

Bid

A RESOLUTION ACCEPTING THE PROPOSAL OF FLORES CONSTRUCTION CO. PERTAINING TO CONTRACT 15-C-00025; DAVIS ISLANDS SEAWALL REPAIR, IN THE AMOUNT OF \$149,781; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 24, 2015, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Davis Islands Seawall Repair, and recommends to this Council that the proposal of Flores Construction Co. 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 Flores Construction Co. in the total amount of \$149,781 for construction of the Davis Islands Seawall Repair, 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.

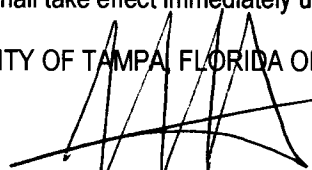
Section 5. Any and all technical errors, informalities and irregularities in the proposal of the Contractor are hereby waived.

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 construction services in the amount of \$149,781 for the Davis Island Seawall Repair project is provided within the Local Option Gas Tax Capital Projects 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 MAY 07 2015


CHAIRMAN/CHAIRMAN PRO-TEM, CITY COUNCIL

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

ATTEST:


CITY CLERK/DEPUTY CITY CLERK

*1% for Art:

4/2015-18

**City of Tampa
BID TABULATION**

Contract 15-C-00025; Davis Islands Seawall Repair

Bid Opening - March 24, 2015

Posted March 25, 2015 (Updated March 26, 2015)

CONTRACTOR	TOTAL BID AMOUNT
Flores Construction Co	\$149,781.00
Tampa Bay Construction & Engineering, Inc	\$166,743.00
Proshot Concrete, Inc	\$173,701.00
Tampa Bay Marine, Inc	\$184,381.50
Gibraltar Construction Company, Inc	\$225,048.50 *

*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

ACB

Contract 15-C-00025; Davis Islands Seawall Repair

PROPOSAL

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

Name of Bidder Flores Construction Co.

813-980-3464, fax 980-3150, david@florescco.com

Business Phone Number and Email Address 5470 East Busch Boulevard #511
Flores Construction Co. Tampa, Florida 33617

Business Name and Mailing Address
David Flores, 813-323-7895

Phone Number and Name of Contact Regarding Permits
David Flores, 75-3168648

Contractor/Qualifiers Name and Federal Identification Number

Date of Proposal March 24, 2015

(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
David Flores, 5470 East Busch Boulevard #511, Tampa, Florida 33617

Name and Address of Vice President

Name and Address of Secretary
David Flores, 5470 East Busch Boulevard #511, Tampa, Florida 33617

Names and Address of Treasurer
David Flores, 5470 East Busch Boulevard #511, Tampa, Florida 33617

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:

Item No.	Description	Unit	Approx. Quantity	Unit Price in Words	Unit Price	Total Computed Price
101-1	MOBILIZATION	LS	1	twenty four thousand five hundred seventy	\$ 24,570	\$ 24,570.00
102-1	MAINTENANCE OF TRAFFIC	LS	1	ten thousand four hundred	\$ 10,400	\$ 10,400.00
104-11	FLOATING TURBIDITY BARRIER	LF	202	twenty	\$ 20	\$ 4,040.00
110-73	REMOVE EXISTING BULKHEAD CAP	LF	74	one hundred five	\$ 105	\$ 7,770.00
162-2	SOD	SY	100	twelve	\$ 12	\$ 1,200.00
400-4-8	CONCRETE CLASS IV, BULKHEAD	CY	15	one thousand three hundred	\$ 1,300	\$ 19,500.00
401-70-3	RESTORE SPALLED AREAS, LATEX MODIFIED MORTAR, ACRYLIC	CF	11	nine hundred forty five	\$ 945	\$ 10,395.00
411-1	EPOXY MATERIAL FOR CRACK INJECTION-STRUCTURES REHAB	GA	3	one hundred four	\$ 104	\$ 312.00
411-2	CRACKS INJECT & SEAL-STRUCTURES REHAB	LF	20	sixty five	\$ 65	\$ 1,300.00
415-1-5	REINFORCING STEEL-SUBSTRUCTURE	LB	1841	one	\$ 1	\$ 1,841.00
460-1-13	STRUCT STEEL REHAB-BOLT, NUT, WASH & PLT	LB	194	thirteen	\$ 13	\$ 2,522.00
460-70-2	ALUMINUM BULLET RAILINGS, DOUBLE RAIL	LF	20	ninety eight	\$ 98	\$ 1,960.00
530-1	RIPRAP, SAND-CEMENT	CY	7	one thousand nine hundred fifty	\$ 1,950	\$ 13,650.00
530-3-3	RIPRAP- RUBBLE, BANK AND SHORE	TN	263.7	one hundred thirty	\$ 130	\$ 34,281.00
SP-2.14	PRECONSTRUCTION VIDEO	LS	1	one thousand forty	\$ 1,040	\$ 1,040.00
SP-11-16	CONTINGENCY ALLOWANCE	LS	1	Fifteen Thousand Dollars and No Cents	\$ 15,000.00	\$ 15,000.00
				TOTAL \$	\$	\$ 149,781.00

