

A RESOLUTION ACCEPTING THE PROPOSAL OF BENRO ENTERPRISES, INC. D/B/A ROCHA CONTROLS PERTAINING TO CONTRACT 17-C-00012; HOWARD F. CURREN AWTP STANDBY POWER PROGRAMMABLE LOGIC CONTROLLER UPGRADE, IN THE AMOUNT OF \$120,000; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 4, 2017, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Howard F. Curren AWTP Standby Power Programmable Logic Controller Upgrade, and recommends to this Council that the proposal of Benro Enterprises, Inc. d/b/a Rocha Controls 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 Benro Enterprises, Inc. d/b/a Rocha Controls in the total amount of \$120,000 for construction of the Howard F. Curren AWTP Standby Power Programmable Logic Controller Upgrade, in accordance with plans, specifications and other related contract documents prepared by the Contract Administration Department, is hereby approved and accepted; and the Contract is hereby awarded to the said Contractor.

Section 2. This Resolution, which is not part of the contract documents, authorizes the Mayor to execute and the City Clerk to attest and affix the official seal of the City of Tampa to the Contract for and on behalf of the City of Tampa.

Section 3. Plans, specifications and contract documents for the construction of said Project, which documents are now on file in the office of the Contract Administration Department of the City of Tampa, are hereby approved in their entirety or in substantially similar form.

Section 4. The Director of the Contract Administration Department is hereby authorized to issue, in written form only, work directive changes authorizing additions, deletions or revisions resulting from unforeseen conditions or emergencies, said directives to be incorporated in subsequently issued change orders approved by the City Council.

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

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

Section 7. This will provide \$120,000 for the Howard F. Curren Advanced Wastewater Treatment Plant Power Programmable Logic Controller project for use by the Wastewater Department within the Wastewater Capital Construction Fund.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA ON MAY 04 2017.


CHAIRMAN/CHAIRMAN PRO-TEM, CITY COUNCIL

APPROVED AS TO LEGAL SUFFICIENCY BY:
Rachel S. Peterkin, Assistant City Attorney

ATTEST:


CITY CLERK/DEPUTY CITY CLERK

Tampa Bay Times

Published Daily

STATE OF FLORIDA } ss
COUNTY OF Hillsborough County

Before the undersigned authority personally appeared **Johnnie Murry** who on oath says that he/she is **Legal Clerk of the Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: **Cont. # 17-C-00012** was published in **Tampa Bay Times: 2/17/17**, in said newspaper in the issues of **Baylink Hillsborough**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Hillsborough County, Florida and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as a second class mail matter at the post office in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

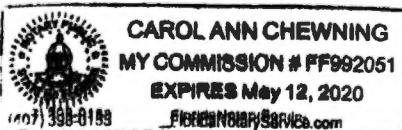
Johnnie Murry
Signature of Affiant

Sworn to and subscribed before me this 02/17/2017.

Signature of Notary Public

Personally known or produced identification

Type of identification produced



Sealed bids will be received by the City of Tampa no later than 1:30 p.m. on the indicated Bid Date(s) for the following Project(s): **Only City of Tampa Certified Small Local Business Enterprises and Underutilized WMBEs may submit bids for this project. CONTRACT NO.: 17-C-00012; Howard F. Curren AWTP Standby Power Programmable Logic Controller Upgrade BID DATE: March 21, 2017 PRE-BID CONF: March 7, 2017, 10:00 a.m., AWTP Administration Bldg. Conference Rm., 2700 Maritime Blvd., Tampa, FL 33619. ESTIMATE: \$125,000** Plans and Specifications and Addenda for this work may be examined at, and downloaded from, www.demandstar.com. Backup files are available at <http://www.tampagov.net/contract-administration/programs/construction-project-bidding>. Email Technical Questions to: contractadministration@tampagov.net. (429288) 2/17/2017

City of Tampa
BID TABULATION
Contract 17-C-00012; Howard F. Curren AWTP Standby Power
Programmable Logic Controller Upgrade - Sheltered Market.
Bid Opening - April 04, 2017

Posted April 04, 2017

CONTRACTOR	TOTAL BID AMOUNT
Benro Enterprises, Inc. d/b/a Rocha Controls	\$120,000.00

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

Bids Received By: Jim Greiner

Jim Greiner, P.E.
City of Tampa - Contract Administration Depart
306 E. Jackson Street - 4N
Tampa, FL 33602

