

Bid

A RESOLUTION ACCEPTING THE PROPOSAL OF POSPIECH CONTRACTING, INC. PERTAINING TO CONTRACT 15-C-00054; KENSINGTON AVENUE GROUNDWATER DIVERSION AND ROAD RECONSTRUCTION, IN THE AMOUNT OF \$1,070,500; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 8, 2015, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Kensington Avenue Groundwater Diversion and Road Reconstruction, and recommends to this Council that the proposal of Pospiech Contracting, 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 Pospiech Contracting, Inc. in the total amount of \$1,070,500 for construction of the Kensington Avenue Groundwater Diversion and Road Reconstruction, 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.

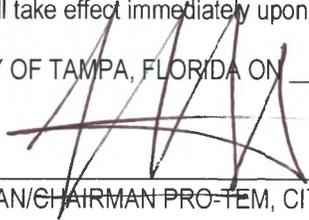
Section 5. Any and all technical errors, informalities and irregularities in the proposal of the Contractor are hereby waived.

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. Funding for award of a contract for \$1,070,500 for the construction of the Kensington Avenue project is provided for the Department of Transportation and Stormwater Services within the FY16 Bank Note Stormwater 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 04 2016



CHAIRMAN/CHAIRMAN PRO-TEM, CITY COUNCIL

APPROVED AS TO LEGAL SUFFICIENCY BY:
Rachel S. Peterkin, Assistant City Attorney

ATTEST:


CITY CLERK/DEPUTY CITY CLERK

*1% for Art: No

42016-2

City of Tampa
BID TABULATION
Contract 15-C-00054; Kensington Avenue Groundwater Diversion and Road
Reconstruction

Bid Opening - December 08, 2015

Posted December 08, 2015 (Updated December 09, 2015)

CONTRACTOR	TOTAL BID AMOUNT
Pospiech Contracting, Inc	\$1,070,500.00
Ajax Paving Industries of Florida, LLC	\$1,143,498.00
Florida Safety Contractors, Inc	\$1,149,868.00
M.T.M Contractors, Inc.	\$1,161,599.00
Westra Construction, Corp	\$1,169,535.50 *
JPR Universal Construction, LLC	\$1,208,179.40 *
Pepper Contracting Services, Inc	\$1,250,176.00
Gator Grading & Paving, LLC	\$1,253,293.00
BUN Construction Company, Inc	\$1,268,065.00 *
Kamminga & Roodvoets, Inc	\$1,403,812.00

*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

ALB

Contract 15-C-00054; Kensington Avenue Groundwater Diversion and Road Reconstruction

ORIGINAL

PROPOSAL

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

Name of Bidder Pospiech Contracting, Inc. ; Carl West, Vice President ✓

352-726-3940 estimating@pospiechcontracting.com / cwest@pospiechcontracting.com

Business Phone Number and Email Address

Pospiech Contracting, Inc. 201 S Apopka Ave Inverness, FL 34452 ✓

Business Name and Mailing Address

352-726-3940 Carl West, Vice President

Phone Number and Name of Contact Regarding Permits

Richard L Pospiech 59-302-5360

Contractor/Qualifiers Name and Federal Identification Number

Date of Proposal 12/8/2015

(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 Florida

Names and Address of President

Richard L. Pospiech

201 S Apopka Avenue Inverness, FL 34452

Name and Address of Vice President

John M. Carswell, Carl West, Scott Smith

201 S Apopka Avenue Inverness, FL 34452

Name and Address of Secretary

Richard L Pospiech

201 S Apopka Avenue Inverness, FL 34452

Names and Address of Treasurer

Richard L. Pospiech

201 S Apopka Avenue Inverness, FL 34452

Contract 15-C-00054; Kensington Avenue Groundwater Diversion and Road Reconstruction

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

_____ Has; Treasury Number _____

_____ 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 15-C-00054
KENSINGTON AVENUE GROUNDWATER DIVERSION AND ROADWAY RECONSTRUCTION

