Bid

CAD/vm

RESOLUTION NO. 2015- 106

A RESOLUTION ACCEPTING THE PROPOSAL OF POOLE & KENT COMPANY OF FLORIDA PERTAINING TO CONTRACT 15-C-00008; HOWARD F. CURREN AWTP DENITRIFICATION FILTER MEDIA REPLACEMENT, PHASE III, IN THE AMOUNT OF $3,318,000; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 13, 2015, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Howard F. Curren AWTP Denitrification Filter Media Replacement, Phase III, and recommends to this Council that the proposal of Poole & Kent Company of Florida 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 Poole & Kent Company of Florida in the total amount of $3,318,000 for construction of the Howard F. Curren AWTP Denitrification Filter Media Replacement, Phase III, 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. This Resolution provides for award of a contract for construction services in the amount of $3,318,000 for the Howard F. Curren AWTP Denitrification Filter Media Replacement, Phase III project for Wastewater Department within the Wastewater Capital Construction 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 19 2015.

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

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

ATTEST:

Shirley Foxx-Knowles
CITY CLERK/~~DEPUTY CITY CLERK~~

*1% for Art: No

Y2015-5

City of Tampa

BID TABULATION

Contract 15-C-00008; Howard F. Curren Denitrification Filter Media Replacement, Phase III

Bid Opening - January 13, 2015

Posted January 13, 2015

CONTRACTOR	TOTAL BID AMOUNT
Poole & Kent Company of Florida	$3,318,000.00
Wharton-Smith, Inc	$3,367,000.00
TLC Diversified, Inc	$3,477,777.00
RTD Construction, Inc	$3,641,000.00
Prime Construction Group, Inc	$3,872,108.00
Douglas N. Higgins, Inc	$4,544,000.00

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

ALB

PROPOSAL

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

Name of Bidder Poole & Kent Company of Florida

Phone: (813) 251-2438 David BuShea, Vice President - daveb@pkflorida.com
Business Phone Number and Email Address

Poole & Kent Company of Florida 1715 W. Lemon Street, Tampa, FL 33606
Business Name and Mailing Address

David BuShea Phone: (813) 251-2438
Phone Number and Name of Contact Regarding Permits

David A. Strickland 75-3163466
Contractor/Qualifiers Name and Federal Identification Number

Date of Proposal January 13, 2015

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

Names and Residential Addresses of Partners

N/A

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

Organized under the laws of the State of Delaware

Names and Address of President

Patrick H. Carr, President & CEO

1781 N.W. North River Drive, Miami, FL 33125

Name and Address of Vice President

See attached

Name and Address of Secretary

See attached

Names and Address of Treasurer

See attached

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 75-3163466

_____ 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 all labor, materials, and equipment to remove and replace twelve (12) dual cell Denitrification Filter underdrain blocks, filter media and support gravel including the fabrication of two (2) stainless steel stop logs, installation and removal of the stop logs, removal and replacement of twelve (12) 20-inch knife gate valves on the filter effluent pipe, cleaning, removal and proper disposal of debris, any allowances as stated in SP-60, and with all associated work required for a complete project in accordance with the Contract Documents. three million, three hundred & eighteen thousand dollars and zero 00 cents (BASE BID) LS	$3,318,000

Computed Total Price In Words:

Three million, three hundred and eighteen thousand dollars and zero 00 cents.

Computed Total Price in Figures: $3,318,000

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.	SLOPING	LF	100	2.'	200.'
B.					
C.					
D.					

Total Cost $ 200.'

Signed _____
Patrick H. Carr, President & CEO

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

Travelers Casualty and Surety Company of America of Edison, NJ
(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 January 13, 2015

Poole & Kent Company of Florida
(Name of Bidder)

1781 N.W. North River Drive, Miami, FL 33125
(Address of Bidder)

(Signature)

Patrick H. Carr, President & CEO
(Title)

Where Bidder is a Corporation:

Attest:

Secretary
David A. Strickland, SVP & Assistant Secretary

AFFIX
CORPORATE
SEAL

(ACKNOWLEDGMENT OF PRINCIPAL)

STATE OF)
) SS:
COUNTY OF)

For a Corporation:

STATE OF Florida
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 13th of January, 2015 by Patrick H. Carr of Poole & Kent Company of FL, a Delaware corporation, on behalf of the corporation. He/she is X personally known or has ___ produced _____ as identification.

