

A RESOLUTION ACCEPTING THE PROPOSAL OF CERTUS BUILDERS, INC. PERTAINING TO CONTRACT 13-C-00047; OSBORNE POND TRAIL, IN THE AMOUNT OF \$207,399; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 10, 2013, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Osborne Pond Trail, whereas the low bidder was rejected for errors and recommends to this Council that the proposal of second low bidder, Certus Builders, 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 Certus Builders, Inc. in the total amount of \$207,399 for construction of the Osborne Pond Trail, 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 \$207,399 are provided in the City Budget for the Fiscal Year ending September 30, 2014, in the Community Investment Tax Capital Projects 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.

OCT 17 2013

CHAIRMAN/CHAIRMAN PRO-TEM, CITY COUNCIL

FLORIDA ON

APPROVED AS TO LEGAL SUFFICIENCY BY: Justin R. Vaske, Assistant City Attorney

ATTEST:

Drirley Goxy-Knowles

*1% for Art:

.10 . _ "

City of Tampa BID TABULATION

13-C-00047; Osborne Pond Trail – Sheltered Market Bid Opening - September 10, 2013

Posted September 10, 2013 (Updated 09-13-13)

CONTRACTOR	TOTAL BID AMOUNT
Tampa Bay Construction & Engineering, Inc.	\$183,730.00
Certus Builders, Inc.	\$207,399.00
Nelco Development, Co.	\$224,000.00
Bun Construction Company, Inc.	\$301,217.00
Reeves Building and Plumbing	\$325,051.00

^{*} Rejected for errors

Notice of Intent to Award: Unless subsequently indicated otherwise, in a revised posting, the City of Tampa intends to award the referenced project to the lowest bidder listed in this tabulation. A bidder aggrieved by this decision may file a protest not later than 4:30 P.M., five (5) business days from the first posting hereof, pursuant to City of Tampa Code Chapter 2, Article V, Division 3, Section 2-282, Procurement Protest Procedures. Protests not conforming therewith shall not be reviewed.

Bids Received By: Jim Greiner

Jim Greiner, P.E. City of Tampa - Contract Administration Department 306 E. Jackson Street - 4N

Tampa, FL 33602

Contract 13-C-00047; Osborne Pond Trail **PROPOSAL** To the Mayor and City Council of the City of Tampa, Florida: Name of Bidder Certus Builders, Inc. 813-443-4990 dsumner@certusbuilders.com **Business Phone Number and Email Address** Certus Builders, Inc., 304 S. Westland Ave., Tampa, FL 33606 **Business Name and Mailing Address** 813-363-0028 Dean Sumner Phone Number and Name of Contact Regarding Permits Dean Sumner CGC1518176
Contractor/Qualifiers Name and Federal Identification Number Date of Proposal 9/10/2013 (If Bidder is a firm, fill in the following blanks): Names and Residential Addresses of Partners (If Bidder is a corporation, fill in the following blanks): Organized under the laws of the State of Florida Names and Address of President David Strawter 12512 Lake Vista Dr., Gibsonton, FL 33534 Name and Address of Vice President Dean Sumner 7408 S. Desoto St., Tampa, FL 33616 Name and Address of Secretary **Sharon Sumner** 7408 S. Desoto St., Tampa, FL 33616

7408 S. Desoto St., Tampa, FL 33616

Names and Address of Treasurer

Sharon Sumner

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.
- 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 13-C-00047; Osborne Pond Trail

Contract Item No.	Estimated Quantity	Description and Price in Words	Computed Total Price for Item in Figures		
BASE BID	LS	for the construction of approximate and approximately 1,815 lineal feet trail including 4 fitness/play nodes venches, 4 trash receptacles, conclandscaping, any Contingency Allow Section 01020, and with all associa	ne work includes the furnishing of all labor, equipment, and materiar the construction of approximately 255 lineal feet of concrete trailed approximately 1,815 lineal feet of 8-ft wide asphalt all including 4 fitness/play nodes with associated equipment, 7 enches, 4 trash receptacles, concrete sidewalk widening, and contingency Allowances that may be listed in accordance with all associated work required for a complete oject in accordance with the Contract Documents.		
		Two hundred seven thousand	<u>ii</u>		
		three hundred ninety-nine dollar	irs		
		and <u>no</u> cents			
		(BASE BID) LS	\$_207,399.00		

