

Fountain Green City

**375 N State St.
Fountain Green, UT 84632**

INVITATION TO BID - COMPETITIVE SEALED PROPOSALS (CSP) FOR A PROCUREMENT OF UPGRADES AND IMPROVEMENTS TO THE FOUNTAIN GREEN CITY PARK.

DOCUMENT SUMMARY:

The City of Fountain Green is seeking Competitive Sealed Proposals (CSP) for a procurement of upgrades and improvements to the Fountain Green City Park. The project is funded through a Community Development Block Grant (CDBG). The City will select one (1) Supplier to provide equipment, materials and labor for the project as outlined in this request.

SCOPE OF WORK:

Fountain Green City is seeking to make upgrades and improvements to the Fountain Green City Park, which is located at 351 W. Center Street, Fountain Green, UT 84632. This project will include: The addition of two (2) Pickleball Courts, one (1) Sand Volleyball Court and one (1) new playground equipment set.

- **Pickleball Courts:**

To be installed under a 10,092 sq. ft. bowery, which will not change in size after the project is completed. Pickleball Courts should include sports flooring, nets and poles.

- **Sand Volleyball Court:**

To be installed in a 30x60 sq. ft. area, which should not change in size after the project is completed. Sand Volleyball Courts should include poles, net, and sand.

- **Playground Equipment:**

To be installed in a 1,000 sq. ft. area. This should include new playground equipment and safety surface material. The new equipment should not change square footage after the project is completed.

Additional items that may be out for bid that are not included in this scope of work are NOT considered part of this CSP, but rather may be noted for information purposes.

Fountain Green City requires suppliers to provide a park system that meets or exceeds all current federal standards and ADA requirements.

The CSP shall include all costs associated with proposed park improvements and upgrades.

QUESTIONS CONCERNING THE CSP SHOULD BE DIRECTED TO:

Fountain Green City
Attn: Mayor Mark Coombs
375 N State St.
Fountain Green, UT 84632
Tel: (435) 445-3453
frontdesk@fountaingreen.org

DESIGN ELEMENT GUIDELINES & PLAY SYSTEM SPECIFICATIONS:

Suppliers should base their playground equipment designs on meeting all accessibility and safety standards as well as the guidelines & specifications listed in this CSP. Quality of equipment components, quality of design, play value, handicapped accessibility, inclusiveness, cost, appropriateness to location and target demographic must be taken into consideration in the design of the play system (Contact the above listed number or address for further demographic information).

The total dollar amount allocated to complete the full project has a target amount of \$250,000. Please provide proposals that fit within this budget amount. Any proposal exceeding \$5,000.00 beyond the budgeted amount will automatically be rejected.

In your proposal provide a list of the designed components being proposed for the park improvements and updates, as well as a time frame for product delivery once notified of award. Please include structure and component model numbers, materials, color choices and recommendations, protective area requirements, target age ranges and developmental levels, target play type or activity, number of children park systems support, estimated lifetime of equipment including manufacturers' warrantee and any other relevant descriptive information.

Play system design shall safely fit in the playground area as described above. Suppliers are encouraged to take accessibility into account in their designs. Suppliers may submit proposals from non-traditional type playground structures, if desired, in whole or as components of any overall park improvements and upgrades.

Required Items:

1. All park system elements must meet and/or exceed all federal guidelines.

2. Park system must include engineered wood fiber fall zone material to required minimum depth over play area with subsurface drainage system (washed sand), drainage fabric and all concrete footings installed per all federal standards.
3. All equipment must be of a commercial grade and quality. Post diameters must be appropriate for public use. Minimum post diameter is required to be followed on all post and platform equipment. No residential grade equipment will be accepted.
4. Play system must include landing pads or wear mats for all equipment as appropriate.

Preferred Play System Qualities:

1. All play system elements must demonstrate the highest level of durability in materials and finishes selected in consideration of child health and safety.
2. "Green" construction practices and materials are highly desired.
3. Structures and elements should be unique to the park so as not to duplicate other equipment in the greater area.
4. Structures should provide a variety of built-in activities.
5. Play systems that are designed to accommodate and encourage "inclusive play" for children of all abilities may receive higher scores than those that do not.
6. Play systems should have elements that are designed to encourage open-ended, imaginative, and social play.

