

LAW OFFICE OF
CARY A. DES ROCHES, APLC
225 PHOSPHOR AVENUE
METAIRIE, LOUISIANA 70005

1100 POYDRAS STREET
SUITE 3250
NEW ORLEANS, LOUISIANA 70163

Telephone: (504) 235-9322
Telefax: (504) 588-9750
Email: cdr@desrocheslaw.com

May 7, 2024

VIA FEDEX AND EMAIL: Amy@fmbgov.com

Amy Baker, Town Clerk
Town of Fort Meyers Beach
2731 Oak Street
Fort Myers Beach, FL 33931

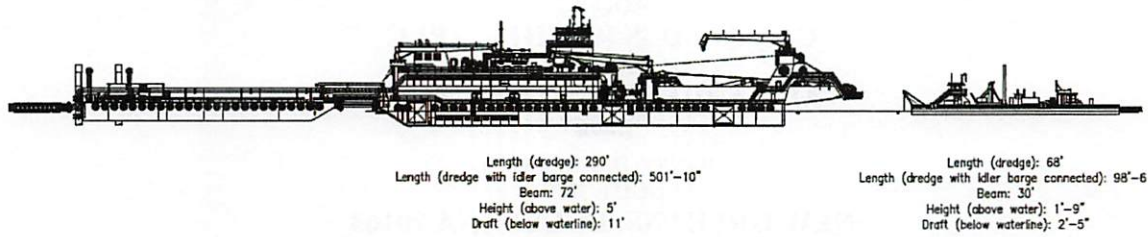
*Re: Estero Island Beach Nourishment and Hurricane
Recovery Project ITB-24-03-EN; Formal Bid Protest*

Dear Ms. Baker:

In accordance with the procedures set forth in the Town of Fort Meyers Beach Ordinance No. 17-01, Callan Marine, Ltd. ("Callan"), an aggrieved bidder, provides this Formal Bid Protest in connection with the referenced ITB.

As previously set forth in its April 30, 2024 Notice of Protest, and based on information currently known and available to Callan, Ahtna Marine and Construction Company, LLC ("Ahtna") does not possess the available dredge(s) or other equipment to safely perform the Estero Island Beach Nourishment and Hurricane Recovery Project (the "Project"). The nearest available and specified borrow area for the Project is offshore and exposes any dredge on the Project to potentially hazardous sea and weather conditions. The nearest safe harbor is 1.5 miles from the Project borrow area. Ahtna's dredges and other equipment are designed for inland operations. A prudent and responsible *inland* dredge operator should not expose its personnel and vessels to *offshore* sea and weather conditions that exceed the safe operating parameters of its equipment.

By contrast, Callan's dredges are designed for and operate in offshore sea and weather conditions. The scaled drawing below graphically illustrates the differences between Ahtna's inland dredge that it will use on the Project and Callan's offshore dredge for the Project:



Similarly, prudence and responsibility dictate that the Town of Fort Meyer Beach award the Project to a responsible bidder possessing satisfactory offshore equipment that can safely perform the Project without unnecessarily exposing the beach areas and adjacent waters to environmental hazards that would be associated with inland equipment on the Project. A dredge or dredge tender sinking or even partially sinking would cause a significant oil spill with a catastrophic environmental impact on the adjacent waters, wildlife and beach areas.

From a production standpoint and based on information provided in its own bid documents, Ahtna's dredge has approximately 1,200 installed horsepower compared to the more than 24,000 horsepower installed on the dredge that Callan intends to use for the Project. Ahtna's own bid submission proves that at an industry average of 16 hours running time per day, Ahtna could expect to dredge 5,600 cubic yards per day if they pump to the nearest reach of the North-Central Estero Island Beach Fill. With substantial completion required 180 days after commencement of Work and if 20% of the allowable duration is lost to weather and mechanical delay (we would expect that there would be more delay than that for Ahtna), there are only 144 days which Ahtna will have available to dredge and pump to the beach. With even 0% losses on the fill (the beach), which losses normally run between 18-20%, Ahtna will not finish the project in time. With a reasonable 18-20% loss of material on the beach, Ahtna will be even further behind the allowable contract duration.

Callan further submits the attached Protest Bond concurrently with this Formal Protest letter.

Respectfully Submitted,

Cary A. Des Roches
Counsel for Callan Marine, Ltd.

cc Andy Hyatt, Town Manager via email andyhyatt@fmbgov.com
 Chadd Chutz, Estero Island Project Manager via email chadd@fmbgov.com

Town of Fort Meyer Beach
 MAY 8 2024
 Received by

STATE OF FLORIDA

PROCUREMENT PROTEST BOND

Bond Number: 108019966

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Callan Marine, LTD a (mark one) corporation, partnership,
 proprietorship, organized and existing under the laws of the State of Texas,
and having its principal place of business at 6800 Harborside Drive, Galveston, TX 77554 /
P.O. Box 17017, Galveston, TX 77552, as PRINCIPAL;
and Travelers Casualty and Surety
Company of America, a surety company, organized under the laws
of the State of CT, and duly authorized to do business in the State of Florida,
whose principal place of business is One Tower Square, Hartford, CT 06183, as SURETY,
are held and firmly bound unto the Town of Fort Myers Beach (Agency), as
OBLIGEE, in the amount of One Million Eight Hundred Fifty Nine
Thousand Five Hundred Fifty and 00/100 Dollars (\$ 1,859,550.00)
for the payment of which sum we, as Principal and Surety, bind ourselves, our heirs,
personal representatives, successors and assigns jointly and severally.

THIS BOND is issued under the provisions of Town of Fort Myers Beach Ordinance 17-01 and the
Town of Fort Meyers Beach Purchasing of Goods and Services Policies and Procedures.

The above-named Principal has initiated an administrative protest regarding the Obligee's decision
or intended decision pertaining to the Estero Island Beach Nourishment and Hurricane Recovery
Project ITB-24-03-EN; Said protest is conditioned upon the posting of a bond for payment of any
costs that be levied against the Principal by the Town of Fort Meyers Beach as a result of a
frivolous protest.

NOW, THEREFORE, the condition of this Bond is that if the Principal, after the administrative

hearing process and/or any appellate court proceedings regarding the protest, shall satisfy all costs levied against the Principal by the Town of Fort Meyers Beach as a result of a frivolous protest. then the obligation shall be null and void; otherwise it shall remain in full force and effect.

PRINCIPAL: Callan Marine, LTD

BY: *[Signature]*

Title: CFO

ATTEST: *[Signature]*

Jordan Guy; Proposal Manager



SURETY: Travelers Casualty and Surety Company of America

BY: *[Signature]*

Title: David T. Miclette, Attorney-in-Fact

Signed, Sealed and Dated: May 7, 2024



Florida Resident Agent: *[Signature]*

Matthew S. Nilles, FL Resident Agent, License No. E011320

Note: Power of Attorney showing authority of Surety's agent or Attorney in Fact must be attached.



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

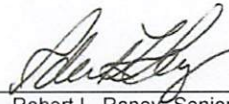
KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **DAVID T MICLETTE** of **HOUSTON, Texas**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April**, 2021.



State of Connecticut

City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the **21st** day of **April**, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, 2026




Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

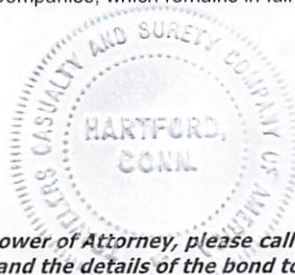
FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **7th** day of **May**, 2024




Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.**