

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Allied Universal)
Corporation and Chemical Formulators,) Docket No. 000061-EI
Inc. against Tampa Electric Company)
for violation of Sections 366.03,)
366.06(2) and 366.07, Florida Statutes,)
with respect to rates offered under)
Commercial/Industrial Service Rider)
tariff; petition to examine and inspect)
confidential information; and request)
for expedited relief)
_____)

**ODYSSEY MANUFACTURING COMPANY'S
MOTION FOR RECONSIDERATION AND MOTION FOR CLARIFICATION**

ODYSSEY MANUFACTURING COMPANY ("Odyssey"), by and through undersigned counsel and pursuant to Rule 25-22.0376, Florida Administrative Code hereby files this Motion for Reconsideration and Motion for Clarification and in support thereof would state and allege as follows:

I.

Odyssey Has Standing to Pursue These Motions

1. Odyssey files these motions in an abundance of caution. It is the position of Odyssey that Order No. PSC-01-0231-PCO-EI, issued January 24, 2001, (sometimes hereinafter referred to as "the Order") unwittingly has substantially affected Odyssey's right to engage in discovery on a going forward basis and cross-examination at hearing. Nothing in these motions seeks any determination by the Commission that would compel the discovery of information which is truly privileged, confidential business information, or trade secrets. Odyssey, by these motions, seeks only to preserve its

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right and privilege to engage in discovery of information which is not confidential business information and which has either been placed into the public records, or otherwise disclosed to third parties in a non-privileged manner.

2. Odyssey is an Intervenor in this case. Odyssey's intervention in this case was granted by Order No. PSC-00-0762-PCO-EI on April 18, 2000.

3. Odyssey is participating in this proceeding as a full party and has the rights, duties, and obligations that any other party to this proceeding has. The Order granting intervention to Odyssey provided that "all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to (Odyssey)."

4. The Order itself provided, under the heading "Notice Of Further Proceedings Or Judicial Review" that "any party adversely affected by this Order, which is preliminary, procedural, or intermediate in nature, may request: 1) reconsideration no later than noon on January 29, 2001 ..." (Emphasis added).

5. Both Rule 25-22.0376, Florida Administrative Code (reconsideration of non-final orders) and Rule 25-22.060, Florida Administrative Code (motion for reconsideration of final orders) contemplate that "any party" who is "adversely affected" by an order of the Commission may move for reconsideration of that order. (emphasis added).

6. Clearly, the language utilized in the Order and in the above-referenced Administrative Code Rules apply to Odyssey. Odyssey is a party to this matter and Odyssey is adversely affected by the Order, as discussed in more detail infra.

7. The Order substantially affects Odyssey's substantive rights and ability to engage in discovery in this case on a going forward basis. The Order actually refers to Odyssey no less than 35 separate times. The Order will have the effect, as discussed below, of "heading Odyssey off at the pass" with regard to discovery which Odyssey has not, as of this date, even tendered.

8. Rule 1.340(e), Rules of Civil Procedure, provides that answers to interrogatories shall be served upon the party originally propounding the interrogatories, and a copy shall be served on all other parties by the answering party. Thus, Odyssey has reasonably anticipated that it would receive the responses to the interrogatories addressed by the Order (which have been pending for several months).

9. As discussed infra, the Order categorically provides protection from disclosure to information which (it is the position of Odyssey) is and should be discoverable in this case. The Order further directs that other information, although relevant, shall not be disclosed to Odyssey. Odyssey anticipates there is a substantial likelihood that the Order will be used by the Complainants in order to frustrate discovery attempts by Odyssey on

certain issues on a going forward basis.

10. This effect on Odyssey will be achieved by Order No. PSC-01-0231-PCO-EI despite the fact that the discovery requests at issue in the Order were not the discovery requests of Odyssey. Even so, the Order actually resulted from discovery that was propounded by another party (TECO), a Motion to Compel that was submitted by another party (TECO), and an Order which addressed that third party discovery. Odyssey did file a Response in this particular matter, but certainly the questions before the Prehearing Officer and Odyssey's positions and filings are not identical to what they would have been if Odyssey had actually propounded the discovery (as it has intended and continues to intend to do on its own behalf).

