CAD/VM

Bid

**RESOLUTION NO. 2014-70**

**A RESOLUTION ACCEPTING THE PROPOSAL OF MISSION CRITICAL SOLUTIONS, INC. D/B/A MCS OF TAMPA, INC. PERTAINING TO CONTRACT 14-C-00017; COLE COMMUNITY LAKE LIGHTING IMPROVEMENTS - SLBE - SHELTERED MARKET, IN THE AMOUNT OF $117,751.88; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on December 17, 2013, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Cole Community Lake Lighting Improvements - SLBE - Sheltered Market, and recommends to this Council that the proposal of Mission Critical Solutions, Inc. d/b/a MCS of Tampa, Inc. be accepted, funds therefore being available in the appropriate account;

NOW, THEREFORE,

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

Section 1. The proposal of Mission Critical Solutions, Inc. d/b/a MCS of Tampa, Inc. in the total amount of $117,751.88 for construction of the Cole Community Lake Lighting Improvements - SLBE - Sheltered Market, in accordance with plans, specifications and other related contract documents prepared by the Contract Administration Department, is hereby approved and accepted; and the Contract is hereby awarded to the said Contractor.

Section 2. This Resolution, which is not part of the contract documents, authorizes the Mayor to execute and the City Clerk to attest and affix the official seal of the City of Tampa to the Contract for and on behalf of the City of Tampa.

Section 3. Plans, specifications and contract documents for the construction of said Project, which documents are now on file in the office of the Contract Administration Department of the City of Tampa, are hereby approved in their entirety or in substantially similar form.

Section 4. The Director of the Contract Administration Department is hereby authorized to issue, in written form only, work directive changes authorizing additions, deletions or revisions resulting from unforeseen conditions or emergencies, said directives to be incorporated in subsequently issued change orders approved by the City Council.

Section 5. Any and all technical errors, informalities and irregularities in the proposal of the Contractor are hereby waived.

Section 6. The bid security of the bidders shall be returned in accordance with the provisions of the contract documents for this project.

Section 7. The project construction costs in the amount of $117,751.88 are provided in the City Budget for the Fiscal Year ending September 30, 2014, within the East Tampa CRA Fund.

Section 8. 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 FEB 06 2014.

CHAIRMAN/~~CHAIRMAN PRO-TEM~~, CITY COUNCIL

APPROVED AS TO LEGAL SUFFICIENCY BY:
Justin R. Vaske, Assistant City Attorney

ATTEST:

Shirley Knowles

CITY CLERK/~~DEPUTY CITY CLERK~~

*1% for Art: Yes

1/2014-6

**City of Tampa**

**BID TABULATION**

**Contract 14-C-00017; Cole Community Lake Lighting Improvements – Sheltered Market**

**Bid Opening - December 17, 2013**

Posted December 17, 2013

| CONTRACTOR | TOTAL BID AMOUNT |
|---|---|
| Mission Critical Solutions, Inc | $117,751.88 |
| Tamco Electric, Inc | $144,900.00 |
| MDH Enterprises, Inc | $153,522.94 |
| Tagarelli Construction, Inc | $156,000.00 |
| Dodson Construction, Inc | $171,600.00 |
| All-In-Electric, Inc | $195,000.00 |
| | |

* Arithmetic correction by Contract Administration

Notice of Intent to Award: Unless subsequently indicated otherwise, in a revised posting, the City of Tampa intends to award the referenced project to the lowest bidder listed in this tabulation. A bidder aggrieved by this decision may file a protest not later than 4:30 P.M., five (5) business days from the first posting hereof, pursuant to City of Tampa Code Chapter 2, Article V, Division 3, Section 2-282, Procurement Protest Procedures. Protests not conforming therewith shall not be reviewed.

Bids Received By: Jim Greiner

Jim Greiner, P.E.
City of Tampa - Contract Administration Department
306 E. Jackson Street - 4N
Tampa, FL 33602

A LB

Contract 14-C-00017; Cole Community Lake Lighting Improvements - SLBE - SHELTERED MARKET

PROPOSAL

To the Mayor and City Council of the City of Tampa, Florida:

Name of Bidder Mission Critical Solutions, Inc.

