

Agmt  
Bld

RESOLUTION NO. 2019-\_\_\_\_\_

**A RESOLUTION ACCEPTING THE PROPOSAL OF ELECTRICAL ENGINEERING ENTERPRISES, INC. PERTAINING TO CONTRACT 18-C-00034; HOWARD F. CURREN AWTP SWITCHGEAR BUILDING PROTECTIVE RELAYS REPLACEMENT, IN THE AMOUNT OF \$355,190; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on November 6, 2018, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Howard F. Curren AWTP Switchgear Building Protective Relays Replacement, the first bidder was rejected for errors, and recommends to this Council that the proposal of Electrical Engineering Enterprises, 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 Electrical Engineering Enterprises, Inc. in the total amount of \$355,190 for construction of the Howard F. Curren AWTP Switchgear Building Protective Relays Replacement, 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.

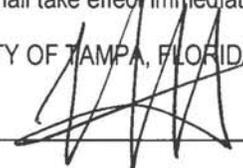
Section 6. The bid security of the bidders shall be returned in accordance with the provisions of the contract documents for this project.

Section 7. This will provide \$355,190 for the Howard F. Curren Advanced Wastewater Treatment Plant Switchgear Building Protective Relays Replacement project for use by the Wastewater Department within the Wastewater Capital Construction Fund.

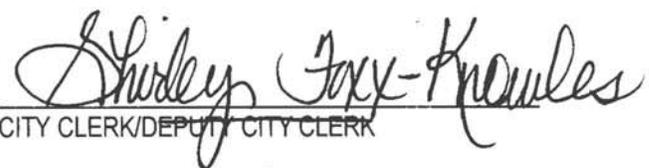
Section 8. Other proper officers of the City of Tampa are authorized to do all things necessary and proper in order to carry out and make effective the provisions of this Resolution, which shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA ON

FEB 07 2019

  
\_\_\_\_\_  
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

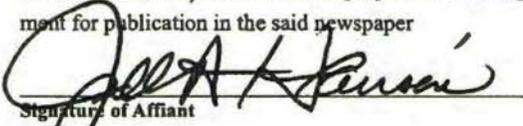
12019-2

**Tampa Bay Times**  
Published Daily

STATE OF FLORIDA            } ss  
COUNTY OF Hillsborough County

Before the undersigned authority personally appeared **Jill Harrison** 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: 18-C-00034** was published in **Tampa Bay Times: 10/5/18**. 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 not 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 10/05/2018.

  
Signature of Notary Public

Personally known  or produced identification

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



Sealed bids will be received by the City of Tampa no later than 1:30 p.m. on November 6, 2018. **CONTRACT NO.:** 18-C-00034; Howard F. Curren AWTP Switchgear Building Protective Relays Replacement **EST.:** \$314,000 **PRE-BID CONF.:** Oct 23, 2018, 10:30 a.m. **CONTRACT NO.:** 18-C-00041; Stormwater Construction - Citywide **FY18 EST.:** \$3,200,000 **PRE-BID.:** Oct 23, 2018, 2:00 p.m. Documents may be downloaded from [www.demandstar.com](http://www.demandstar.com). or <http://www.tampagov.net/contractadministration/programs/construction-project-bidding>. **Email Questions to:** [contractadministration@tampagov.net](mailto:contractadministration@tampagov.net). (693826) 10/05/2018

**City of Tampa**  
**BID TABULATION**  
**Contract 18-C-00034; Howard F. Curren AWTP Switchgear Building Protective**  
**Relays Replacement**  
**Bid Opening - November 06, 2018**

Posted November 06, 2018 (Updated November 27, 2018)

CONTRACTOR	TOTAL BID AMOUNT
Miami Breaker, Inc. "Rejected for errors"	\$289,000.00
Electrical Engineering Enterprise, Inc.	\$355,190.00
SEL Engineering Services, Inc.	\$360,000.00
Electric Power Inc	\$366,000.00

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 18-C-00034; Howard F. Curren AWTP Switchgear Building Protective Relays Replacement

PROPOSAL

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

Legal Name of Bidder: ELECTRICAL ENGINEERING ENTERPRISE, 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: 5316 E. HENRY AVE, TAMPA, FL 33610

Bidder's Federal Employee Identification No. (FEI/EIN): 59-3554532

Bidder's License No.: EC0000526 Bidder's FDOS (SUNBIZ) Doc. No.: \_\_\_\_\_  
(See Ch. 489, FS; use entity's, individual's only if applicable)

Bidder Contact Name\*\*: KENT CLEARWATERS Email: CLEARWATERS@ELECTENG.COM Phone: (813) 363-7000

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 18-C-00034; Howard F. Curren AWTP Switchgear Building Protective Relays Replacement

Contract Item No.	Estimated Quantity	Description and Price in Words	Computed Total Price for Item in Figures
BASE BID	LS	The work includes the furnishing of all labor, equipment, and material for the removal and replacement of twenty-two (22) feeder protective relays for utility feeders and six (6) motor protective relays for 5 kV motors, any allowances as stated in SP-60, and with all associated work required for a complete project in accordance with the Contract Documents.	