Contract 13-C-00047; Osborne Pond Trail

			dollars and	no	cents.
Com	puted Total Price in Figur	res: \$ 207,399.00	-		
The l	oidder acknowledges that been taken into account	t the following addend in this proposal: #1 _	a have been received a	and that the chang #5	es covered by the addendur
The I	oidder acknowledges the	requirements of the C	ity of Tampa's Equal Bo	usiness Opportuni	ty Program.
the F	er acknowledges that incl lorida Trench Safety Act narized below:	luded in the various ito (90096), (Laws of Fla	ems of the proposal an .) effective October 1, 1	d the Total Bid Pr 1990. The bidder	ice are costs for complying value further identifies the costs to
	Trench Safety Measure (Description)	Unit of Measure (LF, SY)	Unit Quantity	Unit Cost	Extended Cost
A.	N/A				
B.				Harana and an	
C.			-	Maria de la companya del companya de la companya de la companya del companya de la companya de l	
D.				***************************************	
				Total Cost \$_0	.00
				W-12-11-11	

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

Contract 13-C-00047; Osborne Pond Trail

AFFIX CORPORATE SEAL

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					
Guarantee Company of North America USA of Southfield, Michigan (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 September 10 , 2013					
Certus Builders, Inc. (Name of Bidder)					
304 S. Westland Ave., Tampa, FL 33606 (Address of Bidder)					
(Signature)					
CEO (Title)					
Where Bidder is a Corporation:					
Secretary Attest: Secretary					

(ACKNOWLEDGMENT OF PRINCIPAL)

STATE OF /2/02idA))SS: COUNTY OF H; 1/s borough	
COUNTY OF Hills borough	
For a Corporation:	
STATE OF Florida COUNTY OF Hillsborough	
The foregoing instrument was acknowledged before me this	

TAMPA BID BOND Contract 13-C-00047; Osborne Pond Trail

KNOW ALL MEN BY THESE PRESENTS, the	nat we, Certus Builders Inc.
(hereinafter called the Principal) andGuarantee Co	ompany of North America USA
(hereinafter called the Surety) a Corporation Michigan , with its principal office business in the State of Florida, are held and firmly business in the State of Florida, are held and firmly business in the State of Florida, in the full and just sum of 5% of the States of America, to be paid upon demand of the Cobind ourselves, our heirs, executors, administrator presents.	chartered and existing under the laws of the State of ces in the City of Southfield, and authorized to do cound unto the City of Tampa, a Municipal Corporation of Hillsborough amount of the (Bid) (Proposal) good and lawful money of the United City of Tampa, Florida, to which payment will and truly to be made were, successors, and assigns, jointly and severally and firmly these
construction of certain facilities for the City designated	
WHEREAS, the Principal desires to file th otherwise required to accompany this Proposal.	is Bond in accordance with law, in lieu of a certified Bidder's check
shall, within twenty (20) days after the date of receip Proposal and upon the terms, conditions and price s Florida and execute a sufficient and satisfactory Proposal in an amount of one hundred percent (100%) City, then this Bid Bond obligation is to be void; oth shall, upon failure of the Principal to comply with an immediately pay to the aforesaid City, upon demand America, not as a penalty, but as liquidated damages	
IN TESTIMONY THEREOF, the Principal ar 9th_day of September,2013.	nd Surety have caused these presents to be duly signed and sealed this
Principal	Certus Builders, Inc.
	TITLE
Countersigned: (SEAL)	Mark Pichowski Local Resident Producing Agent
	101 N. Starcrest Drive Clearwater, FL 33765 Local Resident Producing Agent's Address
,	Bouchard Insurance Name of Local Agency

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



THE GUARANTEE COMPANY OF NORTH AMERICA USA

Southfield, Michigan

POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS: That THE GUARANTEE COMPANY OF NORTH AMERICA USA, a corporation organized and existing under the laws of the State of Michigan, having its principal office in Southfield, Michigan, does hereby constitute and appoint

> Mark Pichowski, John Raymond Bouchard, Nancy Sheinberg, Todd George Roger Bouchard Insurance, Inc.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

The execution of such instrument(s) in pursuance of these presents, shall be as binding upon THE GUARANTEE COMPANY OF NORTH AMERICA USA as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at the principal office.

