

Agmt  
C

RESOLUTION NO. 2018-\_\_\_\_\_

**A RESOLUTION ACCEPTING THE PROPOSAL OF MATCON CONSTRUCTION SERVICES, INC. PERTAINING TO CONTRACT 17-C-00004; CITY-WIDE GARAGE IMPROVEMENTS - WILLIAM POE, CENTRO YBOR AND PALM AVENUE (SHELTERED MARKET), IN THE AMOUNT OF \$124,355; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on March 20, 2018, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of City-wide Garage Improvements - William Poe, Centro Ybor and Palm Avenue, and recommends to this Council that the proposal of Matcon Construction Services, 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 Matcon Construction Services, Inc. in the total amount of \$124,355 for construction of the City-wide Garage Improvements - William Poe, Centro Ybor and Palm Avenue, 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.

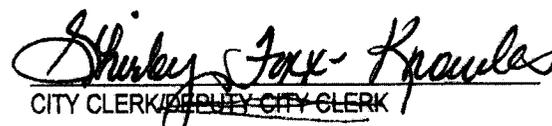
Section 7. This award provides a total of \$124,355 for a parking garage improvements contract within the Parking Capital/Construction Fund apportioned as follows: \$29,677.50 for the W.F. Poe Garage Restoration Project; \$65,000 for the Centro Ybor Garage Restoration Project; and \$29,677.50 for the Palm Avenue Garage Restoration Project.

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 03 2018

  
\_\_\_\_\_  
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

Y2018-11

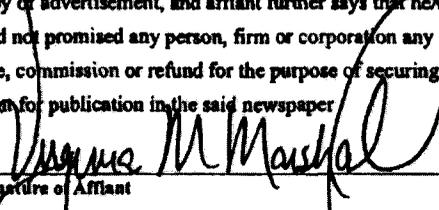
597620

**Tampa Bay Times**  
Published Daily

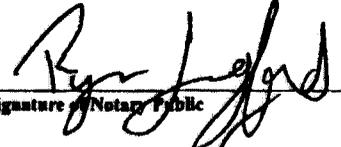
STATE OF FLORIDA )  
COUNTY OF Hillsborough County

Before the undersigned authority personally appeared Virginia Marshall who on oath says that he/she is Legal Clerk of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: CONTRACT:17-C-00004 was published in Tampa Bay Times: 2/16/18. in said newspaper in the issues of Baylink Hillsborough

Affiant further says the said Tampa Bay Times is a newspaper published in Hillsborough County, Florida and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as a second class mail matter at the post office in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

  
\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me this 02/16/2018.

  
\_\_\_\_\_  
Signature of Notary Public

Personally known \_\_\_\_\_ or produced identification

Type of identification produced \_\_\_\_\_



**CITY OF TAMPA**-Sealed bids will be received by the City of Tampa no later than 1:30 p.m. on 2/20/18 for **CONTRACT: 17-C-00004; City-wide Garage Improvements - William Poe, Centre Ybor and Palm Avenue - Sheltered Market.**  
EST.: \$170,000  
**PRE-BID CONF. 2/6/18, 2:00 p.m.**  
Download documents from [www.tampademandtar.com](http://www.tampademandtar.com) or <http://www.tampagov.net/contract-administration/programs/construction-project-bidding>. Email Technical Questions to [contractadministration@tampapov.net](mailto:contractadministration@tampapov.net)  
(597620) 02/16/2018

**City of Tampa  
BID TABULATION**

**Contract 17-C-00004; City-wide Garage Improvements – William Poe, Centro  
Ybor and Palm Avenue – Sheltered Market**

**Bid Opening - March 20, 2018**

Posted March 21, 2018

<b>CONTRACTOR</b>	<b>TOTAL BID AMOUNT</b>
Matcon Construction Services, Inc	\$124,355.00
Phinazee Construction & Consulting Services, Inc	\$181,180.00

\*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

Contract 17-C-00004; City-wide Garage Improvements - William Poe, Centro Ybor and Palm Avenue

ALB

PROPOSAL

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

Legal Name of Bidder: Matcon Construction Services, Inc.

Bidder's Fictitious Name, if applicable: N/A

Bidder is a/an:  Individual  Partnership\*  Joint Venture\*  LLC  Corp.  Other:

Bidder is organized under the laws of:  State of Florida  Other:

Bidder Mailing Address: 1717 E Busch Blvd. Suite 601

Bidder's Federal Employee Identification No. (FEI/EIN): 03-0411631

Bidder's License No.: 1515481

Bidder's FDOS (SUNBIZ) Doc. No.: \_\_\_\_\_

(See Ch. 489, FS; use entity's, individual's only if applicable)

Bidder Contact Name\*: Derek Mateos

Email: derek@matconconstruction.com Phone: ( 813 ) 600-5555

Bidder's own initial application for employment has criminal history screening practices similar in nature to the practices contained in Chapter 12, Article VI, City of Tampa Code (Responses, whether "Yes" or "No", are for informational purposes only and will not be used as a basis of award or denial, nor as a basis for any protest):  Yes  No

The below named person, appearing before the undersigned authority and after being first duly sworn, for him/herself and on behalf of the entity submitting this Proposal does hereby affirm and declare as follows:

