

A RESOLUTION ACCEPTING THE PROPOSAL OF THE SECOND LOW BIDDER, E. J. BRENEMAN, L.P., PERTAINING TO CONTRACT 09-C-00016, COLD RECYCLED BITUMINOUS BASE COURSE, IN THE TOTAL AMOUNT OF \$1,938,500.00; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 17, 2009, the Mayor of the City of Tampa received two bids, tabulation of such bids being hereto attached for informational purposes for the construction of the Cold Recycled Bituminous Base Course, Contract No. 09-C-00016; and

WHEREAS, the proposal submitted by Ajax Paving Industries Inc. was rejected due to lack of experience; therefore award to said low bidder is not approved; and

WHEREAS, in accordance with criteria set forth in the Contract Documents, award can be made to E. J. Breneman, L.P., the next lowest responsive, responsible bidder for construction of said project; and

WHEREAS, the Mayor of the City of Tampa is recommending that the proposal of E. J. Breneman, L.P. 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 The proposal of E. J. Breneman, L.P., in the amount of \$1,938,500.00, for construction of the Cold Recycled Bituminous Base Course, Contract 09-C-00016, in accordance with plans, specifications and other related contract documents prepared by the City of Tampa Contract Administration Department, is hereby approved and accepted, and the Contract is hereby awarded to said Contractor.

Section 2. The award period shall be for a one-year period from the effective date of the awarding or approving Resolution, and may be renewed on the same terms and conditions for two additional one-year periods.

Section 3. 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 4. The contract documents for the construction of said Project, which documents are now on file in the office of the City Clerk of the City of Tampa, are hereby approved in their entirety or in substantially similar form.

Section 5. 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 6. Any and all technical errors, informalities and irregularities in the proposal of the Contractor are hereby waived.

Section 7. The bid security of all bidders shall be returned in accordance with the provisions of the contract documents for this Project.

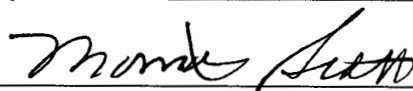
Section 9. The project construction costs in the amount of \$1,938,500.00 are provided in the Budget of the City of Tampa for the Fiscal Year ending September 30, 2009, contingent upon available funds, in Account No(s). PW05012-4600; PW05354AA-06300; PW05352AA-06300; TF506V4AK-06300; TF506V3AK-06300; GPW1YDAA-06300; FY10-Contingent upon available funds.

Section 10. Other proper officials 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 APR - 2 2009

ATTEST:


City Clerk/Deputy City Clerk


Chairman/~~Chairman Pro Tem~~, City Council

Approved as to Legal Sufficiency by
Justin R. Vaske, Assistant City Attorney

1% For Arts: NO