THREE HUNDRED AND FIFTY-FIVE THOUSAND  
ONE HUNDRED AND NINETY dollars

and 00 cents

(BASE BID) LS

\$ 355,190<sup>00</sup>

Contract 18-C-00034; Howard F. Curren AWTP Switchgear Building Protective Relays Replacement

Computed Total Price in Words: THREE HUNDRED AND FIFTY-FIVE THOUSAND  
ONE HUNDRED AND NINETY dollars and 2526 cents.

Computed Total Price in Figures: \$ 355,190

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 \_\_\_ #6 \_\_\_ #7 \_\_\_ #8 \_\_\_.

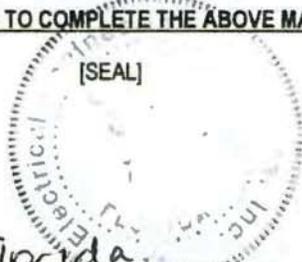
Bidder acknowledges the requirements of the City of Tampa's Equal Business Opportunity Program.

Bidder acknowledges that it is aware of Florida's Trench Safety Act (Sections 553.60-553.64, Florida Statutes), and agrees that Bidder together with any involved subcontractors will comply with all applicable trench safety standards. Bidder further acknowledges that included in the various items of this Proposal and the total bid price (as applicable) are costs for complying with the Trench Safety Act. Bidder further identifies the costs and methods summarized below:

	Trench Safety Measure (Description)	Unit of Measure (LF, SY)	Unit Quantity	Unit Cost	Extended Cost
A.	<u>N/A</u>	_____	_____	_____	_____
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
<b>Total Cost: \$</b>				_____	

Accompanying this Proposal is a certified check, cashier's check or Tampa Bid Bond (form included herein must be used) for at least five percent (5%) of the total amount of the Proposal which check shall become the property of the City, or which bond shall become forthwith due and payable to the City, if this Proposal shall be accepted by the City and the Bidder shall fail to enter into a legally binding contract with and to furnish the required Public Construction Bond to the City within twenty (20) days after the date of its receipt of written Notice of Award by the City so to do.

**FAILURE TO COMPLETE THE ABOVE MAY RESULT IN THE PROPOSAL BEING DECLARED NON-RESPONSIVE.**

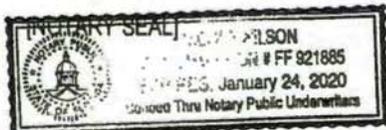


Name of Bidder: Elec. Eng. Enterprises, Inc.  
Authorized Signature: Wayne Ellis  
Signer's Printed Name: Wayne Ellis  
Signer's Title: President

STATE OF Florida  
COUNTY OF Hillsborough

For an entity: The forgoing instrument was sworn (or affirmed) before me this 6 day of November, 2018 by Wayne Ellis as President of Electrical Engineering Enterprises, a/n  Partnership  Joint Venture  LLC  Corp  Other: \_\_\_\_\_, on behalf of such entity. Such individual is  personally known to me or  produced a/n \_\_\_\_\_ state driver's license as identification.

For an individual: The forgoing instrument was sworn (or affirmed) before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ by \_\_\_\_\_, who is  personally known to me or  produced a/n \_\_\_\_\_ state driver's license as identification.



Nicole Wilson  
Notary Public, State of Florida  
Notary Printed Name: Nicole Wilson  
Commission No.: FF 921885  
My Commission Expires: Jan 24, 2020

TAMPA BID BOND

Contract 18-C-00034; Howard F. Curren AWTP Switchgear Building Protective Relays Replacement

KNOW ALL MEN BY THESE PRESENTS, that we, Electrical Engineering Enterprises, Inc.

(hereinafter called the Principal) and FCCI Insurance Group

(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, Fl., 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 18-C-00034, Howard F. Curren AWTP Switchgear Building Protective Relays Replacement.

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.

5<sup>th</sup> IN TESTIMONY THEREOF, the Principal and Surety have caused these presents to be duly signed and sealed this day of November, 2018

Principal

Electrical Engineering Enterprises, Inc.

BY Wayne Ellis

TITLE Wayne Ellis - President

BY Wayne H Ellis

TITLE President

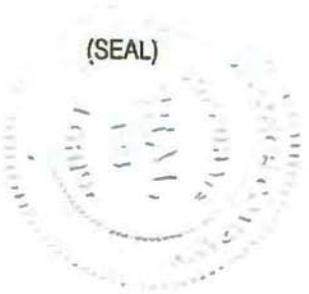
Charlie Salyer Charlie Salyer  
Producing Agent and Atty-in-Fact

11470 N. 53rd St. Temple Terrace, Fl. 33617

Producing Agent's Address

Associates Insurance Agency 813-988-1234

Name of Agency



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



More than a policy. A promise.

**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:

Daniel Brenman; Michael Rogers; Jason Farquhar; Jennifer A Fava; Trevor McCarthy;

Barry Ryan; Charlie Salyer; Sharon E Taylor; Tracy E Todd

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 \$7,500,000): \$7,500,000.00

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.