The Power of Attorney is executed and may be certified so, and may be revoked, pursuant to and by authority of Article IX, Section 9.03 of the By-Laws adopted by the Board of Directors of THE GUARANTEE COMPANY OF NORTH AMERICA USA at a meeting held on the 31st day of December, 2003. The President, or any Vice President, acting with any Secretary or Assistant Secretary, shall have power and authority:

- To appoint Attorney(s)-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, and
- To revoke, at any time, any such Attorney-in-fact and revoke the authority given, except as provided below
- In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.
- In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner -Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of the Company adopted at a meeting duly called and held on the 6th day of December 2011, of which the following is a true excerpt:

RESOLVED that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, contracts of indemnity and other writings obligatory in the nature thereof, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, THE GUARANTEE COMPANY OF NORTH AMERICA USA has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 23rd day of February, 2012.

THE GUARANTEE COMPANY OF NORTH AMERICA USA

STATE OF MICHIGAN County of Oakland

Stephen C. Ruschak, Vice President

MC from

Randall Musselman, Secretary

paracel Jumale

On this 23rd day of February, 2012 before me came the individuals who executed the preceding instrument, to me personally known, and being by me duly sworn, said that each is the herein described and authorized officer of The Guarantee Company of North America USA; that the seal affixed to said instrument is the Corporate Seal of said Company, that the Corporate Seal and each signature were duly affixed by order of the Board of Directors of

Cynthia A. Takai Notary Public, State of Michigan County of Oakland My Commission Expires February 27, 2018 Acting in Oakland County

IN WITNESS WHEREOF, I have hereunto set my hand at The Guarantee Company of North America USA offices the day and year above written.

Cynthia a. Takai

I, Randall Musselman, Secretary of THE GUARANTEE COMPANY OF NORTH AMERICA USA, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by THE GUARANTEE COMPANY OF NORTH AMERICA USA, which is still in full force and effect.

IN WITNESS WHEREOF, I have thereunto set my hand and attached the seal of said Company this Q day of September 2013

Randall Musselman, Secretary

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Certification as Small Local Business Enterprise

Certus Builders, Inc.

Federal Number 27-1232861

has been reviewed and identified as SLBE with the City of Tampa Government

Class - Small Business Valid from 2/6/2012 to 2/5/2014 Certificate Number 676

Certification is Applicable in: General Contractor

This certification is good only for two (2) years. You are required to update your status by submitting a recertification SLBE Disclosure Affidavit. However, if at any time the composition of the SLBE status of your firm changes it will be necessary to complete another Disclosure Affidavit. The City of Tampa Government reserves the right to terminate or cancel this certification at anytime when it is found that the composition of the organization has changed and no longer meets the definition established for SLBE certification.

Gregory K. Hart, MPD Manager Minority Pusiness/Development Office

Good Faith Effort Compliance Plan
for Women/Minority Business Enterprise\Small Local Business Subcontracting
City of Tampa - Equal Business Opportunity Program

