

Bid

RESOLUTION NO. 2013- 883

CAD

A RESOLUTION ACCEPTING THE PROPOSAL OF TLC DIVERSIFIED, INC. PERTAINING TO CONTRACT 13-C-00044; HOWARD F. CURREN AWTP GRAVITY THICKENER AND SLUDGE PUMP REPLACEMENT, IN THE AMOUNT OF \$998,500; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 1, 2013, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Howard F. Curren AWTP Gravity Thickener and Sludge Pump Replacement, and recommends to this Council that the proposal of TLC Diversified, 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 TLC Diversified, Inc. in the total amount of \$998,500 for construction of the Howard F. Curren AWTP Gravity Thickener and Sludge Pump 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 \$998,500 are provided in the City Budget for the Fiscal Year ending September 30, 2014, in the Wastewater Capital Construction Fund Account.

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 NOV 21 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-00044; Howard F. Curren AWTP Gravity Thickener and Sludge
Pump Replacement

Bid Opening - October 01, 2013

Posted October 01, 2013

CONTRACTOR	TOTAL BID AMOUNT
TLC Diversified, Inc.	\$998,500.00
Prime Construction Group, Inc.	\$1,027,000.00
RTD Construction, Inc.	\$1,062,550.00
Westra Construction, Corp.	\$1,166,000.00
Mechanical Industrial Services, Inc.	\$1,259,699.00
Sawcross, Inc.	\$1,276,000.00
Gonzalez and Sons Equipment, Inc.	\$1,375,000.00
American Construction Services, Inc.	\$2,161,878.12

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

 ORIGINAL

ALB

Contract 13-C-00044; Howard F. Curren AWTP Gravity Thickener and Sludge Pump Replacement

PROPOSAL

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

Name of Bidder TLC Diversified, Inc.

(941) 722-0621 tlamberson@tlcdiversified.com
Business Phone Number and Email Address

TLC Diversified, Inc. / 2719 17th Street East, Palmetto, FL 34221
Business Name and Mailing Address

(941) 722-0621 Brad Dorenkamp
Phone Number and Name of Contact Regarding Permits

TLC Diversified, Inc. / Thurston Lamberson / 59-2513308
Contractor/Qualifiers Name and Federal Identification Number

Date of Proposal October 01, 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

Thurston Lamberson/President

5539 2nd Avenue Circle West, Palmetto, FL 34221

Name and Address of Vice President

Joanne Lamberson/Vice President

Same as President's Address

Name and Address of Secretary

Joanne Lamberson/Secretary

Same as President's Address

Names and Address of Treasurer

Joanne Lamberson/Treasurer

Same as President's Address

Contract 13-C-00044; Howard F. Curren AWTP Gravity Thickener and Sludge Pump Replacement

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
 X Has; Treasury Number 59-2513308
 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-00044; Howard F. Curren AWTP Gravity Thickener and Sludge Pump Replacement

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 to remove and replace 2 gravity thickener drives and raking mechanisms, 4 sludge pumps, all associated piping and valves, electrical conduit, lights and flow meters; rehabilitation of interior concrete walls, painting, platforms, any 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><i>Six Hundred Twenty-Eight</i> <i>Thousand Five Hundred</i> dollars</p> <p>and <u>70</u> cents</p> <p>(BASE BID) LS \$ <u>998,500.00</u></p>	

Contract 13-C-00044; Howard F. Curren AWTP Gravity Thickener and Sludge Pump Replacement

Computed Total Price In Words:

Nine Hundred Twenty-Eight Thousand, Five Hundred
dollars and 00 cents.

Computed Total Price in Figures: \$ 998,500.00

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

Total Cost \$ N/A

Signed ☒

Dalas Lamberson/VP Operations

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

Contract 13-C-00044; Howard F. Curren AWTP Gravity Thickener and Sludge Pump Replacement

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

Westfield Insurance Company of Westfield Center, Ohio 44251
(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 October 01, 2013

TLC Diversified, Inc.
(Name of Bidder)

2719 17th Street East, Palmetto, FL 34221
(Address of Bidder)


(Signature)

Dalas Lamberson/VP Operations
(Title)

Where Bidder is a Corporation:

Attest: 
Asst. Secretary Tiffany Monaco

AFFIX
CORPORATE
SEAL

(ACKNOWLEDGMENT OF PRINCIPAL)

STATE OF FLORIDA)
) SS:
COUNTY OF MANATEE)

For a Corporation:

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 1 of October, 2013 by Dalas Lamberson of
TLC Diversified, Inc., a FL corporation, on behalf of the corporation. He/she is X personally known or has
___ produced ___ as identification.



Linda Kay Moore
Notary Linda Kay Moore

My Commission Expires:

March 20, 2016

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:

TAMPA BID BOND

Contract 13-C-00044; Howard F. Curren AWTP Gravity Thickener and Sludge Pump Replacement

KNOW ALL MEN BY THESE PRESENTS, that we, TLC Diversified, Inc.

(hereinafter called the Principal) and Westfield Insurance Company

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of Ohio, with its principal offices in the City of Westfield Center 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-00044, Howard F. Curren AWTP Gravity Thickener and Sludge Pump 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 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 25 day of September, 2013.

Principal

TLC Diversified, Inc.

BY X

TITLE Dallas Lamberson/VP Operations
Westfield Insurance Company

BY Th J Jedlick

TITLE Theodore J. Jedlick/Attorney-In-Fact

Countersigned:
(SEAL)

Th J Jedlick

Theodore J. Jedlick

Local Resident Producing Agent

6191 Orange Dr., #6159E, Davie, FL 33314
Local Resident Producing Agent's Address

JBI Group, Inc.

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

CERTIFIED COPY

POWER NO. 0992202 04

Westfield Insurance Co.
Westfield National Insurance Co.
Ohio Farmers Insurance Co.
Westfield Center, Ohio

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint
THEODORE J. JEDLICK

of DAVIE and State of FL its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship.

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive 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:

The 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 of indemnity and other conditional or obligatory undertakings 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 as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be It Further Resolved, that the signature of any such designated person and the 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 signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 15th day of APRIL A.D., 2010.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

By:
Dennis P. Baus, National Surety Leader and
Senior Executive

State of Ohio
County of Medina ss.:

On this 15th day of APRIL A.D., 2010, before me personally came Dennis P. Baus to me known, who, being by me duly sworn, did depose and say, that he resides in Wooster, Ohio; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



William J. Kahelin, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio
County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 25 day of September A.D., 2010



Frank A. Carrino, 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-00044/HFCurren Gravity Thickener+Sludge Pump Bid Date 10/01/13
Bidder TLC Diversified, Inc.

Signature [Signature] Date 10/01/13

Name Dalas Lamberson Title VP Operations

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/protege 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: Used City of Tampa Econ. Dev. SLBE Roster and City of Tampa Econ. Dev. Dept.

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



[] See attached documents.

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)

[illegible]

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