PROPOSAL

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

Legal Name of Bidder: Bento ENTERPRISES, INCBidder's Fictitious Name, if applicable: Rocha ControlsBidder is a/an: ☐ Individual ☐ Partnership* ☐ Joint Venture* ☐ LLC ☒ Corp. ☐ Other:Bidder is organized under the laws of: ☒ State of Florida ☐ Other:Bidder Mailing Address: P.O. Box 20787 TAMPA, FL 33622Bidder's Federal Employee Identification No. (FEI/EIN): 59-3425954Bidder's License No.: EC13007809 Bidder's FDOS (SUNBIZ) Doc. No.: P97000016505
(See Ch. 489, FS; use entity's, individual's only if applicable)Bidder Contact Name**: Raymond Rocha Email: rrocha@rochacontrols.com Phone: (813) 267-3235

Bidder's own initial application for employment has criminal history screening practices similar in nature to the practices contained in Chapter 12, Article VI, City of Tampa Code (Responses, whether "Yes" or "No", are for informational purposes only and will not be used as a basis of award or denial, nor as a basis for any protest): ☐ Yes ☒ No

The below named person, appearing before the undersigned authority and after being first duly sworn, for him/herself and on behalf of the entity submitting this Proposal does hereby affirm and declare as follows:

- (1) He/She is of lawful age and is authorized to act on behalf of Bidder (the individual, partnership, corporation, entity, etc. submitting this Proposal) and that all statements made in this document are true and correct to the best of my knowledge.
- (2) If Bidder is operating under a fictitious name, Bidder has currently complied with any and all laws and procedures governing the operation of businesses under fictitious names in the State of Florida
- (3) No person or entity other than Bidder has any interest in this Proposal or in the Contract proposed to be entered into.
- (4) This Proposal is made without any understanding, agreement, or connection with any person or entity making Proposal for the same purposes, and is in all respects fair and without collusion or fraud.
- (5) Bidder is not in arrears to the City of Tampa, upon debt or contract, and is not a defaulter, as surety or otherwise, upon any obligation to the City of Tampa.
- (6) That no officer or employee or person whose salary is payable in whole or in part from the City Treasury is, shall be or become interested, directly or indirectly, as a contracting party, partner, stockholder, surety or otherwise, in this Proposal, or in the performance of the Contract, or in the supplies, materials, or equipment and work or labor to which it relates, or in any portion of the profits thereof.
- (7) Bidder has carefully examined and fully understands the Solicitation and has full knowledge of the scope, nature, and quality of the work to be performed; furthermore, Bidder has carefully examined the site of the work and that, from his own investigations, he has satisfied himself as to the nature and location of the work, the character, quality, and quantity of materials and the kinds and extent of equipment and other facilities needed for the performance of the work, the general and local conditions and all difficulties to be encountered, and all other items which may, in any way, affect the work or its performance.
- (8) Bidder (including its principals) ☐ has ☒ has NOT been debarred or suspended from contracting with a public entity.
- (9) Bidder ☐ has ☒ has NOT implemented a drug-free workplace program that meets the requirements of Section 287.087, Florida Statutes.
- (10) Bidder has carefully examined and fully understands all the component parts of the Contract Documents and agrees Bidder will execute the Contract, provide the required Public Construction Bond, and will fully perform the work in strict accordance with the terms of the Contract and Contract Documents therein referred to for the following prices, to wit:

* If a Partnership or Joint Venture, attach Partnership or Joint Venture Agreement.

** Someone the City may contact with questions/correspondence regarding this Solicitation and/or permits.

Item No.	Description	Unit	Approx. Quantity	Unit Price in Words	Unit Price	Total Computed Price
1	I/O Rack	EA	3	One Thousand, Six Hundred, Ninety-Two Dollars and No/Cents	\$1,692.00	\$5,076.00
2	Power Supply	EA	3	One Thousand, Eight Hundred, Eighty-Five Dollars and No/Cents	\$1,885.00	\$5,655.00
3	CPU	EA	2	Twenty Thousand, Sixty Dollars and No/Cents	\$20,060.00	\$40,120.00
4	Ethernet Card	EA	1	Five Thousand, Fifty-Nine Dollars and No/Cents	\$5,059.00	\$5,059.00
5	Redundant Card	EA	4	Six Thousand, Three Hundred, Forty-Four Dollars and No/Cents	\$6,344.00	\$25,376.00
6	Profinet Card	EA	3	One Thousand, Four Hundred, Two Dollars and No/Cents	\$1,402.00	\$4,206.00
7	Digital Input Card	EA	3	One Thousand, Two Hundred, Thirty-Three Dollars and No/Cents	\$1,233.00	\$3,699.00
8	Digital Output Card	EA	3	One Thousand, Two Hundred, Thirty-Three Dollars and No/Cents	\$1,233.00	\$3,699.00
9	Analog Input Card	EA	1	Eight Thousand, Five Hundred, Fifty-Five Dollars and No/Cents	\$8,555.00	\$8,555.00
10	Maple System HMI	EA	1	Eight Thousand, Five Hundred, Fifty-Five Dollars and No/Cents	\$8,555.00	\$8,555.00
11	Contingency	LS	1	Ten Thousand Dollars and No/Cents	10,000.00	10,000.00
				TOTAL	\$120,000.00	\$120,000.00

Contract 17-C-00012; Howard F. Curren Standby Power Programmable Logic Controller Upgrade

Computed Total Price in Words: One Hundred, Twenty Thousand
dollars and No cents.

