

## Glen A. Moehling

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**From:** City of Ocala - Contracting Officer <noreply@jotform.com>  
**Sent:** Tuesday, September 3, 2024 10:41 AM  
**To:** Lisa M. Crouthamel; Michelle Brooker; Patricia Lewis; Shayatta J. Roberts; Daphne Robinson; Ashley Presley  
**Subject:** Your policy exception has been approved.

Your policy exception has been **approved**.

**Approval Comments: drobinson@ocalafl.org**

In July 2020, OEU had a Spill Prevention Control and Countermeasure Plan (SPCCP) prepared by a consultant in accordance with 40 CFR 112.7. Section 112.7 requires facility operators to prepare a Plan which includes, among other things, a "contact list and phone numbers for...cleanup contractors with whom [the operator has] an agreement for response." The documentation attached to this request indicates that at the time the SPCCP was prepared, the following companies were identified as the City's cleanup contractors: (1) SWS Environmental Services; (2) Environmental Remediation Services, Inc.; and (3) Envirotek Environmental and Construction Services. A search of the City's records indicates that the City has never had a contract for either entity for the provision of these (or any other) services. Further, there appear to be no records relating to a request from the department for a competitive solicitation for spill prevention, control, and countermeasure services. Procurement Policy PRO-060 requires the acquisition of services anticipated to cost more than \$50,000 are required to have a formal solicitation issued. Because this did not happen, on June 20, 2024, the City did not have a contractor in place and conducting a formal solicitation would have created further threat to public health, safety, and welfare. THE INVOICE FOR ETC SERVICES IS APPROVED TO BE PAID ON AN EMERGENCY BASIS. IN COMPLIANCE WITH PROCUREMENT POLICY PRO-060, THIS PAYMENT IS SUBJECT TO INTERNAL AUDIT REVIEW AND REQUIRES NOTIFICATION TO CITY COUNCIL AT THE NEXT AVAILABLE COUNCIL MEETING. PLEASE ENSURE THAT A COPY OF THIS EXCEPTION APPROVAL IS ATTACHED TO THE REQUEST FOR PAYMENT AND THE AGENDA ITEM. TO PRECLUDE THE CITY FROM BEING PLACED IN THIS SITUATION AGAIN, THE DEPARTMENT SHOULD IMMEDIATELY ISSUE A SOLICITATION REQUEST SO THAT THESE SERVICES CAN BE COMPETITIVELY SOLICITED IN COMPLIANCE WITH CITY POLICY IN THE SAME MANNER THAT ALL OTHER EMERGENCY STANDBY SERVICES ARE PROCURED (I.E. DEBRIS REMOVAL,



TREE TRIMMING, ETC.). ONCE CONTRACT(S) HAVE BEEN AWARDED, THE DEPARTMENT CAN HAVE ITS SPCCP AMENDED TO REFLECT CONTRACTORS THAT THE CITY ACTUALLY HAS CONTRACTS WITH.

## Procurement/Contract/P-Card Exception

Select exception type:

Contract

Reason for contract exception:

Immediate Need

Enter a brief description of your exception request:

On 6-20-2024 at approximately 2:00 AM, OFR called in a transformer on fire at 655 SW 52nd Avenue, TransformCo (Formerly K-Mart distribution). On-call OEU Linemen were dispatched to the site. They found transformer L4197, a 1500 KVA, destroyed by fire. The fire caused the transformer casing to split, so crews laid out 30 bags of oil dry to contain the oil. Per the transformer's data plate, it normally contains 318 gallons of non-PCB oil. Due to the large amount of oil presumed lost, OFR called the state watch office to report the release. In the process of replacing the transformer, OEU Substation division was able to recover approximately 45 gallons of oil from inside the transformer. ETC Services was contacted to conduct the environmental cleanup required by FDEP. OEU's Spill Prevention Control and Countermeasure (SPCC) plan, mandated by 40 CFR 112, is required to be updated every 5 years. The latest revision is July 2020. Since the last revision, the contractors listed in the SPCC that were approved for cleanup operations are no longer in business. ETC Services was selected for their availability and competence.

\*\*The clean-up has already been completed by ETC Services for a cost of \$50,106. Please advise on payment and council approval after the fact. ETC's vendor information is on file.

**Attach all documents related to the exception that can assist the Contracting Officer's decision.**

[1726 001.pdf](#)  
[Sequence of Events for Selection.pdf](#)  
[Invoice 1095 from ETC SERVICES.pdf](#)  
[ocala electric invoice package.pdf](#)

**Department**

(ELE) ELECTRIC

**Requestor Name**

Lisa Crouthamel

**Requestor Email**

lcrouthamel@ocalafl.gov

**Phone number**

(352) 317-3151

**Who authorized requesting this exception?**

Doug Peebles