813.872.0217 - rpowell@mcsoftampa.com
Business Phone Number and Email Address

MCS of Tampa - 5483 W Waters Ave, Tampa, FL 33634
Business Name and Mailing Address

813.967.6084 - Ryan Powell
Phone Number and Name of Contact Regarding Permits

MCS of Tampa, Inc - 59-3059024
Contractor/Qualifiers Name and Federal Identification Number

Date of Proposal December 17, 2013

(If Bidder is a firm, fill in the following blanks):

Names and Residential Addresses of Partners

(If Bidder is a corporation, fill in the following blanks):

Organized under the laws of the State of Florida

Names and Address of President

Gilbert T. Gonzalez

5483 W Waters Ave, Tampa, FL 33634

Name and Address of Vice President

James V. Slagle, Jr.

5483 W Waters Ave, Tampa, FL 33634

Name and Address of Secretary

Gilbert T. Gonzalez

5483 W Waters Ave, Tampa, FL 33634

Names and Address of Treasurer

Gilbert T. Gonzalez

5483 W Waters Ave, Tampa, FL 33634

The above-named Bidder affirms and declares:

(1) That the Bidder is of lawful age and that no other person, firm or corporation has any interest in this Proposal or in the Contract proposed to be entered into.

(2) That this Proposal is made without any understanding, agreement or connection with any other person, firm, or corporation making Proposal for the same purposes, and is in all respects fair and without collusion or fraud.

(3) That the Bidder is not in arrears to the City of Tampa, upon debt or contract, and is not a defaulter, as surety or otherwise, upon any obligation to the City of Tampa.

(4) That no officer or employee or person whose salary is payable in whole or in part from the City Treasury is, shall be or become interested, directly or indirectly, as a contracting party, partner, stockholder, surety or otherwise, in this Proposal, or in the performance of the Contract, or in the supplies, materials, or equipment and work or labor to which it relates, or in any portion of the profits thereof.

(5) That the Bidder has carefully examined the site of the work and that, from his own investigations, he has satisfied himself as to the nature and location of the work, the character, quality, and quantity of materials and the kinds and extent of equipment and other facilities needed for the performance of the work, the general and local conditions and all difficulties to be encountered, and all other items which may, in any way, affect the work or its performance.

(6) That the Bidder

X Has; Treasury Number N/A

_____ Has not

(Check applicable box)

previously performed work under the President's Executive Order Nos. 11246 and 11375.

(7) That the undersigned, as Bidder, also declares that he has carefully examined and fully understands all the component parts of the Contract Documents and agrees that he will execute the Contract and finish the required Performance Bond and will completely perform the work in strict accordance with the terms of the Contract and the Contract Documents therein referred to for the following prices, to wit:

| Contract Item No. | Estimated Quantity | Description and Price in Words | Computed Total Price for Item in Figures |
|---|---|---|---|
| BASE BID | LS | The work includes the furnishing of all labor, equipment, and material for the new LED luminaires and poles along existing walkway, with wiring and conduit, connection to existing electric panel and connections to existing lighting controllers, any allowances that may be listed in Section 01020, and with all associated work required for a complete project in accordance with the Contract Documents. | |
| | | One Hundred and Seventeen Thousand, | |
| | | Seven Hundred and Fifty One dollars | |
| | | and Eighty Eight cents | |
| | | (BASE BID) LS | $117,751.88 |

Computed Total Price In Words:

One Hundred and Seventeen Thousand, Seven Hundred Fifty One

_____ dollars and Eighty Eight cents.

Computed Total Price in Figures: $ 117,751.88

The bidder acknowledges that the following addenda have been received and that the changes covered by the addendum(s) have been taken into account in this proposal: #1 X #2 ___ #3 ___ #4___ #5___.

The bidder acknowledges the requirements of the City of Tampa's Equal Business Opportunity Program.