11. Odyssey will pursue questions at depositions scheduled for January 31, February 1, and February 5, 2001, which address matters discussed in the Order, but which in fact are reasonably calculated to lead to the discovery of admissible evidence and which seek only the production of information which is neither privileged nor confidential business information.

12. Odyssey should be deemed to have standing to file these Motions.

II.

Odyssey's Motion for Reconsideration

13. It is not the desire or intent of Odyssey to request or seek the discovery of information for which a valid privilege

exists. The Prehearing Officer has done a commendable job on the thankless task of addressing these difficult issues in past orders addressing discovery matters in this case. However, it is the position of Odyssey that the Order overlooked or failed to consider the Order's ancillary effect on Odyssey and its discovery (and cross-examination) efforts on a going forward basis.

14. Odyssey recognizes that, as a pretrial matter, the Prehearing Officer and the Commission are unlikely to be able to address the instant motion prior to the depositions currently scheduled to begin January 31, 2001. However, it is the position of Odyssey that no determination of the Order should be utilized by Complainants as a shield to block legitimate discovery requests by Odyssey seeking relevant non-privileged information.

15. As to TECO Interrogatory Nos. 8 and 9 (regarding competitive bids and bid awards) , the Prehearing Officer found that the information was relevant. However, the Order determined that the information should be provided to TECO, but not Odyssey. The effective application of this Order means that the information, although relevant and discoverable, will be revealed to TECO but is essentially absolutely privileged as it relates to Odyssey.

16. With the exception of TECO Interrogatory No. 9(e), the information sought to be discovered by Interrogatory Nos. 8 and 9 is not privileged, or confidential business information, and should be provided to Odyssey upon appropriate and proper discovery

request. The Prehearing Officer determined that Complainants had treated this information privately because disclosure would cause harm to their business operations, and that Complainants have "presumably" not disclosed this information in the past.

17. In point of fact, the determination that this information should be provided confidential treatment (and protected from any disclosure to Odyssey) clearly encompasses some information which Complainants have not treated privately and which Complainants have, in fact, publicly disclosed in the past.

18. TECO Interrogatory Nos. 8 and 9 solicit information about bids or offers, the identity of the customers to whom the bids or offers were submitted, the dates for the same, the product at issue, and descriptions of the price, terms and conditions, involved. However, as will be addressed at deposition and by Requests For Official Recognition which Odyssey intends to file, this information, in fact, exists in the public domain and on the Internet and has been publicly disclosed by Complainants in the past (see, e.g., Order No. PSC-001598-PCO-EI, issued September 6, 2000, denying confidential classification of information which has been posted on the Internet). Composite Exhibit "A" contains documents which will be the subject of Odyssey's First Request for Official Recognition, which will be filed imminently. These documents demonstrate on their face that not all the information which Complainants have alleged is confidential and proprietary,

and which the Order determined were confidential, has in fact been maintained as confidential by Complainants. It is important to remember that the Prehearing Officer made the determination that the information solicited by TECO Interrogatory Nos. 8 and 9 is relevant and discoverable. Accordingly, Odyssey should have the right to engage in discovery which attempts not only to discover the information itself, but which also allows Odyssey to inquire whether any ostensible or alleged bases for confidential treatment has any validity in law or fact. Merely saying information has been kept "private" is not enough to justify confidential classification. The information should have, in fact, been kept private and protected from disclosure. Such is not the case with the competitive bids and related information which are addressed by TECO Interrogatory Nos. 8 and 9.

19. Odyssey should not be denied the opportunity to (a) craft the questions attempting to solicit this discovery as it deems fit (which may be different than the way TECO asked its questions) and (b) to refute or challenge any claim of confidentiality with questions establishing facts (rather than relying on unilateral and self-serving representations from the party to whom the discovery is directed) as to whether the information has actually been treated privately and not placed into the public records or otherwise disclosed to third parties. If Complainants refuse to disclose the information to Odyssey at deposition, Odyssey must

have the ability to file appropriate motions to compel and to demonstrate why the information does not qualify for confidential treatment or why the information is discoverable, and why the information is important and why the hearing should not proceed without the revelation of the information. These are not decisions that should effectively be made on Odyssey's behalf in an Order actually addressing discovery filed by an entirely different party. The relevancy, necessity, and importance of the information to the record which Odyssey properly seeks to make in this proceeding may not be, and in fact probably won't be, identical to the relevancy, necessity, and importance of the information to TECO in this proceeding.

20. With regard to TECO's Request for Production of Documents No. 3, the issue is the same as that implicated by TECO Interrogatory Nos. 8 and 9. This involves "bid-related" documents which are relevant to this proceeding (as the Prehearing Officer has already determined), which has been directed to be disclosed to TECO under prescribed conditions for confidentiality, but which has essentially been determined to be absolutely privileged as it relates to Odyssey. Odyssey should not be denied the ability to inquire into these matters in order to ascertain whether Complainants' assertions of their ability to compete, of the potential destruction of their economic viability, of an unlevelled playing field, etc., are actually supported by any factual foundation.

Likewise, Odyssey should not be denied the ability to delve into these matters as they relate to whether Complainants are, in fact, substantially affected such that they have standing to pursue their Complaint. Odyssey should have the right and privilege, on a going forward basis, to inquire into these areas and determine whether, in fact, some of this information has been placed into public records or otherwise disclosed to third parties, notwithstanding the claim for confidentiality.

21. The Order also finds that TECO Interrogatory No. 13 requests information which is proprietary, confidential business information of Complainants and directs that the information need not be produced to either TECO or Odyssey.

22. TECO Interrogatory No. 13 elicits information regarding the defamatory allegation in Mr. Namoff's prefiled direct testimony that he has "heard from industry sources" that a TECO employee who offered a "preferential rate" to Odyssey was "rewarded" by Odyssey with a job providing him with a guaranteed annual salary in excess of \$100,000.00 and that, although the individual has "had little success in his employment," Odyssey has guaranteed him a job for a period of years because "they owe him." This is an allegation which Odyssey reasonably intends, and has intended, to address at deposition, in order to demonstrate the lack of veracity or reliability of these outrageous statements. For Complainants to make these allegations, and then to turn around and assert that any

attempts to discover whether the allegations have even a scintilla of factual support would require disclosure of proprietary, confidential business information is nothing short of astonishing.

23. If this accusation is relevant enough for Complainants to include in their prefiled testimony, then it must be relevant enough for Odyssey to pursue on discovery. Odyssey seeks to refute these allegations by the discovery of non-privileged and non-confidential information at deposition. This Commission should issue no orders on discovery which impair Odyssey's rights to seek discovery of this matter. Any order which has the unintended effect that Odyssey may not inquire on these matters on a going forward basis denies Odyssey the right to discover (and in fact to engage in cross-examination of) the underlying and factual bases, if any, for Complainants' assertion that TECO has deliberately discriminated against Complainants, that TECO has given an undue and unreasonable preference and advantage to Odyssey, that Odyssey has received a preferential rate which threatens to destroy Complainants' business and economic viability, that Odyssey has a goal of preventing Complainants from competing on an even playing field, etc. (See, e.g., the Complaint at page 10, and the prefiled direct testimony of Mr. Namoff at pages 2, 5, 12, 13, and 14; and Mr. Namoff's prefiled rebuttal testimony at pages 3, 6, and 11).

Odyssey must not be denied the right to engage in discovery on these matters particularly as it relates to the discovery of non-

privileged, non-confidential information. Without meaningful discovery, Odyssey will not be able to engage in meaningful cross-examination on these issues. The APA provides that a party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record. Section 120.569(2)(j), Florida Statutes.

24. The basis for the Prehearing Officer's determination that the information sought to be discovered by TECO Interrogatory No. 13 is proprietary confidential business information is not self apparent upon reading either the filings of the parties or the Order. Certainly, if the information, albeit patently false, exists only in the mind of the witness, then it would be information that was "controlled" by Complainants, which Complainants had treated as "private", and which Complainants had not disclosed. However, this would merely make it an unsubstantiated rumor, as opposed to proprietary confidential business information. There has been no serious attempt by Complainants to explain how disclosure of this information could "cause harm to [Complainants'] business operations". If the information proves false or unreliable, the only damage to the Complainants will be because of their own condemnable behavior. Odyssey should be able to pursue the discovery of information from the Complainants which is neither privileged nor confidential business information in order to explore these serious allegations.

25. The fact that Complainants chose to put these allegations of impropriety in their Complaint (see page 10 thereof) and the fact that their central witness chose to put these allegations in his prefiled direct and rebuttal testimony indicates that Complainants believed the information was important enough to put it into the record in this case. Yet, Complainants then attempt to construct a wall of confidentiality so that there is no way to cross-examine the witness to learn whether any of the individuals he talked to (if, in fact, he did talk to anybody) are credible sources, to learn if he accurately is recounting the conversation, to learn whether the individual making the accusation has a separate axe to grind, or to ascertain whether Complainants used an unsubstantiated and irresponsible assertion as a red herring to overcome the presumption of confidentiality to which Odyssey was entitled under the CISR tariff.

26. This information was put into the record in this case by Complainants, not any other party. This information is not "business information", but rather is the basis for a damaging and spurious rumor set forth in the Prefiled Testimony (and, in fact, the Complaint in this matter).¹

27. Odyssey specifically seeks reconsideration of the Order's determination that Complainants need not respond to TECO

¹ At a minimum, if the information underlying this claim is so "confidential" that it can not be disclosed, then the only fair thing would be to strike these references from the testimony.

Interrogatory Nos. 5, 6, and 7.

28. The Prehearing Officer determined that TECO Interrogatory 5, 6, and 7 either addressed issues not germane to this proceeding or were not reasonably calculated to lead to the discovery of admissible evidence (and that, therefore, Complainants did not have to respond).

29. TECO Interrogatory Nos. 5, 6, and 7 request information regarding contacts, conversations, offers and other communications regarding Odyssey between the Complainants and existing or potential customers. Odyssey intends to propound discovery (at the aforesaid depositions of Complainants' witnesses) on these communications. The Prehearing Officer appeared to base his decision (that Complainants need not respond to these interrogatories) on a determination that the interrogatories only appeared calculated to produce information more relevant to whether Complainants violated the non-disclosure agreement than to information on potential harm to Complainants. The information Odyssey does intend to solicit at the time of deposition is reasonably calculated to address Complainants' repeated assertions that they will be driven out of business, that there is no level playing field between Complainants and Odyssey, that Complainants are subject to an unfair disadvantage in relation to Odyssey, etc. This same line of questioning will also be reasonably calculated to obtain information which may refute any allegation of Complainants,

e.g., that their standing is predicated on its alleged inability to compete or the harm they may suffer. Odyssey would reiterate that the information which it intends to discover is non-privileged information which has been communicated with third parties. To the extent such information is non-privileged and inconsistent with the prefiled testimony of Complainants, it is clearly relevant and discoverable.

III.

Motion for Clarification

30. Odyssey requests that the Order be clarified so that all parties to this proceeding are apprised that the Order does not address or determine in any way, shape, or form, what information Odyssey may pursue through appropriate discovery mechanisms on a going forward basis and/or what information Complainants are bound to provide in response to that discovery.

31. Any attempt to use the Order in order to thwart discovery by Odyssey (not yet tendered when the Order was issued) would be grossly unfair.

32. To the extent that Odyssey intends to engage in discovery on any of these same matters, that discovery will not be identical to TECO's discovery, and Odyssey's motivation for engaging in that discovery will not be identical to TECO's motivation. In fact, on the contrary, the phraseology and content of the discovery and the motivation for pursuing the same may be drastically different than TECO's. Odyssey will propound its discovery as it deems fit, will

frame its questions and depositions as it deems fit, and will be pursuing its own legal and factual theories as they relate to this case without significant input from TECO. Odyssey should be free to make its own arguments as to relevance and applicability (or non-applicability) of any assertion of privilege to any given discovery. Nothing in the Order should categorically prejudice or prevent Odyssey's attempts at discovery (not yet even formulated or asked) of non-privileged, non-proprietary information on a going forward basis.

33. Odyssey does not believe the Prehearing Officer meant to create, through Order No. PSC-01-0231-PCO-EI, an impenetrable shield behind which Complainants may thwart or avoid future discovery of non-privileged, non-proprietary information by Odyssey. The Order should be clarified to prevent that precise result.

IV. Conclusion

34. The discovery propounded by TECO (several months ago) and a subsequent motion to compel responses to that discovery should not result in an Order which adjudicates Odyssey's ability to engage in discovery on a going forward basis, particularly as it relates to Odyssey's attempt to discover information which is neither privileged nor proprietary. The Commission should reconsider its Order as requested herein and also should clarify its Order so that Odyssey's right to engage in discovery (as it has


a right to do under Commission practice and the applicable Florida Rules of Civil Procedure) is neither restricted nor limited, and to clarify that Odyssey may engage in such discovery without hindrance or predetermination of any issues which may arise therein. If Odyssey is denied the opportunity to engage in this discovery, it will effectively be denied the opportunity to cross-examine substantial allegations by Complainants.

WHEREFORE, and in consideration of the above, Odyssey respectfully requests that Order No. PSC-01-0231-PCO-EI be reconsidered by the Panel assigned to this matter as requested herein, and that the Order be clarified so as to make clear that nothing therein prejudices, prejudges, or predetermines Odyssey's right to engage in discovery on a going forward basis as allowed by the applicable Administrative Code Rules and the Rules of Civil Procedure.

Dated this 29th day of January, 2001.

WAYNE L. SCHIEFELBEIN, ESQ.
P.O. Box 15856
Tallahassee, FL 32317-5856
(850) 422-1013
(850) 531-0011 (Fax)

And


JOHN L. WHARTON, ESQ.
ROSE, SUNDSTROM & BENTLEY, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(850) 877-6555
(850) 656-4029 (Fax)

Attorneys for
ODYSSEY MANUFACTURING COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Reconsideration and Motion for Clarification has been furnished by Facsimile and U.S. Mail, or by Hand Delivery to the following on this 29th day of January, 2001:

Robert V. Elias, Esq.
Marlene K. Stern, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Kenneth Hoffman, Esq.
John Ellis, Esq.
Rutledge Law Firm
P.O. Box 551
Tallahassee, FL 32302

Patrick K. Wiggins, Esq.
Katz, Kutter, Haigler, et al.
106 East College Avenue
Tallahassee, FL 32301

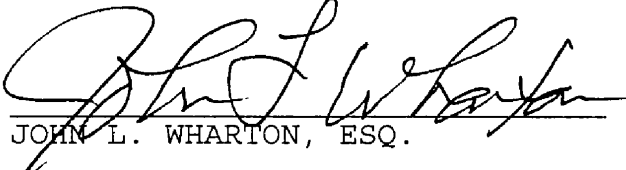
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Tallahassee, FL 32303

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Anania, Bandklayder, et al.
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Lucio, Bronstein, et al.
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Miami, FL 33131

Scott J. Fuerst, Esq.
Ruden, McClosky, et al.
200 East Broward Boulevard
Ft. Lauderdale, FL 33301



JOHN L. WHARTON, ESQ.

jlw\odyssey\reconsider.mot

Bids

RESOLUTION NO. 2000- 1602

A RESOLUTION APPROVING THE BID OF ALLIED UNIVERSAL CORPORATION FOR THE FURNISHING OF CERTAIN PROPERTY, SUPPLIES, MATERIALS OR SERVICES FOR THE USE OF THE DEPARTMENT OF SANITARY SEWERS, AWT PLANT; AUTHORIZING THE DIRECTOR OF PURCHASING TO PURCHASE SAID PROPERTY, SUPPLIES, MATERIALS OR SERVICES; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That the bid of Allied Universal Corporation for the furnishing of:

Sodium Hypochlorite (12%) Bulk (Re-Bid)
Bid #31092200
Estimated Expenditure: \$304,000.00,

such bid being the lowest responsible bid received therefor, is hereby approved; and the Director of Purchasing is hereby authorized to purchase same.

Section 2. That the award period shall be for a one-year (1-year) period from the effective date of the awarding or approving Resolution, and may be renewed on the same terms and conditions for two (2) additional one-year (1-year) periods. A price escalation/de-escalation is allowable three (3) months after the beginning of the award period and at three-month (3-month) intervals thereafter.

Section 3. That other proper officers of the City of Tampa are authorized to do all things necessary and proper in order to carry out and make effective the provisions of this Resolution, which shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON NOV 16 2000

[Signature]
CHAIRMAN, CITY COUNCIL
PRO-TEM

ATTEST:

[Signature]
CITY CLERK

APPROVED AS TO FORM:

SAMUEL S. HAMILTON
ASSISTANT CITY ATTORNEY

SS9042A-05229. Estimated: \$304,000.00

State of Florida
County of Hillsborough
This is to certify that the foregoing is a true and correct copy of Resolution 2000-1602 on file in my office
Witness my hand and official seal this 25th day of Jan 20 01
[Signature]
CITY CLERK



400 South Orange Avenue
P.O. Box 4990
Orlando, FL 32801-4990

City of Orlando Facsimile

To: Beverly A. Bell Fax: 954-333-4246

From: Karen Elzy, A.P.P. Phone: 407-246-2368

Date: 1/24/01

Re: Sodium Hypochlorite Bid Pages: 2 + cover page

CC:

Urgent For Review Please Comment Please Reply Please Recycle

Notes: As requested per your telephone conversation with Andy Berman, attached is a copy of the Bid Tabulation Sheet and Council Agenda for our Sodium Hypochlorite Bid. Please advise if you require copies of the total Bid package including the individual bids. If so, please forward a check in the amount of \$14.30 for 74 single sided copies @ \$.15 ea and 16 double sided copies @ \$.20 ea.





**CITY OF ORLANDO
COUNCIL AGENDA
ITEM**

CITY CLERK'S
USE ONLY:

*xxxx
Dunne*

- CONSENT AGENDA
- NEW BUSINESS
- _____

FOR MEETING OF November 13, 2000

FROM: Jon Mead, C.P.M., Director of Purchasing

SIGNATURE: *Jon Mead*

EXHIBITS: _____

SUBJECT:

Annual Purchase Agreement for Sodium Hypochlorite for Various City Wastewater Treatment Facilities, BI01-1441

SUMMARY:

The following sealed bids were received in response to subject Invitation to Bid:

<u>Vendor</u>	<u>Bid Amount</u>
Allied Universal	\$91,548.90
Odyssey	\$96,014.70
Harcross Chemicals	\$101,721.00
Clearwater Chemical	\$114,870.30
PB&S Chemical	\$123,801.90

The Office of Purchasing and the Wastewater Bureau evaluated the bids and recommend award to Allied Universal Corporation, the most responsive and responsible bidder.

FISCAL & EFFICIENCY DATA: (As applicable, cite funding source; original approval date and contract amount, Documentary Number, cumulative change orders, recurring cost, (e.g. operating & maintenance); allocation of any generated revenues; any applicable efficiency data; etc.)

Wastewater Lift Stations (354), Iron Bridge (353), Conserv I (351), and Conserv II (352) Account 6315, Sodium Hypochlorite (Chlorine) is used at these facilities for odor control during the wastewater treatment process. Use of annual contracts saves money by consolidating requirements and establishing firm fixed prices.

RECOMMENDED ACTION:

Authorize the Director of Purchasing to make an award to Allied Universal Corporation, Miami, Florida in the estimated annual amount of \$91,548.90. This item has been reviewed by the MBE/WBE Office.

NOTE: ALL AGENDA ITEMS MUST BE IN THE CITY CLERK'S OFFICE BY NOON WEDNESDAY PRIOR TO THE REGULAR MONDAY CITY COUNCIL MEETING.

DISTRIBUTION:

Annual Purchase Agreement for Sodium Hypochlorite for Various City Wastewater Treatment Facilities

Dianne Farrell Purchasing Agent

				P B S Chemical		Harcross Chemicals		Allied Universal		Odyssey		Clearwater Chemical	
Description	Unit	Quan.	Item	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
Sodium Hypochlorite	gal	248,100	1	0.49	\$121,569.00	0.41	\$101,721.00	0.369	\$91,548.90	0.387	\$96,014.70	0.463	\$114,870.30
Sodium Hypochlorite	gal	248,100	2	0.499	\$123,801.90	0.41	\$101,721.00	0.369	\$91,548.90	0.387	\$96,014.70	0.463	\$114,870.30
Total:													
Terms:					n 30		n 30				n 30		n 30
Delivery/Completion within:							5 days				2 days		1-2 days
Certification Signed & Notarized:					yes		yes		yes		yes		yes
References:					yes		yes		yes		yes		yes
Minority Certification													
Expiration Date:													
Original & Number of Copies:					2		2		2		2		2
Literature:													

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

ORIGINAL DT



COLLIER COUNTY GOVERNMENT

3301 EAST TAMiami TRAIL
NAPLES, FLORIDA 34112
(941) 774-8425
FAX (941) 732-0844

<http://co.collier.fl.us>

January 23, 2001

Beverly A. Bell
Legal Assistant
Ruden McClosky Smith Schuster & Russell, P.A.
P.O. Box 1900
Fort Lauderdale, FL 33302

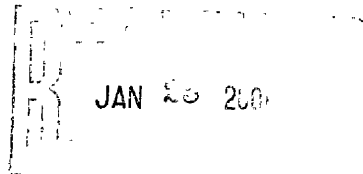
RE: Bid #00-3136 – Annual Contract for Sodium Hypochlorite Solution

Dear Ms. Bell:

Pursuant to your facsimile of January 22, 2001, enclosed is a copy of the Executive Summary awarding the subject bid with the bid tabulation attached. To the best of my knowledge, this is a true copy of the agenda item submitted and approved by the Collier County Board of County Commissioners on September 26, 2000.

Sincerely,

Lyn M. Wood, C.P.M.
Public Utilities Purchasing Agent



EXECUTIVE SUMMARY

RECOMMENDATION TO AWARD BID #00-3136 – “ANNUAL CONTRACT FOR SODIUM HYPOCHLORITE SOLUTION”

OBJECTIVE: That the Board of County Commissioners, Ex-Officio, the Governing Board of the County Water/Sewer District, award Bid #00-3136 – “Annual Contract for Sodium Hypochlorite Solution” to control odor caused by hydrogen sulfide and organic gasses at the water treatment and wastewater reclamation facilities.

CONSIDERATION:

1. The County’s Public Works Division operates water and wastewater facilities necessary to serve the customers of the County Water/Sewer District.
2. These facilities provide treatment of the County’s water and sewage and a by-product of such treatment can be odorous hydrogen sulfide and organic gasses
3. Bid #00-3136 – “Annual Contract for Sodium Hypochlorite Solution” was posted on August 4, 2000. Eighty-eight (88) inquiries were sent to vendors. Five (5) packages were received. All legal requirements have been met.
4. Staff has reviewed the bids received and recommends that the lowest, qualified and responsive bidder is Allied Universal Corp.

GROWTH MANAGEMENT IMPACT: There is no growth management impact associated with this item.

FISCAL IMPACT: The fiscal impact of awarding this bid is in the estimated amount of \$226,560.00. Funds are budgeted and approved in the Collier County Water/Sewer District North and South Water Treatment Plants, and North and South Wastewater Treatment plants plant budgets.

RECOMMENDATION: That the Board of County Commissioners, Ex-Officio, the Governing Board of the County Water Sewer District, award Bid #00-3136 – “Annual Contract for Sodium Hypochlorite” to Allied Universal Corp.

AGENDA ITEM NO. <u>16 (e) (5)</u>
SEP 26 2000
PG. <u>1</u>

SUBMITTED BY: Lyn M Wood Date: 9/12/00
Lyn M. Wood, Purchasing Agent

REVIEWED BY: Paul Mattausch Date: 09/12/00
Paul Mattausch, Water Director

REVIEWED BY: Joe Cheatham Date: 9/12/00
Joe Cheatham, Wastewater Director

REVIEWED BY: Gwen Butler Date: 9/12/00
Gwen Butler, Interim Purchasing/GS Director

APPROVED BY: Edward N. Finn Date: 9/14/00
Edward N. Finn, Interim Public Utilities Administrator

