

4:55 pm Sep 24, 2024

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

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT *W.S.*

IN THE MATTER OF:

SFWMD ORDER NO. 2024-067-DAO

EMERGENCY AUTHORIZATION
FOR PROCUREMENT OF GOODS
AND SERVICES MADE NECESSARY
BY POTENTIAL TROPICAL CYCLONE NINE

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EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Orders No. 24-208 and 24-209, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("District"), enters this Order authorizing the emergency procurement of goods and services, and suspending rules and policies requiring advertisement or competition, due to the impacts and time constraints caused by Potential Tropical Cyclone Nine ("the Storm").

FINDINGS OF FACT

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included the following counties in the Executive Orders that are within the District's jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding, may continue to impact the operational capability of critical infrastructure, and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. As provided in the Executive Orders, the Governor found that the special duties and responsibilities of some agencies, including District, in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, the Executive Orders give each political subdivision of the State authority to waive the procedures and formalities otherwise required by law in relation to performing public work and taking necessary action to ensure the health, safety, and welfare of the community. This included entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, acquiring and distributing, with or without compensation, supplies, materials, and facilities, and appropriating and expending public funds.

4. The District's Executive Director has determined that an immediate danger to the public health and safety, or other substantial loss to the public, exists because the Storm poses a serious and imminent threat to District canals, works, lands, equipment, and facilities within the District such that operational capability of the Big Cypress Basin, Central & Southern Florida Flood Control System, and other District functions may be jeopardized.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

5. The District issues this Order to carry out the directives in the Governor's Executive Orders. The District has authority to issue this Order under sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

6. The Executive Orders permit agencies, including the District, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business, or the orders or rules of the agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. The Executive Orders give the District further authority to take formal action by emergency order to cope with the emergency.

7. Based on the above findings of fact, and to protect the public's immediate health, safety, and welfare, and to not prevent, hinder, or delay necessary action in coping with the emergency, it is both reasonable and appropriate to waive any applicable statute, including, but not limited to, chapters 255 and 287, Florida Statutes, and any District rule, policy, or order governing the procurement of equipment, services, and commodities necessitated by this emergency.

ORDER

THEREFORE, IT IS ORDERED that:

1. Effective upon execution of this Order, all requirements for advertisement and competition for the procurement of equipment, services, and commodities set forth in any statute, including, but not limited to, chapters 255 and 287, Florida Statutes, and any District rule, policy, or order are hereby waived for the duration of this Order.

2. District staff may procure equipment, services, and commodities necessitated by this emergency without advertisement or competition as described below:

a. The procurement of all goods and services necessary to prepare, maintain, and restore District canals, works, lands, equipment, and facilities to full operational condition.

b. All such procurements shall be reported to the Governing Board prior to or at the next regularly scheduled Governing Board meeting.

c. This authorization shall expire on November 22, 2024, unless otherwise extended or terminated by the District's Executive Director or Governing Board.

DONE AND ORDERED on this 24th day of September 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT



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 DISTRICT 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 DISTRICT.