

Bid

RESOLUTION NO.-2013- 562

**A RESOLUTION ACCEPTING THE PROPOSAL OF WHARTON-SMITH, INC. PERTAINING TO CONTRACT 13-C-00004; HOWARD F. CURREN AWTP MISCELLANEOUS SLUICE GATES REPLACEMENT, IN THE AMOUNT OF \$325,500; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on June 25, 2013, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Howard F. Curren AWTP Miscellaneous Sluice Gates Replacement, and recommends to this Council that the proposal of Wharton-Smith, 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 Wharton-Smith, Inc. in the total amount of \$325,500 for construction of the Howard F. Curren AWTP Miscellaneous Sluice Gates 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.

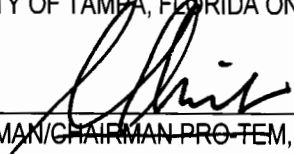
Section 5. Any and all technical errors, informalities and irregularities in the proposal of the Contractor are hereby waived.

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. The project construction costs in the amount of \$325,500 are provided in the City Budget for the Fiscal Year ending September 30, 2013, from the Wastewater Operating 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 AUG 01 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

1/2012-27

**City of Tampa**  
**BID TABULATION**  
**Contract 13-C-00004; Howard F. Curren AWTP Miscellaneous Sluice Gate**  
**Replacements**  
**Bid Opening - June 25, 2013**  
 Posted June 25, 2013

CONTRACTOR	TOTAL BID AMOUNT
Wharton-Smith, Inc. *	\$325,500.00
TLC Diversified, Inc.	\$325,500.00
RTD Construction, Inc.	\$363,810.00
Southern Road & Bridge, LLC	\$468,000.00

\* Low bidder determined by prescribed procedure .

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 13-C-00004; Howard F. Curren AWTP Miscellaneous Sluice Replacements

*ALB*  
*Returned by (10/10/13)*  
*10/10/13*

PROPOSAL

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

Name of Bidder Wharton-Smith, Inc.

407-321-8410          rdavoli@whartonsmith.com  
Business Phone Number and Email Address

Wharton-Smith, Inc., 750 Monroe Road, Sanford, FL 32771  
Business Name and Mailing Address

813-288-0068, Todd O'Donnell  
Phone Number and Name of Contact Regarding Permits

Wharton-Smith, Inc.      59-2392802  
Contractor/Qualifiers Name and Federal Identification Number

Date of Proposal June 25, 2013

(If Bidder is a firm, fill in the following blanks):

Names and Residential Addresses of Partners

N/A

(If Bidder is a corporation, fill in the following blanks):

Organized under the laws of the State of Florida

Names and Address of President

Ronald F. Davoli

750 Monroe Road, Sanford, FL 32771

Name and Address of Vice President

Please see attached Corporate Officers List

Name and Address of Secretary

William C. Robinson, Jr.

750 Monroe Road, Sanford, FL 32771

Names and Address of Treasurer

Ronald F. Davoli

750 Monroe Road, Sanford, FL 32771

Contract 13-C-00004; Howard F. Curren AWTP Miscellaneous Sluice Replacements

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 59-2392802  
 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:

Contract 13-C-00004; Howard F. Curren AWTP Miscellaneous Sluice Replacements

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 to install (12) sluice gates and operators at the Chlorine Contact Chamber located at the HFC AWTP, as shown on the plans, and any Contingency Allowance as stated in SP-131, and with all associated work required for a complete project in accordance with the Contract Documents.	
<p>Three hundred twenty five thousand, five hundred dollars and zero cents</p>			
(BASE BID) LS		\$ <u>325,500.00</u>	

Computed Total Price In Words:

Three hundred twenty five thousand, five  
hundred dollars and zero cents.

Computed Total Price in Figures: \$ 325,500.00

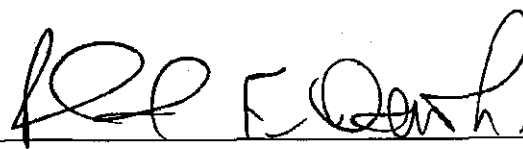
The bidder acknowledges that the following addenda have been received and that the changes covered by the addendum(s) have been taken into account in this proposal: #1 X #2 X #3    #4    #5   .

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>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
B.	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
C.	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
D.	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>

Total Cost \$ N/A

Signed   
Ronald F. Davoli, President/CEO

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

Contract 13-C-00004; Howard F. Curren AWTP Miscellaneous Sluice Replacements

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

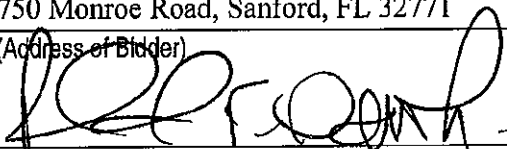
Western Surety Company of Sioux Falls, SD  
(Name of Bank or Surety) (City & State)

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 June 25, 2013

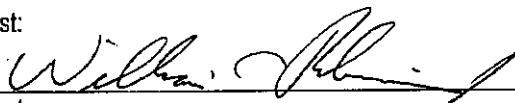
Wharton-Smith, Inc.  
(Name of Bidder)

750 Monroe Road, Sanford, FL 32771  
(Address of Bidder)

  
(Signature)

Ronald F. Davoli, President/CEO  
(Title)

Where Bidder is a Corporation:

Attest:  
  
Secretary William C. Robinson, Jr., Corporate Secretary

AFFIX  
CORPORATE  
SEAL

(ACKNOWLEDGMENT OF PRINCIPAL)

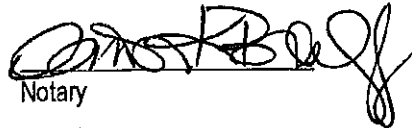
STATE OF Florida )  
 ) SS:  
COUNTY OF Seminole )

For a Corporation:

STATE OF Florida  
COUNTY OF Seminole

Ronald F. Davoli,

The foregoing instrument was acknowledged before me this 25 of June, 2013 by President/CEO of Wharton-Smith, Inc., a Florida corporation, on behalf of the corporation. He/she is  personally known or has \_\_\_\_\_ produced \_\_\_\_\_ as identification.

