

Bid

RESOLUTION NO. 2014- 311

**A RESOLUTION ACCEPTING THE PROPOSAL OF ASPHALT PAVING SYSTEMS, INC. PERTAINING TO CONTRACT 14-C-00031; PAVEMENT RECYCLING AND MAINTENANCE, IN THE AMOUNT OF \$8,992,750; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on April 1, 2014, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Pavement Recycling and Maintenance, and recommends to this Council that the proposal of Asphalt Paving Systems, 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 Asphalt Paving Systems, Inc. in the total amount of \$8,992,750 for construction of the Pavement Recycling and Maintenance, 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.

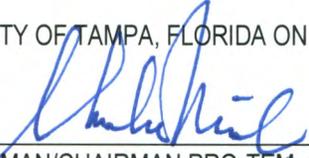
Section 5. Any and all technical errors, informalities and irregularities in the proposal of the Contractor are hereby waived.

Section 6. The bid security of the bidder 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 \$8,992,750 for the Pavement Recycling and Maintenance project, for the Department of Public Works, subject to annual appropriation and controlled by requisition.

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 JUN 0 5 2014

  
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:

1/2014-20

**City of Tampa**  
**BID TABULATION**  
**Contract 14-C-00031; Pavement Recycling and Maintenance**  
**Bid Opening - April 01, 2014**

Posted April 01, 2014

<b>CONTRACTOR</b>	<b>TOTAL BID AMOUNT</b>
Asphalt Paving Systems, Inc.	\$8,992,750.00

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*

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Jim Greiner, P.E.  
City of Tampa - Contract Administration Department  
306 E. Jackson Street - 4N  
Tampa, FL 33602

Contract 14-C-00031; Pavement Recycling and Maintenance

PROPOSAL

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

Name of Bidder ASPHALT PAVING SYSTEMS, INC.

