

Bid

RESOLUTION NO. 2013- 783

**A RESOLUTION ACCEPTING THE PROPOSAL OF ELECTRICAL ENGINEERING ENTERPRISES, INC. PERTAINING TO CONTRACT 13-C-00036; HOWARD F. CURREN AWTP TRANSFORMERS REPLACEMENT, PHASE 1, IN THE AMOUNT OF \$323,876; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on August 27, 2013, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Howard F. Curren AWTP Transformers Replacement, Phase 1, 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 \$323,876 for construction of the Howard F. Curren AWTP Transformers Replacement, Phase 1, 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 \$323,876 are provided in the City Budget for the Fiscal Year ending September 30, 2014, in 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 OCT 17 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

**City of Tampa  
BID TABULATION**

**Contract 13-C-00036; Howard F. Curren AWTP Transformers Replacement,  
Phase 1**

**Bid Opening - August 27, 2013**

Posted August 27, 2013

<b>CONTRACTOR</b>	<b>TOTAL BID AMOUNT</b>
Electrical Engineering Enterprises, Inc.	\$323,876.00
A. West Enterprise	\$375,483.00
MJM Electric, Inc.	\$511,591.00
Lavandera Electric Company	\$596,400.00

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

ALD

PROPOSAL

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

Name of Bidder ELECTRICAL ENGINEERING ENTERPRISE, INC.

813-740-9601 CLEARWATERS@ELECTENG.COM  
Business Phone Number and Email Address

5316 E. HENRY AVE, TAMPA, FL. 33610  
Business Name and Mailing Address

813-363-7000 KENT CLEARWATERS  
Phone Number and Name of Contact Regarding Permits

WAYNE ELLIS 59-3554532  
Contractor/Qualifiers Name and Federal Identification Number

Date of Proposal 8/27/2013

(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

WAYNE ELLIS

5316 E. HENRY AVE, TAMPA, FL, 33610

Name and Address of Vice President

N/A

Name and Address of Secretary

NICOLE WILSON

5316 E. HENRY AVE, TAMPA, FL. 33610

Names and Address of Treasurer

N/A

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:

Contract Item No.	Estimated Quantity	Description and Price in Words	Computed Total Price for Item in Figures
BASE BID	LS	<p>The work includes the furnishing of all labor, equipment, and material for the removal and replacement of five (5) 13.2 kV - 480 V electrical distribution transformers, feeder replacement conductors, repair of medium voltage cables, any Contingency Allowances that may be listed in Section SP-60, and with all associated work required for a complete project in accordance with the Contract Documents.</p> <p><u>Three hundred - twenty-three thousand,</u>  <u>eight hundred and seventy-six dollars</u>                      and <u>00</u> cents</p>	<p>(BASE BID) LS \$ <u>323,876.00</u></p>

Computed Total Price In Words:

THREE HUNDRED, twenty-three thousand, eight hundred and  
SEVENTY-SIX dollars and 00 cents.

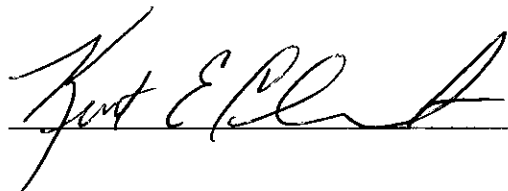
Computed Total Price in Figures: \$ 323,876.00

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 \_\_\_ #2 \_\_\_ #3 \_\_\_ #4 \_\_\_ #5 \_\_\_.

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

Bidder acknowledges that included in the various items of the proposal and the Total Bid Price are costs for complying with the Florida Trench Safety Act (90096), (Laws of Fla.) effective October 1, 1990. The bidder further identifies the costs to be summarized below:

	Trench Safety Measure (Description)	Unit of Measure (LF, SY)	Unit Quantity	Unit Cost	Extended Cost
A.	<u>LINEAR Ft.</u> <u>UNDER MTS</u>	<u>LF</u>	<u>30'</u>	<u>15.00</u>	<u>\$315.00 ±</u>
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
D.	_____	_____	_____	_____	_____
				Total Cost \$	<u>315.00</u>

Signed 

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

Accompanying this Proposal is a certified check, cashier's check or Bid Bond (form included herein must be used) on the form at least five (5) percent of the total amount of the Proposal which check shall become the property of the

AIA of Tampa, FL  
(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 8/27, 2013

ELECTRICAL ENGINEERING ENTERPRISES INC.  
(Name of Bidder)

5316 E. HENRY AVE, TAMPA FL, 33610  
(Address of Bidder)

Le Dague W Ellis  
(Signature)

President  
(Title)

Where Bidder is a Corporation:

Attest: Michael Wilson  
Secretary

AFFIX  
CORPORATE  
SEAL



(ACKNOWLEDGMENT OF PRINCIPAL)

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

For a Corporation:

STATE OF Florida  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 27 of August, 2013 by Wayne Ellis of Electrical Engineering, a \_\_\_\_\_ corporation, on behalf of the corporation. He/she is  personally known or has \_\_\_\_\_ produced \_\_\_\_\_ as identification.

Nicole Wilson  
Notary

My Commission Expires:



For an Individual:

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

The foregoing instrument was acknowledged before me this \_\_\_\_ of \_\_\_\_\_, 2013 by \_\_\_\_\_ who is \_\_\_ personally known to me or has \_\_\_ produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary

My Commission Expires:

\_\_\_\_\_

For a Firm:

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

The foregoing instrument was acknowledged before me this \_\_\_\_ of \_\_\_\_\_, 2013 by \_\_\_\_\_ who signed on behalf of the said firm. He/she is \_\_\_ personally known or has \_\_\_ produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_



## 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 HOWARD F CURREN TRANSFORMER REPLACEMENT Bid Date 8/27/13  
Bidder ELECTRICIAN ENGINEERING ENTERPRISES  
Signature [Signature] Date 8/27/13  
Name KEUT E. CLEARWATERS Title SALES ENG.

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:

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

TAMPA BID BOND  
Contract 13-C-00036; Howard F. Curren AWTP Transformers Replacement, Phase 1

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, 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-00036, Howard F. Curren AWTP Transformers Replacement, Phase 1.

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 26th day of August, 2013.

Principal

BY Wayne Ellis

TITLE President

BY Charles R. Salyer

TITLE Agent / Atty-in-Fact

Countersigned:  
(SEAL)

Charles R. Salyer   
Local Resident Producing Agent

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

Local Resident Producing Agent's Address

Associates Insurance Agency 813-988-1234

Name of Local Agency

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



### GENERAL POWER OF ATTORNEY

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

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 \$2,500,000): **\$2,500,000.00**

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 22<sup>ND</sup> day of September, 2011.

Attest: Craig Johnson  
Craig Johnson, President  
FCCI Insurance Company



Thomas A. Koval  
Thomas A. Koval Esq., SVP, General Counsel,  
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: 9/25/2016

**ARLENE CUEMAN**  
Notary Public, State of Florida  
My Comm. Expires Sept. 25, 2016  
No. EE 213092

Arlene Cueman  
Notary Public

State of Florida  
County of Sarasota

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

My commission expires: 9/25/2016

**ARLENE CUEMAN**  
Notary Public, State of Florida  
My Comm. Expires Sept. 25, 2016  
No. EE 213092

Arlene Cueman  
Notary Public

### CERTIFICATE

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

Dated this 26<sup>th</sup> day of August, 2013

Thomas A. Koval  
Thomas A. Koval, Esq., SVP, General Counsel,  
Government Affairs and Corporate Secretary