CHRISTINE MENDEZ
MY COMMISSION # EE 213393
EXPIRES: October 31, 2016
Bonded Thru Notary Public Underwriters

_____
Notary
Christine Mendez
My Commission Expires:

October 31, 2016

For an Individual:

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ of _____, 2015 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 _____, 2015 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 15-C-00008; Howard F. Curren AWTP Denitrification Filter Media Replacement, Phase III

KNOW ALL MEN BY THESE PRESENTS, that we, Poole & Kent Company of Florida

1715 W. Lemon Street, Tampa, FL 33606

(hereinafter called the Principal) and Travelers Casualty and Surety Company of America
One Tower Square, Hartford, CT 06183

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of CT, with its principal offices in the City of Hartford, 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 15-C-00008, Howard F. Curren AWTP Denitrification Filter Media Replacement, Phase III.

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 Public Construction 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 30th day of December, 2015.4

Principal

Poole & Kent Company of Florida

BY _____

Patrick H. Carr,

TITLE President & CEO

Travelers Casualty and Surety Company of America

BY _____

TITLE Rita Sagistano, Attorney-In-Fact
Non Resident License #P026098

(SEAL)

Rita Sagistano
Producing Agent

333 Earle Ovington Blvd., Suite 700, Uniondale, NY 11553
Producing Agent's Address

Alliant Insurance Services, Inc.
Name of Agency

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

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
HARTFORD, CT. 06183

ATTORNEY-IN-FACT JUSTIFICATION
PRINCIPAL'S ACKNOWLEDGMENT — IF A CORPORATION

State of ~~New York~~ Florida, County of Miami-Dade } ss.

On this 13th day of January, 20 15, before me personally appeared Patrick H. Carr to me known, who, being by me duly sworn, deposes and says: That he/she resides in the City of Miami that he/she is the President & CEO of Poole & Kent Co. of FL the corporation described in and which executed the within instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

Notary Public

CHRISTINE MENDEZ
MY COMMISSION # EE 213998
EXPIRES: October 31, 2016
Bonded Thru Notary Public Underwriters

PRINCIPAL'S ACKNOWLEDGMENT — IF INDIVIDUAL OR FIRM

State of New York, County of } ss.

On this day of , 20 , before me personally appeared known to be (the individual) (one of the firm of described in and who executed the within instrument, and he/she thereupon duly acknowledged to me that he/she executed the same (as the act and deed of said firm).

SURETY COMPANY'S ACKNOWLEDGMENT

State of New York, County of **Nassau** } ss.

On this **30th** day of **December**, 20 **14**, before me personally appeared **Rita Sagistano** to me known, who, being by me duly sworn, did depose and say: That he/she resides in ~~XXXXX~~ **Nassau County, NY**; that he/she is Attorney-in-Fact of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, the corporation described in and which executed the within instrument; that he/she knows the corporate seal of said Company; that the seal affixed to said instrument is such corporate seal; and that he/she signed said instrument as Attorney-in-Fact by authority of the Board of Directors of said Company; and affiant did further depose and say that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 882 of the Laws of the State of New York for the year 1939, constituting chapter 28 of the Consolidating Laws of the State of New York as the Insurance Law as amended, issued to TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA his/her certificate that said Company is qualified to become and be accepted as surety or guarantor on all bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law; and that such certificate has not been revoked.

Notary Public

CAMILLE MAITLAND
Notary Public, State of New York
No. 01MA6006044
Qualified in Kings County
Commission Expires April 20, 2018

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
Hartford, Connecticut 06183

FINANCIAL STATEMENT AS OF DECEMBER 31, 2013
AS FILED WITH THE INSURANCE DEPT. OF THE STATE OF NEW YORK
CAPITAL STOCK $ 6,480,000