The signatures below and the seal of the Corporation may be affixed by facsimile, and any such facsimile signatures or facsimile seal shall be binding upon the Corporation when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached.

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 25<sup>TH</sup> day of September, 2016.

Attest:

Craig Johnson  
Craig Johnson, President  
FCCI Insurance Company



Thomas A. Koval  
Thomas A. Koval Esq., EVP, Chief Legal Officer,  
Government Affairs 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: 9/25/2020



Arlene Alonso

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: 9/25/2020



Arlene Alonso

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 5<sup>TH</sup> day of November, 2018

Thomas A. Koval  
Thomas A. Koval, Esq., EVP, Chief Legal Officer,  
Government Affairs and Corporate Secretary



Failure to Complete, Sign and Submit Both Forms 10 & 20 SHALL render the Bid or Proposal Non-Responsive

Page 3 of 4 - DMI Solicited/Utilized Schedules
City of Tampa - Schedule of All To-Be-Utilized Sub-(Contractors/Consultants/Suppliers)
(FORM MBD-20)

Contract No.: 18C-00034 Contract Name: HFC AWTB SWGR RELAY REPLACEMENT
Company Name: FEE, Inc. Address: 5316 E. HENRY AVE. TAMPA, FL 33610
Federal ID: 59-3554532 Phone: 813-740-9601 Fax: 813-740-9360 Email: CLEWRWATERS@ELECTENG.COM

Check applicable box(es). Detailed Instructions for completing this form are on page 4 of 4.

See attached list of additional Firms Utilized and all supplemental information (List must comply to this form)

Note: Form MBD-20 must list ALL subcontractors To-Be-Utilized including Non-minority/small businesses

[ ] No Subcontracting/consulting (of any kind) will be performed on this contract.

[ ] No Firms are listed to be utilized because:

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

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

Table with 6 columns: Certification, Company Name/Address/Phone/Fax/Email, Type of Ownership, Trade/Services/Materials, \$ Amount of Quote/Letter of Intent, Percent of Scope or Contract. Includes entries for HEG and EDA.

Total ALL Subcontract / Supplier Utilization \$ 67,000
Total SLBE Utilization \$ 9,000
Total WMBE Utilization \$ 58,000
Percent SLBE Utilization of Total Bid/Proposal Amt. 2.5% Percent WMBE Utilization of Total Bid/Proposal Amt. 16.8%

It is hereby certified that the following information is a true and accurate account of utilization for sub-contracting opportunities on this Contract.

Signed: Wayne Ellis Name/Title: Wayne Ellis President Date: 11/6/18

Failure to Complete, Sign and Submit Both Forms 10 & 20 SHALL render the Bid or Proposal Non-Responsive
Forms must be included with Bid / Proposal



# CITY OF TAMPA

Bob Buckhorn, Mayor

Office of the Chief of Staff

## Minority and Small Business Development

DATE: January 14, 2019  
 TO: Michael Chucran, Director, Contract Administration Department  
 FROM: Gregory K. Hart, MSBD Manager  
 RE: EBO Bid Compliance Evaluation - GFCEP Utilization & Solicitation

**PROJECT:** 18-C-00034: Howard F. Curren AWTP Switchgear Building Protective Relays Replacement

**2<sup>nd</sup> LOW BIDDER:** Electrical Engineering Enterprise, Inc.

**BID AMOUNT:** \$355,190.00

**SLBE Subcontract Goal:** 1.8%

**SLBE Goal Attainment:** 2.5%

**Good Faith Effort Compliance:** Sufficient (Exceeded)

The Minority and Small Business Development Office evaluated the Good Faith Effort Compliance Plan (GFCEP) submitted by Electrical Engineering Enterprise, Inc. and determined they complied with the requirements of the Equal Business Opportunity Program (EBO) by having performed meaningful action steps to (a) identify and (b) directly solicit SLBE eligible companies to quote divisions of work commensurate with the participation goal. The project goal was narrowly-tailored on the basis of four (4) subcontract categories wherein the requisite, eligible SLBE companies represented a minimum availability group, within an overall group of nine (9+) available certified companies by subcontract task.

*NOTE: The subcontract goal is narrowly-tailored (per policy) to target underutilization of affected groups in specific trade/industry categories. Any WMBE/BBE achievement that was not a variable in calculation of the narrowly-tailored goal is considered ancillary. Ancillary participation cannot be credited toward meeting the narrowly-tailored goal, but may count toward overall project participation when GFCEP criteria for the underutilized group are met.*

**COMPLIANCE STATEMENT:** Total SLBE participation is 2.5% representing Non-Minority Small Business. Electrical Engineering Enterprise, Inc. is eligible for contract award and has executed Official Letters of Intent (LOI) with each COT certified vendor. The overall WMBE/SLBE participation including ancillary is 18.8%.

### U-WMBE Subcontract Goal Attainment

Certification Type	Classification	Classification	Totals
SLBE	Non-Minority	---	2.5%

### Ancillary WMBE Participation

Certification Type	Classification	Totals
WMBE	MBE-Hispanic	16.3%

*Gregory Hart*

Gregory K. Hart, MPA, CPPA

GKH/RT

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