813-788-0010 , ponderosamark@hotmail.com

Business Phone Number and Email Address

ASPHALT PAVING SYSTEMS, INC., 9021 WIRE ROAD, ZEPHYRHILLS, FL 33540

Business Name and Mailing Address

813-788-0010, THOMAS DONALD

Phone Number and Name of Contact Regarding Permits

ASPHALT PAVING SYSTEMS, INC, FEIN: 22-3787755

Contractor/Qualifiers Name and Federal Identification Number

Date of Proposal 4/1/14

(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 NEW JERSEY

Names and Address of President

ROBERT CAPOFERRI

2561 AQUA VISTA BLVD., FORT LAUDERDALE, FL 33301

Name and Address of Vice President

ROBERT CAPOFERRI

2561 AQUA VISTA BLVD., FORT LAUDERDALE, FL 33301

Name and Address of Secretary

KENNETH MESSINA

2555 WEYMOUTH ROAD, HAMMONTON, NJ 08037

Names and Address of Treasurer

ROBERT CAPOFERRI

2561 AQUA VISTA BLVD., FORT LAUDERDALE, FL 33301

Contract 14-C-00031; Pavement Recycling and Maintenance

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 Price for Item
1	Cold Recycling (Per Section SP-15)	SY	200,000	SEVEN DOLLARS AND 34/100	\$ 7.34	\$ 1,468,000.00
2	Full Depth Reclamation (Per Section SP-16)	SY	100,000	EIGHT DOLLARS AND 46/100	\$ 8.46	\$ 846,000.00
3	Asphalt Emulsion	Gal.	600,000	TWO DOLLARS AND 59/100	\$ 2.59	\$ 1,554,000.00
4	Portland Cement Additive	Ton	2,000	ONE HUNDRED TWENTY FIVE DOLLARS AND 00/100	\$ 125.00	\$ 250,000.00
5	Base Course with Two Feet Widening (Per Section SP-15.04.6)	SY	5,000	ONE DOLLAR AND 00/100	\$ 1.00	\$ 5,000.00
6	Microsurfacing (Single) (Per Section SP-17)	SY	20,000	TWO DOLLARS AND 10/100	\$ 2.10	\$ 42,000.00
7	Microsurfacing (Double) (Per Section SP-17)	SY	20,000	THREE DOLLARS AND 45/100	\$ 3.45	\$ 69,000.00
8	Rut Fill (Per Section SP-17)	Ton	25	ONE HUNDRED FIFTY DOLLARS AND 00/100	\$ 150.00	\$ 3,750.00
9	Crack Seal (Per Section SP-18)	Gal.	5,000	TWENTY DOLLARS 00/100	\$ 20.00	\$ 100,000.00
10	Furnish and Install FDOT Type SP-12.5 Asphaltic Concrete (Per Section SP-13)	Ton	30,000	SEVENTY EIGHT DOLLARS 00/100	\$ 78.00	\$ 2,340,000.00
11	Furnish and Install FDOT Type SP-9.5 Asphaltic Concrete (Per Section SP-13)	Ton	20,000	SEVENTY NINE DOLLARS AND 25/100	\$ 79.25	\$ 1,585,000.00
12	Cold Milling (0-3")	SY	100,000	ONE DOLLAR AND 90/100	\$ 1.90	\$ 190,000.00
13	6" White Skip Pavement Markings (Paint) (Per Section SP-3.06R)	LF	25,000	ZERO DOLLARS AND 40/100	\$ 0.40	\$ 10,000.00
14	6" White Solid Pavement Markings (Paint) (Per Section SP-3.06R)	LF	25,000	ZERO DOLLARS AND 40/100	\$ 0.40	\$ 10,000.00
15	6" Yellow Skip Pavement Markings (Paint) (Per Section SP-3.06R)	LF	25,000	ZERO DOLLARS AND 40/100	\$ 0.40	\$ 10,000.00
16	6" Yellow Solid Pavement Markings (Paint) (Per Section SP-3.06R)	LF	25,000	ZERO DOLLARS AND 40/100	\$ 0.40	\$ 10,000.00
17	Contingency	LS	1	Five hundred thousand dollars and 00/100	\$500,000.00	\$500,000.00
<b>TOTAL COMPUTED PRICE:</b>						<b>8,992,750.00</b>

Contract 14-C-00031; Pavement Recycling and Maintenance

Computed Total Price In Words:

EIGHT MILLION NINE HUNDRED NINETY TWO THOUSAND SEVEN HUNDRED  
FIFTY dollars and ZERO cents.

Computed Total Price in Figures: \$ 8,992,750.00

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 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.	_____	_____	_____	_____	_____
B.	_____	<u>NOT APPLICABLE FOR THIS CONTRACT</u>		_____	_____
C.	_____	_____	_____	_____	_____
D.	_____	_____	_____	_____	_____
				Total Cost \$	_____

ASPHALT PAVING SYSTEMS, INC

Signed   
ROBERT CAIOFERRI, PRESIDENT

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

Contract 14-C-00031; Pavement Recycling and Maintenance

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

THE OHIO CASUALTY INSURANCE COMPANY of KEENE, NEW HAMPSHIRE  
(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 APRIL 1ST, 2014

ASPHALT PAVING SYSTEMS, INC.  
(Name of Bidder)

9021 WIRE ROAD, ZEPHYRHILLS, FL 33540  
(Address of Bidder)

  
(Signature)  
ROBERT CAIOFERRI  
PRESIDENT  
(Title)

Where Bidder is a Corporation:

Attest:  
  
Secretary  
KENNETH MESSINA

AFFIX  
CORPORATE  
SEAL

(ACKNOWLEDGMENT OF PRINCIPAL)

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

For a Corporation:

STATE OF FLORIDA  
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this 1ST of APRIL, 2014 by ROBERT CAPOFERRI of ASPHALT PAVING SYSTEMS, INC, a NJ corporation, on behalf of the corporation. He/she is X personally known or has \_\_\_\_\_ produced \_\_\_\_\_ as identification.

*Mark S. Rohrbach*  
\_\_\_\_\_  
Notary



My Commission Expires:

10/17/2015

For an Individual:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ of \_\_\_\_\_, 2014 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 \_\_\_\_\_, 2014 by \_\_\_\_\_ who signed on behalf of the said firm. He/she is \_\_\_\_ personally known or has \_\_\_\_ produced \_\_\_\_\_ as identification.

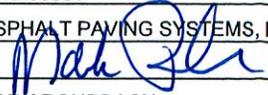
\_\_\_\_\_  
Notary

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_

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

**Contract** 14-C-00031 **Bid Date** 4/1/14  
**Bidder** ASPHALT PAVING SYSTEMS, INC.  
**Signature**  **Date** 4/4/14  
**Name** MARK ROHRBACH **Title** ESTIMATOR

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:

GFCEP

TAMPA BID BOND  
Contract 14-C-00031; Pavement Recycling and Maintenance

KNOW ALL MEN BY THESE PRESENTS, that we, Asphalt Paving Systems, Inc.