	(MBD Form 50)	
Con	tract 13-C-00047	Bid Date <u>9/10/2013</u>
Bid	der Certus Builders, Inc.	And the second of the second o
Sign	nature	Date <u>9/10/2013</u>
Nan	ne Dean Sumner Title CEO	V
The Wor	following Compliance Plan is a true report of Good Faith Efforts made to accomplish subcontraction in the reference of the subcontraction of the subcontra	anced contract:
TI utili	he goal for WMBE/SLBE participation has been met or exceeded. See the DMI form repo zed.	
	(Check Box, if appropriate; the remainder of the Complian	ice Plan need not be reported
o Tl	ne goal for WMBE/SLBE participation has not been met. The following is a recap of Goo	d Faith Efforts made:
(1)	(Check applicable boxes below. Enclose additional documents, and/or a Soliciting through reasonable and available means the interest of WMBE/SLBEs that have the capability to perform the work of the must solicit this interest within sufficient time to allow the WMBE/SLBEs to respond. The Bidder or Contractor must take appropriate interested WMBE/SLBEs. See DMI report forms for subcontractors solicited. See enclosed su efforts. Remarks:	he contract. The Bidder or Contractor riate steps to follow up initial solicitations
(2)	Providing interested WMBE/SLBEs with adequate information about the plans, specifications, and requirements of the contract, assist them in responding to the solicitation. See enclosed sample solicitation. Remarks:	including addenda, in a limely manner to
(3)	Negotiating in good faith with interested WMBE/SLBEs that have submitted bids. Documentation of negotiation must include the numbers of WMBE/SLBEs that were solicited; the date of each such solicitation; a description of the information provided regard work selected for subcontracting; and evidence as to why agreements could not be reached with WMBE/SLBEs to perform the w costs involved in soliciting and using WMBE/SLBEs is not a sufficient reason for a contractor's failure to meet the goals, as long are not required to accept higher quotes in order to meet the goal. □ DMI subcontractor-utilized forms reflect such project is of a low-bid nature and negotiations are limited to clarifications of scope and specifications. Remarks:	ing the plans and specifications for the work. That there may be some additional as such costs are reasonable. Bidders coessful negotiations This
(4)	Not rejecting WM8E/SL8Es as being unqualified without sound reasons based on a thorough investigation of their capabilities, industry, membership in specific groups, organizations, or associations and political or social affiliations are not legitimate causes the goals. Not applicable. See attached explanation for rejection of a low-bidding subcontractor's	s for rejecting or not soliciting bids to mee
(5)	Making a portion of the work available to WMBE/SLBE subcontractors and suppliers and to select those portions of the work or r WMBE/SLBE subcontractors and suppliers, so as to facilitate meeting the goal. Sub-Contractors were allowed to bid trade without restriction to a pre-determined portion. See enclosed comments. Remarks:	naterial consistent with the available I on their own choice of work or
(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 to self-perform the work of a contract must demonstrate good faith efforts unless the goal has been met. Sub-Contracting bids on work not usually sub-contracted. Remarks:	unization. A Bidder or Contractor who reactors were not prohibited from
(7)	Selecting portions of the work to be performed by WMBE/SLBEs in order to increase the likelihood that the goals will be met. The out contract work items into economically feasible units to facilitate WMBE/SLBE participation, even when the Bidder or Contract work items with its own forces. Sub-Contractors were allowed to bid on their own choice of work or trade we determined portion. Sub-Contractors were not prohibited from submitting bids on work not usually succomments.	or migni otnerwise preter to perform thes vithout restriction to a pre-
(8)	Making efforts to assist interested WMBE/SLBEs in obtaining bonding, lines of credit, or insurance as required by the city or cont solicitation \Box see enclosed document. \Box Remarks:	ractor. See enclosed sample
(9)	Making efforts to assist interested WMBE/SLBEs in obtaining necessary equipment, supplies, materials, or related assistance or sponsored mentor-protégé program. □ See enclosed sample solicitation. □ See enclosed document. □ Re	marks:
(10)	Effectively using the services of the City and other organizations that provide assistance in the recruitment and placement of WM document. • The following services were used:	BE/SLBEs. See enclosed

GFECP MBD Form 50

Other Supporting Good Faith Efforts:

See enclosed document.

Remarks:



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

	(FORM MBE					
	Contract No.: 13-C-00047 Contract Name: Osborne Pond Trail - Sheltered Market					
Contractor Na	Contractor Name: Certus Builders, Inc. Address: 304 S. Westland Ave., Tampa 33606					
Federal ID: <u>27-1232861</u> Phone: <u>443-4990</u> Fax: <u>463-0266</u> Email: <u>dsumner@certusbuilders.co</u>						
NIGP Code Genera	ed documents. ntracting (of any kind) will be performed on this contra Categories: Buildings = 909, General = 912, Heavy = 913, Trades = 914, This DMI Schedule Must Be Submitted with the Bi	Architects = 906, Enginee				
Enter "S" for firms C	ertified as Small Local Business Enterprises, "W" for firms Certified as Women/M		Trade,	1		
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.	Services, or Materials	Amount of Quote. Letter of Intent if	Percent of Scope/Contract	
Federal ID	11010 4 1 4	NF NM = Native Am. CF CM = Caucasian	Listed above	available.	%	
SLBE	Pine Lake Nursery 19619 N. Dale Mabry Hwy, Tampa, FL 33548 (813) 948-6209		914	\$44,893	22%	
	Kompan, Inc. 930 Broadway, Tacoma, WA 98402 (888) 579-8223		914	\$43,632	21%	
SLBE	Florida Playstructures 1808 James Redman Parkway, Plant City, FL 33 (813) 704-4395	3 563	914	\$15,448	7%	
Total Subcont Total SLBE Ut	ract/Supplier Utilization \$ 103,973.00					
Total WMBE U	Itilization \$				A 0000 P	
Percent SLBE Utilization of Total Bid/Proposal Amt. 29 % Percent WMBE Utilization of Total Bid/Proposal Amt. %						
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-Complianceand/or deemed non-responsive.						
		an Sumper CEO		Data: (9/10/13	
Signed: Name/Title: Dean Sumner, CEO Date: 9/10/13 MBD 20 rev. 02/01/13 Note: Detailed Instructions for completing this form are on the next page.						