Bidder acknowledges that included in the various items of the proposal and the Total Bid Price are costs for complying with the Florida Trench Safety Act (90096), (Laws of Fla.) effective October 1, 1990. The bidder further identifies the costs to be summarized below:

| | Trench Safety Measure (Description) | Unit of Measure (LF, SY) | Unit Quantity | Unit Cost | Extended Cost |
|---|---|---|---|---|---|
| A. | NA | NA | NA | NA | NA |
| B. | NA | NA | NA | NA | NA |
| C. | NA | NA | NA | NA | NA |
| D. | NA | NA | NA | NA | NA |

Total Cost $ NA

Signed _____ 12-17-2013

Failure to complete the above may result in the bid being declared non-responsive.

Accompanying this Proposal is a certified check, cashier's check or Bid Bond (form included herein must be used) on the form at least five (5) percent of the total amount of the Proposal which check shall become the property of the

Arch Insurance Company of Jersey City, New Jersey

(Name of Bank or Surety) (City & State)

City of Tampa, or which bond shall become forthwith due and payable to the City of Tampa, if this Proposal shall be accepted by the City of Tampa and the undersigned shall fail to execute a contract with and to furnish the required Performance Bond and Payment Bond to the City of Tampa within twenty (20) days after the date of receipt of written Notice of Award by the City of Tampa to the undersigned so to do.

Dated December 17th, 2013

MCS of Tampa, Inc, d/b/a Mission Critical Solutions
(Name of Bidder)

5483 W Waters Ave, Tampa, FL 33634
(Address of Bidder)

(Signature)

James V Slagle, Jr. - Executive Vice President of Sales and Marketing
(Title)

Where Bidder is a Corporation:

Attest:

Secretary

AFFIX
CORPORATE
SEAL

(ACKNOWLEDGMENT OF PRINCIPAL)

STATE OF )
) SS:
COUNTY OF )

For a Corporation:

STATE OF Florida
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 17th of December, 2013 by James V. Slagle Jr. of MSG of Tampa, Inc., a Florida corporation, on behalf of the corporation. He/she is ✓ personally known or has ___ produced _____ as identification.

_____
Notary

KEVIN B. COXE
MY COMMISSION # EE 007643
EXPIRES: July 28, 2014
Bonded Thru Notary Public Underwriters

My Commission Expires:

28 July 2014

For an Individual:

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ of _____, 201__ by _____ who is ___ personally known to me or has ___ produced _____ as identification.

_____
Notary

My Commission Expires:

_____

For a Firm:

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ of _____, 201__ by _____ who signed on behalf of the said firm. He/she is ___ personally known or has ___ produced _____ as identification.

_____
Notary

My Commission Expires:

_____

_____

TAMPA BID BOND
Contract 14-C-00017; Cole Community Lake Lighting Improvements - SLBE - SHELTERED MARKET

KNOW ALL MEN BY THESE PRESENTS, that we, MCS of Tampa, Inc.

5483 W. Waters Avenue, Tampa, Florida 33634-1205

(hereinafter called the Principal) and Arch Insurance Company, 300 Plaza Three, Jersey City, NJ 07311

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of MO, with its principal offices in the City of Jersey, City, and authorized to do business in the State of Florida, are held and firmly bound unto the City of Tampa, a Municipal Corporation of Hillsborough County, Florida, in the full and just sum of 5% of the amount of the (Bid) (Proposal) good and lawful money of the United States of America, to be paid upon demand of the City of Tampa, Florida, to which payment will and truly to be made we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally and firmly these presents.

WHEREAS, the Principal is about to submit, or has submitted to the City of Tampa, Florida, a Proposal for the construction of certain facilities for the City designated Contract 14-C-00017, Cole Community Lake Lighting Improvements - SLBE - SHELTERED MARKET.

WHEREAS, the Principal desires to file this Bond in accordance with law, in lieu of a certified Bidder's check otherwise required to accompany this Proposal.

NOW, THEREFORE: The conditions of this obligation are such that if the Proposal be accepted, the Principal shall, within twenty (20) days after the date of receipt of written Notice of Award, execute a contract in accordance with the Proposal and upon the terms, conditions and price set forth therein, in the form and manner required by the City of Tampa, Florida and execute a sufficient and satisfactory Performance Bond and Payment Bond payable to the City of Tampa, Florida in an amount of one hundred percent (100%) of the total contract price, in form and with security satisfactory to said City, then this Bid Bond obligation is to be void; otherwise to be and remain in full force and virtue in law, and the Surety shall, upon failure of the Principal to comply with any or all of the foregoing requirements within the time specified above, immediately pay to the aforesaid City, upon demand, the amount thereof, in good and lawful money of the United States of America, not as a penalty, but as liquidated damages.