Item No.	Description	Unit	Est Qty	Unit Price in Words	Unit Price	Total Price
0100-1	Contingency	LS	1	One hundred thirty-four thousand dollars and no cents	\$ 134,000.00	\$ 134,000.00
0101-1	Mobilization	LS	1	One hundred and seven thousand dollars and no cents	\$ 107,000.00	\$ 107,000.00
0102-1	MOT	LS	1	Fifty Thousand Dollars	\$ 50,000.00	\$ 50,000.00
0104-1	Tree Barricades and Erosion Control	LS	1	Twenty Eight Thousand Dollars	\$ 28,000.00	\$ 28,000.00
0110-1	Grubbing and Clearing	AC	1.66	Thirty Thousand Dollars	\$ 30,000.00	\$ 49,800.00
0142-10	Excavation of Overburden	CY	864	Eight Dollars	\$ 8.00	\$ 6,912.00
0142-20	Removal of Unsuitable Soils	CY	1733	Fifteen Dollars	\$ 15.00	\$ 25,995.00
0142-30	Import Select soil Material	CY	1733	Twenty-Seven Dollars	\$ 27.00	\$ 46,791.00
0285-8	Permanent Pavement Base	SY	3460	Twenty-Two Dollars and 50/100	\$ 22.50	\$ 77,850.00
0327-70	Asphalt Milling - Various Thickness	SY	8800	Eight Dollars	\$ 8.00	\$ 70,400.00
0334-10	Asphalt Paving - SP 12.5	TN	246	One Hundred Seventy-One Dollars	\$ 171.00	\$ 42,066.00
0334-20	Asphalt Paving - SP 9.5	TN	824	One Hundred Sixty-Four Dollars	\$ 164.00	\$ 135,136.00
0350-20	6 Inch Concrete Sidewalk and Driveway Apron	SY	600	Sixty-Two Dollars	\$ 62.00	\$ 37,200.00
0350-30	4 Inch Concrete Sidewalk	SY	300	Forty-Six Dollars	\$ 46.00	\$ 13,800.00
0350-38	Brick Walk and Driveway Remove and Replace	SY	350	One Hundred Ten Dollars	\$ 110.00	\$ 38,500.00
0350-40	Concrete ADA Pedestrian Ramps	EA	2	One Thousand Dollars	\$ 1,000.00	\$ 2,000.00
0416-10	Repair or Replace Water or Wastewater Service	EA	30	Two Hundred Thirty-Five Dollars	\$ 235.00	\$ 7,050.00
0416-20	Utility Adjustment	EA	16	Five Hundred Eighty Dollars	\$ 580.00	\$ 9,280.00
0425-2	Stormwater Manhole	EA	1	Three Thousand Four Hundred Dollars	\$ 3,400.00	\$ 3,400.00
0430-15	15" Reinforced Concrete Pipe	LF	140	Seventy-Seven Dollars	\$ 77.00	\$ 10,780.00
0430-18	12" x 18" Elliptical Reinforced Concrete Pipe	LF	40	Ninety-Eight Dollars	\$ 98.00	\$ 3,920.00

CONTRACT 15-C-00054
 KENSINGTON AVENUE GROUNDWATER DIVERSION AND ROADWAY RECONSTRUCTION

		Two Thousand Three Hundred Dollars		\$ 2,300.00	\$ 11,500.00
0430-40	Connection to Existing Structure	EA	5		
0440-10	6" Underdrain Type II	LF	1225	\$ 12.00	\$ 14,700.00
0440-20	8" PVC Cleanouts	EA	6	\$ 1,000.00	\$ 6,000.00
0440-30	6" HDPE Directional Drilling	LF	45	197.00	8,865.00
0450-10	Crush Rock Drainage Blanket	SY	1280	\$ 16.00	\$ 20,480.00
0520-10	Concrete Curb Type F	LF	4450	\$ 21.00	\$ 93,450.00
0570-1	Sod	SY	2500	\$ 6.25	\$ 15,625.00
TOTAL CONTRACT 15-C-00054 COST					\$ 1,070,500.00

Contract 15-C-00054; Kensington Avenue Groundwater Diversion and Road Reconstruction

Computed Total Price In Words:

One Million Seventy and Five Hundred _____ dollars and 00 _____ cents.

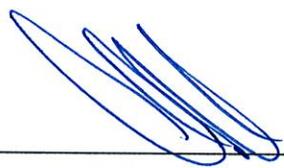
Computed Total Price in Figures: \$ 1,070,500.00

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 #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.	Trench Box	LF	1405	\$1.00	\$1,405.00
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
D.	_____	_____	_____	_____	_____
				Total Cost \$	<u>\$1,405.00</u>

Signed  W.P. ✓
 Carl West, Vice President

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

Contract 15-C-00054; Kensington Avenue Groundwater Diversion and Road Reconstruction

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

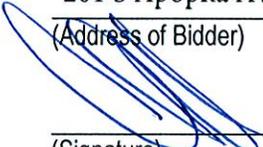
Dated December 8th, 2015

Pospiech Contracting, Inc.