(hereinafter called the Principal) and The Ohio Casualty Insurance Company

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of New Hampshire, with its principal offices in the City of Keene, 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 14-C-00031, Pavement Recycling and Maintenance.

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 1st day of April, 2014.

Principal

Asphalt Paving Systems, Inc.

BY \_\_\_\_\_

TITLE Robert Capoferri, President

The Ohio Casualty Insurance Company

BY \_\_\_\_\_

TITLE Kevin McCabe, Attorney-in-Fact

(SEAL)

Steven G. Raffuel

Producing Agent

20 Nassau St., Suite 406, Princeton, NJ 08542

Producing Agent's Address

The Raffuel Surety Group

Name of Agency

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

**CONSENT OF SURETY**

**THE OHIO CASUALTY INSURANCE COMPANY,**

**Keene, New Hampshire** duly qualified to transact business in the State of **Florida**

hereby agrees that if **ASPHALT PAVING SYSTEMS, INC.**

**is the successful bidder for CITY OF TAMPA**

**Contract 14-C-00031, Pavement Recycling and Maintenance**

it as surety, will provide the Bidder with bonds in such forms and sums as required in the advertisement or in the specifications.

Signed, sealed and dated this 1<sup>st</sup> of **April, 2014.**

*THE OHIO CASUALTY INSURANCE COMPANY*

BY: \_\_\_\_\_

  
**Kevin McCabe, Attorney-in-Fact**

**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. 6375051

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, Alene M. Fischer; Cecelia D. Brown; Charles McCabe; Julia A. McCabe; Kevin McCabe; Michelle McGinn; Scott Martin

all of the city of Mullica Hill, state of NJ 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 3rd day of December, 2013.



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 3rd day of December, 2013, 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 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 1st day of April, 2014.



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.



**Page 3 of 4DMI – Solicited/Utilized  
City of Tampa –DMI Schedule of Sub-(Contractors/Consultants/Suppliers) to be Utilized  
(FORM MBD-20)**

Contract No.: 14-C-00031 Contract Name: PAVEMENT RECYCLING AND MAINTENANCE  
 Contractor Name: ASPHALT PAVING SYSTEMS, INC. Address: 9021 WIRE ROAD, ZEPHYRHILLS, FL 33540  
 Federal ID: 22-3787755 Phone: 813-788-0010 Fax: 813-788-0020 Email: ponderosamark@hotmail.com

- See attached documents.  
 No Subcontracting (of any kind) will be performed on this contract.

NIGP Code General Categories: Buildings = 909, General = 912, Heavy = 913, Trades = 914, Architects = 906, Engineers & Surveyors = 925, Supplier = 912-77

**This DMI Schedule Must Be Submitted with the Bid or Proposal (Do Not Modify This Form)**

Enter "S" for firms Certified as Small Local Business Enterprises, "W" for firms Certified as Women/Minority Business Enterprise

S = SLBE W=WMBE	Company Name Address Phone & Fax	Type of Ownership (F=Female M=Male) BF BM = African Am. HF HM = Hispanic Am. AF AM = Asian Am. NF NM = Native Am. CF CM = Caucasian	Trade, Services, or Materials  NIGP Code Listed above	Amount of Quote. Letter of Intent if available.	Percent of Scope/Contract %
SLBE 59-3284380	SABRINA'S TRUCKING, LLC PO BOX 992, MANGO, FL 33550 PH: 813-629-7210 / FX: 813-627-9094	BF	912	\$159,000	1.8 %
SLBE 32-0270935	JMJ HAULING, INC. 8209 69TH ST E, PALMETTO, FL 34221 PH: 917-544-9741 / FX: 941-721-6932	HM	912	\$159,000	1.8 %
N/A	SUNCOAST PAVING, INC. 800 ANCLOTE ROAD, TARPON SPRINGS, FL PH: 727-938-2411 / FX: 727-938-4563 34689	CM	912	\$3,925,000	44 %
N/A	CEMEX 3626 QUADRANGLE BLVD., ORLANDO, FL PH: 407-832-5177 / FX: 321-235-0392	CM	912	\$210,000	2 %

