

Bid

RESOLUTION NO. 2013- 709

A RESOLUTION ACCEPTING THE PROPOSAL OF TAMPA BAY CONSTRUCTION & ENGINEERING, INC. PERTAINING TO CONTRACT 13-C-00018; DITCH STABILIZATION: BAY WAY CANAL, JONES AVENUE AND METWEST, IN THE AMOUNT OF \$879,595; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 16, 2013, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Ditch Stabilization: Bay Way Canal, Jones Avenue and MetWest, and recommends to this Council that the proposal of Tampa Bay Construction and Engineering, 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 Tampa Bay Construction and Engineering, Inc. in the total amount of \$879,595 for construction of the Ditch Stabilization: Bay Way Canal, Jones Avenue and MetWest, 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.

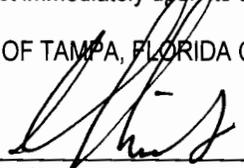
Section 5. Any and all technical errors, informalities and irregularities in the proposal of the Contractor are hereby waived.

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 \$879,595 are provided in the City Budget for the Fiscal Year ending September 30, 2013, from the Stormwater 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 SEP 26 2013.



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: No

11/20/13

City of Tampa
BID TABULATION
Contract 13-C-00018; Ditch Stabilization: Bay Way, Jones, and MetWest
Bid Opening - July 16, 2013
 Posted July 16, 2013

CONTRACTOR	TOTAL BID AMOUNT
Tampa Bay Construction & Engineering, Inc.	\$879,595.00
PacComm, Inc.	\$1,244,840.77 *
Marcobay Construction, Inc.	\$1,299,265.00
Keystone Excavators, Inc.	\$1,323,400.00

*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

Canal, Jones Avenue and MetWest

PROPOSAL

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

Name of Bidder TAMPA BAY CONSTRUCTION & ENGINEERING, INC.

Business Phone Number and Email Address

(813) 984-9898 tampa bay construction @ tbcei. com

Business Name and Mailing Address

13250 N. 56th Street #203 Tampa, FL 33617

Phone Number and Name of Contact Regarding Permits

(813) 988-6200 Ahmad M. Erchid

Contractor/Qualifiers Name and Federal Identification Number

Ahmad M. Erchid 59-3713572

Date of Proposal

7-16-2013

(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

Ahmad M. Erchid
10503 Palm Cove Ave. Tampa, FL 33647

Name and Address of Vice President

Name and Address of Secretary

Names and Address of Treasurer

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:

Computed Total Price In Words:

Eight Hundred Seventy Nine, Five Hundred Ninety
Five dollars and Zero cents.

Computed Total Price in Figures: \$ 879,595⁰⁰

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.	<u>Side Slope</u>	<u>L.F.</u>	<u>100</u>	<u>1.00</u>	<u>100.00</u>
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
D.	_____	_____	_____	_____	_____

Total Cost \$ 100.00

Signed  7-16-2013

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

_____ of _____
(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.

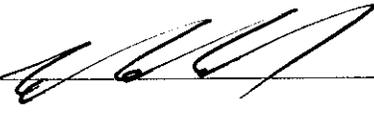
Dated July 16, 2013

TAMPA BAY CONST & Eng.

(Name of Bidder) Ahmad M. Erhid

13250 N. 56th St. Tampa, 33617

(Address of Bidder)

(Signature) 

(Title) President

Where Bidder is a Corporation:

Attest:

Secretary 

AFFIX
CORPORATE
SEAL

(ACKNOWLEDGMENT OF PRINCIPAL)

STATE OF Florida)
COUNTY OF Hillsborough) SS:

For a Corporation:

STATE OF Florida
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 16th of July, 2013 by Ahmad Erchid of Tampa Bay Const., a FL corporation, on behalf of the corporation. He/she is ___ personally known or has produced FDL as identification.

Notary  **JIHAN KHALIL**
MY COMMISSION # DD 953465
EXPIRES: January 29, 2014
Bonded Thru Budget Notary Services
My Commission Expires:

 **JIHAN KHALIL**
MY COMMISSION # DD 953465
EXPIRES: January 29, 2014
Bonded Thru Budget Notary Services

For an Individual:

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ of _____, 2013 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 _____, 2013 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
13-C-00018; 13-C-00018 Ditch Stabilization: Bayway Canal, Jones Ave. and MetWest

KNOW ALL MEN BY THESE PRESENTS, that we, _____

Tampa Bay Construction & Engineering, Inc.

(hereinafter called the Principal) and **FCCI Insurance Company**

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of **Florida**, with its principal offices in the City of **Sarasota**, 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 by 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 **13-C-00018 Ditch Stabilization: Bayway Canal, Jones Ave. and MetWest**.

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 ten (10) 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 force therein, in the form and manner required by the City of Tampa, Florida and execute a sufficient and satisfactory Performance 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 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 **10th** day of **July, 2013**

Principal

Tampa Bay Construction & Engineering, Inc.

BY _____

TITLE President

FCCI Insurance Company

BY _____

TITLE Mark Pichowski, Attorney in Fact

Countersigned:
(SEAL)

Mark Pichowski

Local Resident Producing Agent

P.O. Box 6090 Clearwater, FL 33758

Local Resident Producing Agent Address

Bouchard Insurance

Name of Local Agency, Inquiries: (727) 447-6481

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



GENERAL POWER OF ATTORNEY

Know all men by these presents: That the FCCI Insurance Company, a Corporation organized and existing under the laws of the State of Florida (the "Corporation") does make, constitute and appoint:
Mark Pichowski

Each, its true and lawful Attorney-In-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed in all bonds and undertakings provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the sum of (not to exceed \$2,500,000):

This Power of Attorney is made and executed by authority of a Resolution adopted by the Board of Directors. That resolution also authorized any further action by the officers of the Company necessary to effect such transaction.

In witness whereof, the FCCI Insurance Company has caused these presents to be signed by its duly authorized officers and its corporate Seal to be hereunto affixed, this 22ND day of September, 2011.

Attest: Craig Johnson
Craig Johnson, President
FCCI Insurance Company



Thomas A. Koval
Thomas A. Koval Esq., SVP, General Counsel
and Corporate Secretary
FCCI Insurance Company

State of Florida
County of Sarasota

Before me this day personally appeared Craig Johnson, who is personally known to me and who executed the foregoing document for the purposes expressed therein.

My commission expires: 9/25/2012

ARLENE CUEMAN
Notary Public, State of Florida
My Comm. Expires Sept. 25, 2012
No. DD826122

Arlene Cueman
Notary Public

State of Florida
County of Sarasota

Before me this day personally appeared Thomas A. Koval Esq., who is personally known to me and who executed the foregoing document for the purposes expressed therein.

My commission expires: 9/25/2012

ARLENE CUEMAN
Notary Public, State of Florida
My Comm. Expires Sept. 25, 2012
No. DD826122

Arlene Cueman
Notary Public

CERTIFICATE

I, the undersigned Secretary of FCCI Insurance Company, a Florida Corporation, DO HEREBY CERTIFY that the foregoing Power of Attorney remains in full force and has not been revoked; and furthermore that the February 24, 2011 Resolution of the Board of Directors, referenced in said Power of Attorney, is now in force.

Dated this 10 day of July 2013

Thomas A. Koval
Thomas A. Koval Esq., Corporate Secretary