ASSETS		LIABILITIES	
CASH AND INVESTED CASH	$ 67,799,824	UNEARNED PREMIUMS	$ 808,717,671
BONDS	3,452,214,698	LOSSES	809,863,176
INVESTMENT INCOME DUE AND ACCRUED	47,758,502	LOSS ADJUSTMENT EXPENSES	460,670,453
OTHER INVESTED ASSETS	285,099,610	COMMISSIONS	31,761,138
PREMIUM BALANCES	190,836,462	TAXES, LICENSES AND FEES	12,482,322
NET DEFERRED TAX ASSET	61,675,098	OTHER EXPENSES	38,437,893
REINSURANCE RECOVERABLE	11,361,414	FUNDS HELD UNDER REINSURANCE TREATIES	94,401,464
SECURITIES LENDING REINVESTED COLLATERAL ASSETS	4,910,772	CURRENT FEDERAL AND FOREIGN INCOME TAXES	18,387,407
RECEIVABLES FROM PARENT, SUBSIDIARIES AND AFFILIATES	30,772,481	REMITTANCES AND ITEMS NOT ALLOCATED	13,577,603
STATE SURCHARGES RECEIVABLE	258,771	AMOUNTS WITHHELD / RETAINED BY COMPANY FOR OTHERS	23,616,357
OTHER ASSETS	14,872,822	RETROACTIVE REINSURANCE RESERVE ASSUMED	1,511,674
		POLICYHOLDER DIVIDENDS	6,462,513
		PROVISION FOR REINSURANCE	3,970,484
		ADVANCE PREMIUM	1,078,609
		PAYABLE FOR SECURITIES LENDING	4,910,772
		DERIVATIVES	112,003
		CEDED REINSURANCE NET PREMIUMS PAYABLE	(64,954,284)
		ESCHEAT LIABILITY	471,848
		OTHER ACCRUED EXPENSES AND LIABILITIES	242,236
		TOTAL LIABILITIES	$ 2,265,740,387
		CAPITAL STOCK	$ 6,480,000
		PAID IN SURPLUS	433,803,760
		OTHER SURPLUS	1,441,436,327
		TOTAL SURPLUS TO POLICYHOLDERS	$ 1,881,720,088
TOTAL ASSETS	$ 4,147,460,454	TOTAL LIABILITIES & SURPLUS	$ 4,147,460,454

Securities carried at $8,174,873 in the above statement are deposited with public authorities, as required by law.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

TRAVELERS

POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 227925 **Certificate No.** 006047778

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Thomas Bean, Rita Sagistano, Gerard S. Macholz, Susan Lupski, Robert T. Pearson, Camille Maitland, George O. Brewster, Colette R. Chisholm, Virginia M. Lovett, Vincent A. Walsh, Lee Ferrucci, Desiree Cardlin, and Nelly Renchiwich

of the City of Uniondale, State of New York, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, 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 4th day of September, 2014.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: _____
Robert L. Raney, Senior Vice President

On this the 4th day of September, 2014, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations 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, 2016.

Marie C. Tetreault
Marie C. Tetreault, Notary Public

58440-8-12 Printed in U.S.A.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

CITY OF TAMPA

Bob Buckhorn, Mayor

Office of the Chief of Staff

Minority and Small Business Development

DATE: January 23, 2015

TO: David Vaughn, Director of Contract Administration Department.

FROM: Gregory K. Hart, Minority Business Development Manager

RE: SLBE/WMBE Utilization & Solicitation Evaluation

PROJECT: **15-C-00008: HFC AWTP Denitrification Filter Media Replacement, Phase III**

LOW BIDDER: **Poole & Kent Company of Florida**

BID AMOUNT: **$3,318,000.00**

SLBE/Underutilized-WMBE Subcontract Goal: **1.1%**
SLBE/U-WMBE Goal Attainment: **2.3%**
Good Faith Effort Compliance: **SUFFICIENT – EXCEEDED GOAL**

The prime contractor (Poole & Kent Company of Florida) exceeded the SLBE/U-WMBE Goal established on the project and provided the required documentation to support "goal-met" on DMI Forms submitted with bid. The detailed Compliance Report is attached and should be made a part of the project file.

Compliance Statement: Total SLBE/U-WMBE participation is 2.3%, of which 2.3% represents HBE.

Overall SLBE/WMBE Subcontract Participation

Certification Type	Classification	Totals
Dual SLBE/WMBE	HBE = 2.3%	**2.3%**

Gregory K. Hart, CPPA

GKH:/GKS
Attachment
Cc: City Attorney (w/a)
Wastewater Department (w/a)