(Name of Bidder)

201 S Apopka Avenue Inverness, Fl 34452

(Address of Bidder)


(Signature) Carl West

Vice President

(Title)

Where Bidder is a Corporation:

Attest:


Secretary Richard L. Pospiech

AFFIX
CORPORATE
SEAL

TAMPA BID BOND

Contract 15-C-00054; Kensington Avenue Groundwater Diversion and Road Reconstruction

KNOW ALL MEN BY THESE PRESENTS, that we, Pospiech Contracting, Inc

(hereinafter called the Principal) and Liberty Mutual Insurance Company

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of Massachusetts, with its principal offices in the City of Boston, 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-00054, Kensington Avenue Groundwater Diversion and Road Reconstruction.

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 8th day of December, 2015.

Principal

Pospiech Contracting, Inc

BY

TITLE

Liberty Mutual Insurance Company

BY

TITLE

Benjamin H. French, Attorney-In-Fact & Fla. Resident Agent

Benjamin H. French

Producing Agent

1110 NW 6th Street, Gainesville FL 32601

Producing Agent's Address

Waldorff Insurance & Bonding, Inc

Name of Agency

(SEAL)

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

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED 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.

Certificate No. 7101497

American Fire and Casualty Company
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Benjamin H. French; Paul A. Locascio; Rebekah Wolf

all of the city of Ft Walton Beach, state of FL each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 2nd day of September, 2015.



American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 2nd day of September, 2015, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute 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 have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2017
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 8th day of December, 2015.



By: Gregory W. Davenport
Gregory W. Davenport, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.



CITY OF TAMPA

Bob Buckhorn, Mayor

Office of the Chief of Staff

Minority and Small Business Development

DATE: January 4, 2016

TO: Michael Chucran, Director, Contract Administration Department

FROM: Gregory K. Hart, MBD Manager

RE: SLBE/WMBE Utilization & Solicitation Evaluation

PROJECT: 15-C-00054: Kensington Avenue Groundwater Diversion & Road Construction

LOW BIDDER: Pospiech Contracting, Inc.

BID AMOUNT: \$1,070,500.00

SLBE/Underutilized-WMBE Subcontract Goal: 26.0%

SLBE/U-WMBE Goal Attainment: 22.0%

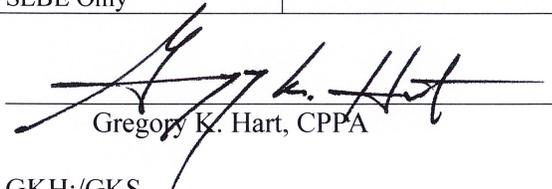
Good Faith Effort Compliance: SUFFICIENT

The Minority and Small Business Development Office evaluated the Good Faith Effort Compliance Plan (GFCEP) submitted by Pospiech Contracting and determined they complied with the requirements of the Equal Business Opportunity Ordinance by having performed meaningful action steps to solicit SLBE/U-WMBE participation commensurate with the goal. The project-specific goal was calculated on the basis of six (6) subcontractable trade areas where the requisite available certified firms were identified from the availability pool of forty-four (44) firms. The detailed Compliance Report is attached and should be made a part of the project file.

Compliance Statement: Total SLBE/U-WMBE participation is 22.0%, of which 9.6% represents HBE, 9.4% BBE, 0.5% WBE and 2.5% Non-Minority Small Business.

Overall SLBE/WMBE Subcontract Goal Attainment

Certification Type	Classification	Classification	Classification	Totals
DUAL SLBE/WMBE		HBE = 9.6%	WBE = 0.5%	10.1%
U-WMBE	BBE = 9.4%			9.4%
SLBE Only				2.5%



Gregory K. Hart, CPPA

GKH:/GKS
Attachment

Cc: City Attorney (w/a)
Transportation Department (w/a)

306 E. Jackson St., 5N • Tampa, Florida 33602 • (813) 274-5522 • FAX: (813) 274-5544