Contract 15-C-00025; Davis Islands Seawall Repair

Computed Total Price In Words:

one hundred forty nine thousand seven hundred eighty one

_____ dollars and 00 cents.

Computed Total Price in Figures: \$ 149,781.00

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.	<u>excavation</u>	<u>SY</u>	<u>35</u>	<u>10</u>	<u>350</u>
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
D.	_____	_____	_____	_____	_____

Total Cost \$ 350.00

Signed _____



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

Contract 15-C-00025; Davis Islands Seawall Repair

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

Philadelphia Indemnity Ins. Co. of Bala Cynwyd, PA
(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 March 24, 2015

Flores Construction Co.

(Name of Bidder)

5470 East Busch Boulevard #511
Tampa, Florida 33617

(Address of Bidder)

[Signature]
(Signature)

David Flores, President

(Title)

Where Bidder is a Corporation:

Attest:

[Signature]
Secretary



(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 24 of March, 2015 by David Flores of Flores Const. Co., a FL corporation, on behalf of the corporation. He/she is X personally known or has ___ produced _____ as identification.


Notary

My Commission Expires:



XUAN WALLIS
MY COMMISSION # FF 196594
EXPIRES: February 22, 2019
Bonded Thru Budget Notary Services

For an Individual:

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ of _____, 20___ 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 _____, 20___ 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-00025; Davis Islands Seawall Repair

KNOW ALL MEN BY THESE PRESENTS, that we, _____

Flores Construction Co.

(hereinafter called the Principal) and Philadelphia Indemnity Insurance Company

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of Pennsylvania, with its principal offices in the City of Bala Cynwyd, 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-00025, Davis Islands Seawall Repair.

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 24 day of March, 2015

Principal

Flores Construction Co.

BY David Flores

TITLE President

Philadelphia Indemnity Insurance Company

BY Allyson Foss, Attorney-In-Fact &

TITLE Florida Licensed Resident Agent

(SEAL)

Producing Agent Allyson Foss, Attorney-In-Fact & Florida Licensed Resident Agent

941 W. Morse Blvd., Suite 100, Winter Park, FL 32789
Producing Agent's Address

JCA Surety Group, LLC

Name of Agency

Inquiries: (321) 800-6594

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

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004
Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint: **Allyson Foss and Jorge L. Bracamonte of JCA Surety Group, LLC.**

Its true and lawful Attorney(s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$25,000,000.00**

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY at a meeting duly called the 1st day of July, 2011.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 7TH DAY OF FEBRUARY 2013.



(Seal)

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 7th day of February 2013, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public: _____

residing at: _____

Bala Cynwyd, PA

My commission expires: _____

March 22, 2016

(Notary Seal)

I, Craig P. Keller, Executive Vice President, Chief Financial Officer and Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 24th day of March, 2015.



Craig P. Keller, Executive Vice President, Chief Financial Officer & Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

Good Faith Effort Compliance Plan for Small Local Business Subcontracting
City of Tampa - Equal Business Opportunity Program

Contract Davis Islands Seawall Repair **Bid Date** 03/24/2015
Bidder Flores Construction Co.
Signature _____ **Date** 03/24/2015
Name David Flores **Title** President

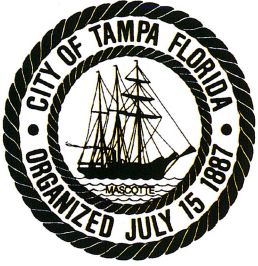
The following Compliance Plan is a true report of Good Faith Efforts made to accomplish subcontracting goals for Small Local Business Enterprises, SLBEs, on the referenced contract:

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:



CITY OF TAMPA

Bob Buckhorn, Mayor

Office of the Chief of Staff

Minority and Small Business Development

DATE: April 17, 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-00025: Davis Island Seawall Repair

LOW BIDDER: Flores Construction Company (SLBE/HBE)

BID AMOUNT: \$149,781.00

SLBE/Underutilized-WMBE Subcontract Goal: 3.6%

SLBE/U-WMBE Goal Attainment: 14.8%

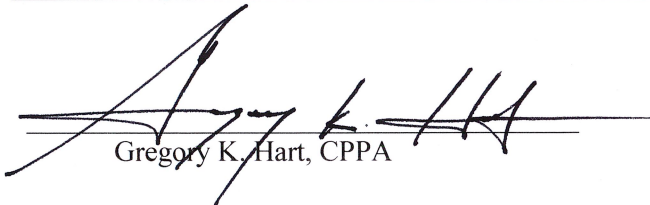
Good Faith Effort Compliance: SUFFICIENT – EXCEEDED GOAL

The prime contractor (Flores Construction Company) 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 14.8%, of which 14.8% represents HBE.

Overall SLBE/WMBE Subcontract Participation

Certification Type	Classification	Totals
Dual SLBE/WMBE	HBE = 14.8%	14.8%



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