Computed Total Price in Figures: \$ 120,000.00

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 (14) #2 (14) #3 _____ #4 _____ #5 _____ #6 _____ #7 _____ #8 _____.

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

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

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

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

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



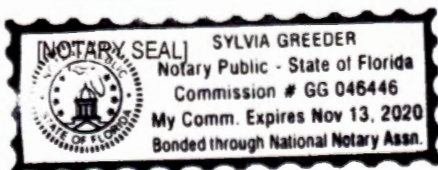
[SEAL]

Name of Bidder: Rocha Controls
Authorized Signature: Raymond Rocha
Signer's Printed Name: Raymond Rocha
Signer's Title: Pres.

STATE OF _____
COUNTY OF _____

For an entity: The forgoing instrument was sworn (or affirmed) before me this _____ day of _____, 20____ by _____ as _____ of _____, a/n ☐ Partnership ☐ Joint Venture ☐ LLC ☐ Corp ☐ Other: _____, on behalf of such entity. Such individual is ☒ personally known to me or ☐ produced a/n _____ state driver's license as identification.

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



Sylvia Greeder
Notary Public, State of FL
Notary Printed Name: SYLVIA GREEDER
Commission No.: _____
My Commission Expires: 11/13/20

TAMPA BID BOND

Contract 17-C-00012; Howard F. Curren Standby Power Programmable Logic Controller Upgrade

KNOW ALL MEN BY THESE PRESENTS, that we, Benro Enterprises, Inc. d/b/a Rocha Controls(hereinafter called the Principal) and Developers Surety and Indemnity Company

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of CA, with its principal offices in the City of Irvine, CA, 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 17-C-00012, Howard F. Curren Standby Power Programmable Logic Controller Upgrade.

WHEREAS, the Principal desires to file this Bond in accordance with law, in lieu of a certified Bidder's check otherwise required to accompany this Proposal.

NOW, THEREFORE: The conditions of this obligation are such that if the Proposal be accepted, the Principal shall, within twenty (20) days after the date of receipt of written Notice of Award, execute a contract in accordance with the Proposal and upon the terms, conditions and price set forth therein, in the form and manner required by the City of Tampa, Florida and execute a sufficient and satisfactory Public Construction Bond payable to the City of Tampa, Florida in an amount of one hundred percent (100%) of the total contract price, in form and with security satisfactory to said City, then this Bid Bond obligation is to be void; otherwise to be and remain in full force and virtue in law, and the Surety shall, upon failure of the Principal to comply with any or all of the foregoing requirements within the time specified above, immediately pay to the aforesaid City, upon demand, the amount thereof, in good and lawful money of the United States of America, not as a penalty, but as liquidated damages.

IN TESTIMONY THEREOF, the Principal and Surety have caused these presents to be duly signed and sealed this 21st day of March, 2017.

Principal

Benro Enterprises, Inc. d/b/a Rocha Controls

BY _____

TITLE _____

Developers Surety and Indemnity Company

BY _____

TITLE David B. Shick, Attorney-in-Fact & Licensed FL
Resident Agent #A241176

David B. Shick
Producing Agent

7217 Benjamin Road, Tampa, FL 33634
Producing Agent's Address

The Prosure Group, Inc.
Name of Agency

(SEAL)

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

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY**
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby make, constitute and appoint:

David B. Shick

as its true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporation, as surety, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporation could do, but reserving to each of said corporation full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolution adopted by the Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, any Executive Vice-President, Senior Vice-President or Vice-President of the corporation be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporation, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporation be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY has caused these presents to be signed by its officers and attested by its Secretary or Assistant Secretary this 6th day of February, 2017.

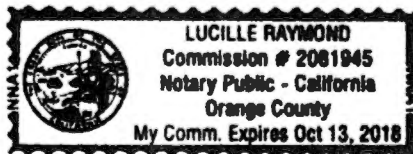
By: *Daniel Young*
Daniel Young, Senior Vice-President
By: *Mark Lansdon*
Mark Lansdon, Vice-President



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On February 6, 2017 before me, Lucille Raymond, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Daniel Young and Mark Lansdon
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Lucille Raymond
Lucille Raymond, Notary Public

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY or INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 21st day of March, 2017

By: *Cassie J. Bernisford*
Cassie J. Bernisford, Assistant Secretary

ATS-1004 (02/17)



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

