

RESOLUTION NUMBER 25-202

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE TOWN MANAGER TO PURCHASE A NEPTUNE ADVANCED METERING INFRASTRUCTURE SYSTEM FROM FERGUSON WATERWORKS, INC., WHO IS A SOLE SOURCE PROVIDER OF THE SYSTEM IN THE STATE OF FLORIDA AS AUTHORIZED IN SECTION 2-480(C) OF THE CODE OF ORDINANCES IN A NOT-TO-EXCEED AMOUNT OF \$480,560.00; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town became aware that due to the age of its utility metering system the Town was losing revenue and wasting water resources and thereafter proceeded to purchase a new metering/billing system (CUSI and Neptune 360), which relies on an antenna system for operation; and

WHEREAS, the Town is in need of purchasing an antenna system to work in conjunction with its metering/billing system and Ferguson Waterworks, Inc. is the sole authorized provider of the needed antenna system in the State of Florida; and

WHEREAS, Section 2-480(c)(1) of the Code of Ordinances provides “[a] contract may be awarded without competition when the town manager with the recommendation of the finance department director and department director determines, in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, equipment, service, or construction item”; and

WHEREAS, the Utilities Department has provided written justification for the sole source purchase, a copy of which is attached as Exhibit A; and

WHEREAS, this sole source purchase will allow for more accurate monitoring of the Town’s entire distribution system, water usage, and a consistent supply of data so accurate billing procedures are assured; and

WHEREAS, approval of this sole source purchase is in the best interest of the residents to ensure a safer and more reliable water supply as well as assuring the proper collection of revenue to support and protect the financial well-being of the Town’s water supply distribution system.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH, AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Manager is authorized to purchase the needed antenna system from Ferguson Waterworks, Inc. in a not-to-exceed amount of \$480,560.00.

Section 3. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Safford and seconded by Council Member Woodson and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 16TH day of June, 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers

Dan Allers (Sep 22, 2025 11:56:50 EDT)

Dan Allers, Mayor

ATTEST:

Amy Baker

Amy Baker (Sep 23, 2025 13:04:23 EDT)
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

Nancy Stuparich

Nancy Stuparich (Sep 22, 2025 12:01:12 EDT)
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on: Sept 23, 2025.

Exhibit A – Justification for Other than Full and Open Competition: Sole Source Acquisition



NEPTUNE
TECHNOLOGY GROUP

July 16th, 2024

Mr. Mark Ashton
Town of Fort Myers Beach
2731 Oak Street
Fort Myers Beach, FL 33931

Mr. Ashton,

Please note that Ferguson Waterworks, Inc., is the sole authorized Neptune Distributor with a resell supply agreement in the State of Florida.

The geographical area of responsibility assigned to them includes all Counties within the State of Florida.

Types: Classes of customers exclusively assigned are: Municipalities, private water companies, contractors, and plumbers.

Hence, our Distributor(s) are required to maintain a sufficient inventory of Neptune Water Metering Products to provide customer field servicing.

Thank you in advance for your cooperation.

Sincerely,

Terry D. Gullett

Terry D. Gullett
Senior Territory Manager
Neptune Technology Group, Inc.