otherwise required of the political subdivision by law.

4. In line with the Governor's Order, the SFWMD issued Emergency Final Order No. 2022-048-DAO ("Emergency Order") granting the SFWMD relief from the requirements for procurement of equipment, services, and commodities.

5. Both the Executive Order and the Emergency Order expire on November 22, 2022.

6. Repair work and restoration in response to Storm-related damage continues throughout the SFWMD's jurisdiction and will continue beyond November 22, 2022.

7. The Federal Emergency Management Agency ("FEMA") requires that the SFWMD complete all procurement of Storm-related work, equipment, services, and commodities while operating under the Emergency Order in order for the SFWMD to qualify for disaster relief.

8. Hurricane Nicole made landfall as a Category 1 storm on the northern east coast of the SFWMD on November 10, 2022. Conditions created by Hurricane Nicole before and after it made landfall have delayed the SFWMD's ability to fully assess damage and related procurement needs caused by Hurricane Ian.

9. The Executive Director has determined that there is a continued risk to the public's health, safety, and welfare and a potential for substantial loss to the public due

to the damage the Storm caused to the SFWMD's canals, works, lands, equipment, and facilities. Without extending the Emergency Order, the operational capability of the Big Cypress Basin, Central and Southern Florida Flood Control System, and other District functions would be jeopardized.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

10. The SFWMD issues this Order amending Emergency Final Order No. 2022-048-DAO to extend the authorization for the emergency procurement of goods and services and the suspension of rules and policies requiring advertisement or competition due to the impacts and time constraints caused by.

11. The SFWMD has the authority under sections 120.569(2)(n), 373.119(2), and 373.439, Florida Statutes, and Rule 40E-0.108(2), Florida Administrative Code, to issue this Order amending its Emergency Final Order.

12. Based on the above findings of fact, and to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate to extend the waiver of all SFWMD rules, policies, or orders pertaining to the procurement of equipment, services, and commodities necessitated by the Storm as set forth in the Emergency Order.

ORDER

THEREFORE, IT IS ORDERED that:

Emergency Final Order No. 2022-048-DAO is hereby amended to expire on January 23, 2023, unless otherwise extended or terminated by the Executive Director or the Governing Board.

DONE AND ORDERED on this 10th day of November, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.