IN TESTIMONY THEREOF, the Principal and Surety have caused these presents to be duly signed and sealed this 17th day of December, 2013.

Principal

MCS of Tampa, Inc.

BY _____

TITLE EVP.

Arch Insurance Company

BY _____

TITLE Marvala Erinkitola, Attorney-In-Fact

Countersigned:
(SEAL)

_____
Local Resident Producing Agent , Laura D. Mosholder

4380 St. Johns Parkway, Suite 110, Sanford, FL 32771
Local Resident Producing Agent's Address

Nielson, Mosholder & Associates
Name of Local Agency

The addition of such phrases as "not to exceed" or like import shall render the (Bid) (Proposal)non-responsive.

AIC 0000095189

***THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON BLUE BACKGROUND.***

***This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Mortgage, Note, Loan, Letter of Credit, Bank Deposit, Currency Rate, Interest Rate or Residential Value Guarantees.***

# POWER OF ATTORNEY

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

John David Potts, Lisa Potts, Marvala Erinkitola and Robert L. Potts, Jr. of Woodstock, GA (EACH)

its true and lawful Attorney(s)in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding Ninety Million Dollars ($90,000,000.00).

This authority does not permit the same obligation to be split into two or more bonds In order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on September 15, 2011, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect.

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on September 15, 2011:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on September 15, 2011, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

# Good Faith Effort Compliance Plan for Small Local Business Subcontracting

City of Tampa - Equal Business Opportunity Program

**Contract** 14-C-00017 - Cole Community Lake Lighting Improvements **Bid Date** 12.17.13

**Bidder** MCS of Tampa, Inc.

**Signature** _____ **Date** 12-17-2013

**Name** James V. Slagle, Jr. **Title** Executive VP of Sales and Marketing

**The following Compliance Plan is a true report of Good Faith Efforts made to accomplish subcontracting goals for Small Local Business Enterprises, SLBEs, on the referenced contract:**

☒ **The goal for SLBE participation has been met or exceeded. See the DMI form reporting subcontractors to be utilized.**
(Check Box, if appropriate; the remainder of the Compliance Plan need not be reported.)

☐ **The goal for SLBE participation has not been met. The following is a recap of Good Faith Efforts made:**
(Check applicable boxes below. Enclose additional documents, and/or add remarks below as needed.)

(1) Soliciting through reasonable and available means the interest of SLBEs that have the capability to perform the work of the contract. The Bidder or Contractor must solicit this interest within sufficient time to allow the SLBEs to respond. The Bidder or Contractor must take appropriate steps to follow up initial solicitations with interested SLBEs. ☐ See DMI report forms for subcontractors solicited. ☐ See enclosed supplemental data on solicitation efforts. ☐ Remarks:

(2) Providing interested SLBEs with adequate information about the plans, specifications, and requirements of the contract, including addenda, in a timely manner to assist them in responding to the solicitation. ☐ See enclosed sample solicitation. ☐ Remarks:

(3) Negotiating in good faith with interested SLBEs that have submitted bids. Documentation of negotiation must include the names, addresses, and telephone numbers of SLBEs that were solicited; the date of each such solicitation; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why agreements could not be reached with SLBEs to perform the work. That there may be some additional costs involved in soliciting and using SLBEs is not a sufficient reason for a contractor's failure to meet the goals, as long as such costs are reasonable. Bidders are not required to accept higher quotes in order to meet the goal. ☐ DMI subcontractor-utilized forms reflect successful negotiations ☐ This project is of a low-bid nature and negotiations are limited to clarifications of scope and specifications. ☐ See enclosed document. ☐ Remarks:

(4) Not rejecting SLBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The SLBEs standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations are not legitimate causes for rejecting or not soliciting bids to meet the goals. ☐ Not applicable. ☐ See attached explanation for rejection of a low-bidding subcontractor's bid. ☐ Remarks:

(5) Making a portion of the work available to SLBE subcontractors and suppliers and to select those portions of the work or material consistent with the available SLBE subcontractors and suppliers, so as to facilitate meeting the goal. ☐ Sub-Contractors were allowed to bid on their own choice of work or trade without restriction to a pre-determined portion. ☐ See enclosed comments. ☐ Remarks:

(6) Making good faith efforts, despite the ability or desire of a Bidder or Contractor to perform the work of a contract with its own organization. A Bidder or Contractor who desires to self-perform the work of a contract must demonstrate good faith efforts unless the goal has been met. ☐ Sub-Contractors were not prohibited from submitting bids on work not usually sub-contracted. ☐ Remarks:

(7) Selecting portions of the work to be performed by SLBEs in order to increase the likelihood that the goals will be met. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate SLBE participation, even when the Bidder or Contractor might otherwise prefer to perform these work items with its own forces. ☐ Sub-Contractors were allowed to bid on their own choice of work or trade without restriction to a pre-determined portion. ☐ Sub-Contractors were not prohibited from submitting bids on work not usually sub-contracted. ☐ See enclosed comments. ☐ Remarks:

(8) Making efforts to assist interested SLBEs in obtaining bonding, lines of credit, or insurance as required by the city or contractor. ☐ See enclosed sample solicitation ☐ see enclosed document. ☐ Remarks:

(9) Making efforts to assist interested SLBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, including participation in a City-sponsored mentor-protégé program. ☐ See enclosed sample solicitation. ☐ See enclosed document. ☐ Remarks:

(10) Effectively using the services of the City and other organizations that provide assistance in the recruitment and placement of SLBEs. ☐ See enclosed document. ☐ The following services were used:

Other Supporting Good Faith Efforts: ☐ See enclosed document. ☐ Remarks:

## DMI – Solicited/Utilized
## City of Tampa –DMI Schedule of Sub-(Contractors/Consultants/Suppliers) to be Utilized
## *(FORM MBD-20)*

Contract No.: 14-C-00017 Contract Name: Cole Community Lake Lighting Improvements
Contractor Name: MCS of Tampa, Inc Address: 5483 W Waters Ave, Tampa, FL 33634
Federal ID: 59-3059024 Phone: 813.872.0217 Fax: 813.876.6317 Email: rpowell@mcsoftampa.com

[X] See attached documents.
[ ] No Subcontracting (of any kind) will be performed on this contract.

NIGP Code General Categories: Buildings = 909, General = 912, Heavy = 913, Trades = 914, Architects = 906, Engineers & Surveyors = 925, Supplier = 912-77

**This DMI Schedule Must Be Submitted with the Bid or Proposal (Do Not Modify This Form)**

Enter "S" for firms Certified as Small Local Business Enterprises, "W" for firms Certified as Women/Minority Business Enterprise

| S = SLBE W=WMBE / Federal ID | Company Name Address Phone & Fax | Type of Ownership (F=Female M=Male) BF BM = African Am. HF HM = Hispanic Am. AF AM = Asian Am. NF NM = Native Am. CF CM = Caucasian | Trade, Services, or Materials NIGP Code Listed above | Amount of Quote. Letter of Intent if available. | Percent of Scope/Contract % |
|---|---|---|---|---|---|
| NA / 65-0885982 | Himes Electric Company 1040 Land O' Lakes Blvd Lutz, FL 33549 | CM | 914 | $7700 | 6.5% |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**Total Subcontract/Supplier Utilization $** 7700
**Total SLBE Utilization $** 0
**Total WMBE Utilization $** 110,051.88
**Percent SLBE Utilization of Total Bid/Proposal Amt.** 0 **% Percent WMBE Utilization of Total Bid/Proposal Amt.** 93.5 **%**

It is hereby certified that the following information is a true and accurate account of utilization for sub-contracting opportunities on this contract. ***This form must be completed and submitted with the bid or proposal.*** Modifying or failing to sign DMI forms may result in Non-Compliance and/or deemed non-responsive.

Signed: _____ Name/Title: James V Slagle, Jr. Executive VP of Sales & Marketing Date: 12.17.13



**Note: Detailed Instructions for completing this form are on the next page.**