- (1) He/She is of lawful age and is authorized to act on behalf of Bidder (the individual, partnership, corporation, entity, etc. submitting this Proposal) and that all statements made in this document are true and correct to the best of my knowledge.
- (2) If Bidder is operating under a fictitious name, Bidder has currently complied with any and all laws and procedures governing the operation of businesses under fictitious names in the State of Florida
- (3) No person or entity other than Bidder has any interest in this Proposal or in the Contract proposed to be entered into.
- (4) This Proposal is made without any understanding, agreement, or connection with any person or entity making Proposal for the same purposes, and is in all respects fair and without collusion or fraud.
- (5) 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.
- (6) 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.
- (7) Bidder has carefully examined and fully understands the Solicitation and has full knowledge of the scope, nature, and quality of the work to be performed; furthermore, 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.
- (8) Bidder (including its principals)  has |  has NOT been debarred or suspended from contracting with a public entity.
- (9) Bidder  has |  has NOT implemented a drug-free workplace program that meets the requirements of Section 287.087, Florida Statutes.
- (10) Bidder has carefully examined and fully understands all the component parts of the Contract Documents and agrees Bidder will execute the Contract, provide the required Public Construction Bond, and will fully perform the work in strict accordance with the terms of the Contract and Contract Documents therein referred to for the following prices, to wit:

\* If a Partnership or Joint Venture, attach Partnership or Joint Venture Agreement.

\*\* Someone the City may contact with questions/correspondence regarding this Solicitation and/or permits.

Contract 17-C-00004; City-wide Garage Improvements - William Poe, Centro Ybor and Palm Avenue

Item No.	Description	Unit	Approx. Quantity	Unit Price in Words	Unit Price	Total Computed Price
1.1	Project Mobilization	L.S.	1	Twenty Two Thousand One Hundred Twenty Five Dollars	\$ 22,125.00	\$ 22,125.00
2.1	Concrete Topping Repair	S.F.	800	Forty One Dollars	\$ 41.00	\$ 32,800.00
2.3	Partial Depth Concrete Floor Repair	S.F.	650	Thirty Six Dollars and Sixty Cents	\$ 36.60	\$ 23,790.00
3.2	Tee Stem Repair	S.F.	10	One Hundred Forty Five Dollars	\$ 145.00	\$ 1,450.00
3.3	Tee Flange Repair	S.F.	10	One Hundred Forty Four Dollars	\$ 144.00	\$ 1,440.00
3.5	Concrete Beam Repair	S.F.	130	One Hundred Thirty Seven Dollars	\$ 137.00	\$ 17,810.00
4.2	Bumper Wall Repair	S.F.	40	One Hundred Thirty Nine Dollars	\$ 139.00	\$ 5,560.00
8.3	Brick Replacement	S.F.	170	One Hundred Fourteen Dollars	\$ 114.00	\$ 19,380.00
					<b>TOTAL \$</b>	<b>124,355.00</b>



TAMPA BID BOND

Contract 17-C-00004; City-wide Garage Improvements - William Poe, Centro Ybor and Palm Avenue

KNOW ALL MEN BY THESE PRESENTS, that we, MATCON Construction Services, Inc.

(hereinafter called the Principal) and American Contractors Indemnity Company

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of California, with its principal offices in the City of Los Angeles, 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 17-C-00004, City-wide Garage Improvements - William Poe, Centro Ybor and Palm Avenue.

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 20th day of March, 2018.

Principal

BY \_\_\_\_\_  
TITLE \_\_\_\_\_  
BY [Signature]  
TITLE Attorney-in-Fact

(SEAL)

Mark D. Pichowski  
Producing Agent

101 N Startcrest Drive, Clearwater, FL 33765  
Producing Agent's Address

Bouchard Insurance  
Name of Agency

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



POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That American Contractors Indemnity Company of the State of California, a California corporation, does hereby appoint,

MARK D. PICHOWSKI

its true and lawful Attorney-in-Fact, with full authority to execute on its behalf bond number BB2004940, issued in the course of its business and to bind the Company thereby, in an amount not to exceed Twenty-five million and 00/100 (\$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 resolutions adopted by the Board of Directors of AMERICAN CONTRACTORS INDEMNITY COMPANY at a meeting duly called and held on the 1st day of September, 2011.

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

The Attorney-in-Fact named above may be an agent or a broker of the Company. The granting of this Power of Attorney is specific to this bond and does not indicate whether the Attorney-in-Fact is or is not an appointed agent of the Company.

IN WITNESS WHEREOF, American Contractors Indemnity Company has caused its seal to be affixed hereto and executed by its President on this 18th day of December 2017.

State of California
County of Los Angeles SS:



AMERICAN CONTRACTORS INDEMNITY COMPANY

By: Adam S. Pessin, President

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On this 18th day of December 2017, before me, Patricia Kanegawa Perez, a notary public, personally appeared Adam S. Pessin, President of American Contractors Indemnity Company, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CALIFORNIA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

[Signature]

(seal)



I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, do hereby certify that the Power of Attorney and the resolution adopted by the Board of Directors of said Company as set forth above, are true and correct transcripts thereof and that neither the said Power of Attorney nor the resolution have been revoked and they are now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of March, 2018.

Bond No.

BB2004940

Agency No.

11668



Kio Lo, Assistant Secretary