ASSEMBLY/INSTALLATION, INSPECTION AND WARRANTY:

Assembly/Installation: The play system assembly and installation will be provided and managed by the Supplier. The Supplier must provide direct supervision from manufacturer or provide qualified and certified representative familiar with playground installation. All tools and equipment required to install play equipment shall be provided by the Supplier for this project. The Supplier will be given 365 calendar days to complete the proposed work including product manufacture, delivery and installation. Calendar days will begin as outlined in the awarding of the bid/contract. The Supplier will certify installation is in accordance with all manufacturers' requirements including, but not limited to warranty and fall zone requirements.

Inspection: A certified representative of the Supplier is required to conduct a post installation inspection of all park improvements and upgrades upon completion to insure proper installation. If not properly installed, modifications must be submitted in writing to the City and remedied immediately. Co-inspection with the Supplier's representative of assembly and installation work will be conducted by the City following installation. The City will supply the punch list for final completion generated by this co-inspection. The

Supplier shall submit to the City the manufacturer's certification of compliance and warrantee following punch list completion.

Warrantee: Upon completion of installation, the Supplier must provide documentation attesting the equipment has been installed meeting all specifications required to be warranted by manufacturer. Additionally, it is the Supplier's responsibility to provide to the City the manufacturer's warrantee of installed equipment.

COMPLIANCE:

All equipment must meet and/or exceed all federal guidelines. Documentation of compliance must be provided to the City with the Supplier's proposal.

All equipment must comply with Americans with Disabilities Act (ADA). The designs submitted by the Supplier must incorporate either a transfer platform or ramp in each design when necessary.

The selected Supplier will be required to comply with the requirements of the CDBG funding source. These requirements will be made part of the installation contract that will be entered into following Supplier selection. The CDBG requirements include compliance with 4010 Federal Labor Standards, the CDBG Supplemental Conditions and Davis-Bacon Building Wage Rates, all of which are attached below for reference as Attachments B.

The Supplier will ensure that hiring is made on the basis of merit and qualifications and that there will be no discrimination in employment on the basis race, ancestry, color, physical or mental disability, religion, national origin, sex, age, marital or familial status, creed, ex-offender status, physical condition, political belief, public assistance status or sexual orientation, gender identity or expression, except where these criteria are reasonable bona fide occupational qualifications.

The Supplier and any persons doing work on this project will be required to obtain business registration with Fountain Green City.

All laborers and mechanics employed by Supplier in performance of this construction work shall be paid wages at rates as may be required by law.

The Supplier shall utilize the Utah Davis-Bacon Wage Rates for Heavy Construction effective to the most recent date posted prior to bidding.

The Supplier must provide an original Certificate of Product Liability Insurance.

DISCLAIMER:

Fountain Green City shall be exempt from any liability for costs incurred by unsuccessful suppliers in the preparation of a CSP.

PROPOSAL SUBMITTAL DATE & TIME:

All CSP must be submitted to Michelle Walker at Fountain Green City Clerk's Office by 4:00 pm MST on 12/07/2023

The Fountain Green City Clerk's Office is located at 375 N State St. Fountain Green, UT 84632.

All submitted CSP must be addressed as follows:

Proposal for Fountain Green City Park Project

Attn: Fountain Green Mayor Mark Coombs

375 N State St.

Fountain Green, UT 84632.

PROPOSAL FORMAT:

Proposals shall be submitted in the following format:

- Project Name
- Supplier Name
- Statement that CSP meets CDBG Guidelines
- The project's proposed description, photos, plans, etc.
- Designs showing all safety precautions necessary for this park project
- Warrantee and insurance capabilities
- Statement of understanding of Davis-Bacon and non-discrimination requirement
- Project Cost Proposal & Timeline
- Any additional information relating to scoring criteria as listed below
- References

Proposals must include complete drawings for each design, specifications and pictures for each component in designs and colors available. Proposals must include a bid price for each design presented. