NOTICE OF DECISION

DATE: February 13, 2023

TO: All Respondents to RFP 2023-01
Indian River Lagoon National Estuary Program:
FY 2024 Request for Proposals Category 1: Water Quality Restoration Projects

FROM: Daniel Kolodny, Chief Operating Officer

SUBJECT: Notice of Decision

As a result of the above-mentioned Request for Project Proposals, the IRL Council's Board of Directors approved the proposal ranking and project funding as follows (More detailed information is provided in Attachment 1):

1. The Reduction of TN and TP Using Floating Treatment Wetlands (Martin County)
2. Septic to Sewer Conversion to Reduce Nitrogen Pollution Along the Monterrey Waterway (City of Port Saint Lucie)
3. Protecting the Indian River Lagoon and Reducing Nutrient Loads Caused by Septic Systems and Aging Wastewater Infrastructure (Fort Pierce Utilities Authority)

Attached please find the ranking and funded/not-funded document (Attachment 1) and a document entitled "BID/RFP PROTEST PROVISION" (Attachment 2), which describes certain rights you may have regarding this decision. You should pay close attention to the time limitations specified in the BID/RFP PROTEST PROVISION.

If you have any questions or comments based on the above recommendation, please call me at (772) 216-7148.

Enclosures

Attachment 1 — Final Rankings of Funded and Not-Funded Proposals
Attachment 2 — BID/RFP PROTEST PROVISION

Attachment 1 – Final Rankings of Funded/Not-Funded Proposals

Funded / Not Funded	Rank	Applicant	Project Title	Amount Funded	Cost Share Match	Total Project Cost
Funded	1	Martin County	Reduction of TN and TP Using Floating Treatment Wetlands.	$35,360	$40,000	$75,360
Funded	2	City of Port Saint Lucie	Septic to Sewer Conversion to Reduce Nitrogen Pollution Along the Monterrey Waterway.	$50,000	$50,000	$100,000
Partially Funded	3	Fort Pierce Utilities Authority	Protecting the Indian River Lagoon and Reducing Nutrient Loads Caused by Septic Systems & Aging Wastewater Infrastructure.	$364,640	$1,066,775	$1,431,415

ATTACHMENT 2 — BID/RFP PROTEST PROVISION

Bid/RFP Protest Provision - This procedure applies to guide the IRL Council in the resolution of all protests arising from the competitive award procedures set forth in the IRL Council Operating Procedures Manual. The IRL Council required that by submitting a bid/proposal to the IRL Council, bidders agreed to the process set forth in this Section.

a. Notice of Protest - Notice of all IRL Council decisions or intended decisions shall be by posting to the IRL Council web site. Any person adversely affected by a bid or request for proposal shall file a notice of protest in writing, within two (2) business days from the date on the notice of the decision. A formal written protest shall be filed within five (5) business days after the protesting party files the notice of protest. No time will be added to the above time limits for mail service.

b. Formal Written Protest - The formal written protest shall state with particularity the facts and law upon which the protest is based. The formal written protest shall be printed or typewritten and contain:

   i. The name and address of the person or firm filing the protest and an explanation of how they are adversely affected by the IRL Council decision or intended decision;
   ii. Identification of the procurement matter at issue.
   iii. A statement when the notice of IRL Council decision or intended decision was posted;
   iv. A statement of all issues of disputed material fact and, if there are none, a statement so indicating;
   v. A concise statement of the ultimate facts alleged;
   vi. A statement of the applicable law, rule, statute, or other authority upon which the protest is based and which entitle the protestor to relief;
   vii. A specific demand for relief; and
   viii. Any other information material to the protest.

c. Filing Notices of Protest and Formal Protests - All notices of protest and formal protests shall be filed by hand delivery, mail or email with the IRL Council's Executive Director. A protest is not timely filed unless both the written notice of protest and the formal protest have been received by the IRL Council within the prescribed time limits. Filings received after 5:00 pm will be deemed received the next business day. Failure to file a protest within the time prescribed by this Section shall constitute a waiver of all claims.

d. Stay of Award - Upon receipt of a formal written protest which has been timely filed, the bid solicitation or contract award process shall be stayed until the subject of the protest is resolved, unless the IRL Council's Executive Director, with the concurrence of the Board of Directors, sets forth in writing particular facts and circumstances which require the continuation of the solicitation process or the contract award process without delay in order to avoid an immediate and serious danger to the public health, safety or welfare.

e. Resolution of Formal Protest - Upon the written request of the protestor or on its own initiative, the IRL Council shall provide an opportunity for the protestor to meet with the Executive Director to resolve the protest by mutual agreement within seven (7) business days, excluding holidays, of receipt of a formal written protest. If the subject of a protest is not resolved by mutual agreement within seven (7) business days, excluding holidays, of receipt of the formal written protest, or a mutually agreed upon extension of time, the Executive Director shall certify in writing to the Board of Directors that there was no resolution and provide the protestor with a copy of the certification.

f. Quasi-Judicial Hearing - Within seven (7) business days from receipt of written certification that there was no resolution, the protestor may provide a written request that the matter be heard before the Board of Directors in a quasi-judicial hearing. Failure to provide a written request to the Board of Directors within seven (7) business days of notice shall constitute waiver of any protest. Upon receipt of a written request, the Board of Directors may, in its discretion, request a written response from the Executive Director, and/or schedule the matter for hearing before the Board of Directors. Within seven (7) business days from the conclusion of the hearing, the Board of Directors will provide a written final decision on the matter to the protestor.

The protestor may contest the IRL Council's decision in a court of competent jurisdiction in the county court in which the IRL Council's main office is located no later than thirty (30) calendar days after receipt of notice of the IRL Council's decision, unless otherwise specified within the controlling request for proposal or qualification documents.