  
Notary



My Commission Expires:

October 24, 2014

For an Individual: N/A

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: N/A

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  
Contract 13-C-00004; Howard F. Curren AWTP Miscellaneous Sluice Replacements

KNOW ALL MEN BY THESE PRESENTS, that we, Wharton-Smith, Inc.

(hereinafter called the Principal) and Western Surety Company

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of South Dakota, with its principal offices in the City of Sioux Falls, 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 13-C-00004, Howard F. Curren AWTP Miscellaneous Sluice Replacements.

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 Performance Bond and Payment 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 25th day of June, 2013.

Principal

Wharton-Smith, Inc.

BY 

Ronald F. Davoli

TITLE President/CEO

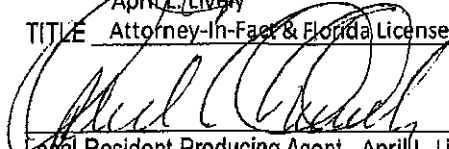
Western Surety Company

BY 

April L. Lively

TITLE Attorney-In-Fact & Florida Licensed Resident Agent

Countersigned:  
(SEAL)

  
Local Resident Producing Agent April L. Lively, Attorney-In-Fact & Florida Licensed Resident Agent

1904 Boothe Circle, Longwood, FL 32750

Local Resident Producing Agent's Address

Guignard Company

Name of Local Agency

Inquiries: (407) 834-0022

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

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**J W Guignard, Bryce R Guignard, April L Lively, Paul J Ciambriello, Jennifer L McCarta, Margie L Morris, Allyson Foss, Individually**

of Longwood, FL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 17th day of September, 2012.

WESTERN SURETY COMPANY



*Paul T. Bruflat*

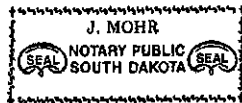
Paul T. Bruflat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 17th day of September, 2012, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2015



*J. Mohr*

J. Mohr, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 25th day of June, 2013.

WESTERN SURETY COMPANY

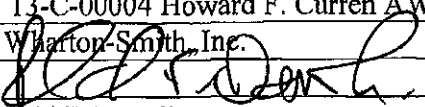


*L. Nelson*

L. Nelson, Assistant Secretary

## Good Faith Effort Compliance Plan

for Women/Minority Business Enterprise/Small Local Business Subcontracting  
City of Tampa - Equal Business Opportunity Program  
(MBD Form 50)

Contract 13-C-00004 Howard F. Curren AWTP Misc Sluice Replacement Bid Date 06/25/13  
Bidder Wharton-Smith, Inc.  
Signature  Date 06/25/13  
Name Ronald F. Davoli Title President/CEO

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

The goal for WMBE/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 WMBE/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 WMBE/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 WMBE/SLBEs to respond. The Bidder or Contractor must take appropriate steps to follow up initial solicitations with interested WMBE/SLBEs.  See DMI report forms for subcontractors solicited.  See enclosed supplemental data on solicitation efforts.  Remarks:
- (2) Providing interested WMBE/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 WMBE/SLBEs that have submitted bids. Documentation of negotiation must include the names, addresses, and telephone numbers of WMBE/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 WMBE/SLBEs to perform the work. That there may be some additional costs involved in soliciting and using WMBE/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 WMBE/SLBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The WMBE/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 WMBE/SLBE subcontractors and suppliers and to select those portions of the work or material consistent with the available WMBE/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 WMBE/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 WMBE/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 WMBE/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 WMBE/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 WMBE/SLBEs.  See enclosed document.  The following services were used: <http://www.tampagov.net/dept.minority-business-development/>

Other Supporting Good Faith Efforts:  See enclosed document.  Remarks:

7/18/13  
v/m



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

Contract No.: 13-C-00004 Contract Name: Howard F. Curren A WTP Misc Sluice Replacements  
 Contractor Name: Wharton-Smith, Inc. Address: 750 Monroe Road, Sanford, FL 32771  
 Federal ID: 59-2392802 Phone: 407-321-8410 Fax: 407-327-6984 Email: rdavoli@whartonsmith.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

SLBE  
BBE  
SLBE

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 %
Federal ID					
S, W 59.3225186	Kerrick-Williams Photography Seffner, FL Ph: 813.571.3768 F: 866.571.7149	BM	914	\$850.00	.26%
S 59.3454485	Monates Electric, Inc. Lithia, FL Ph: 813.645.7000 F: 813.654.7568	CM	914	\$16,800.00	5.16%

Total Subcontract/Supplier Utilization \$ 17,650.00  
 Total SLBE Utilization \$ 17,650.00  
 Total WMBE Utilization \$ 850.00

Percent SLBE Utilization of Total Bid/Proposal Amt. 5.42% Percent WMBE Utilization of Total Bid/Proposal Amt. .26%

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: [Signature] Name/Title: Ronald F. Davoli, President/CEO Date: June 25, 2013