Total Subcontract/Supplier Utilization \$ 4,453,000.00

Total SLBE Utilization \$ 318,000.00

Total WMBE Utilization \$ 159,000.00

Percent SLBE Utilization of Total Bid/Proposal Amt. 3.6 % Percent WMBE Utilization of Total Bid/Proposal Amt. 1.8 %

It is hereby certified that the following information is a true and accurate account of utilization for sub-contracting opportunities on this contract. This form must be completed and submitted with the bid or proposal. Modifying or failing to sign DMI forms may result in Non-Compliance and/or deemed non-responsive.

Signed:  Name/Title: MARK ROHRBACH, ESTIMATOR Date: 4/1/14

MBD 20 rev. 02/01/13

**Note: Detailed Instructions for completing this form are on the next page.**



# CITY OF TAMPA

Bob Buckhorn, Mayor

Office of the Chief of Staff

Minority and Small Business Development

DATE: May 5, 2014

TO: David Vaughn, Director of Contract Administration Department.

FROM: Gregory K. Hart, Minority Business Development Manager

RE: SLBE/WMBE Utilization & Solicitation Evaluation

**PROJECT:** 14-C-00031: Pavement Recycling & Maintenance

**LOW BIDDER:** Asphalt Paving Systems, Inc.

**BID AMOUNT:** \$8,992,750.00

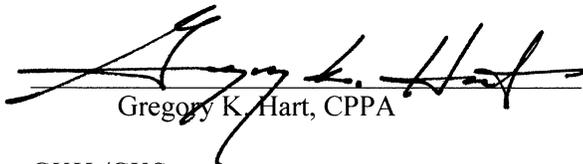
**SLBE/Underutilized-WMBE Subcontract Goal:** 3.0%  
**SLBE/U-WMBE Participation Achieved:** 3.54%  
**Good Faith Effort Compliance:** SUFFICIENT – EXCEEDED GOAL

The prime contractor (Asphalt Paving Systems) 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 3.54%, of which 1.77% represents Asian, and 1.77 % African American.

### SLBE/U-WMBE Subcontract Attainment

Certification Type	Classification	Classification	Totals
DUAL SLBE/WMBE	ABE = 1.77%	BBE = 1.77%	3.54%



Gregory K. Hart, CPPA

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

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

# SLBE/WMBE UTILIZATION & SOLICITATION EVALUATION REPORT

PROJECT: **14-C-00031: Pavement Recycling & Maintenance**

BIDDER: **Asphalt Paving Systems, Inc.**

IS BIDDER A CERTIFIED SLBE/U-WMBE? **No**

BID AMOUNT: **\$8,992,750.00**

BID DATE: **April 1, 2014**

SLBE PARTICIPATION IDENTIFIED List of SLBEs/WMBEs to be Utilized	Certification Type	Estimated Amount	Actual Quote	Actual %	Letter of Intent Submitted? Yes/No
<b>J M J Hauling, Inc.</b>	<b>SLBE/ ABE</b>	<b>\$159,000</b>	<b>\$159,000</b>	<b>1.77%</b>	<b>Yes</b>
<b>Sabrina's Trucking</b>	<b>SLBE/ BBE</b>	<b>\$159,000</b>	<b>\$159,000</b>	<b>1.77%</b>	<b>Yes</b>

SLBE/UNDERUTILIZED-WMBE Goal **3.0%**

SLBE/U-WMBE ATTAINED: **3.54%** TOTAL SLBE: **\$318,000.00**

HAVE LETTERS OF INTENT BEEN OBTAINED FOR ALL SLBEs/WMBEs UTILIZED? **Yes**

DID UTILIZATION ATTAINED MEET ESTABLISHED SLBE/U-WMBE GOAL? **Yes**

MAXIMUM SLBE/WMBE UTILIZATION ATTAINED <span style="border: 1px solid black; padding: 2px 10px;"><b>3.54%</b></span>

GOOD FAITH EFFORTS DEMONSTRATED: **Yes**

GOAL MET: **Yes**

**Summary: Asphalt Paving Systems exceeded the SLBE/U-WMBE Goal.**

	<b>5/5/2014</b>
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MBD Analyst Signature

Date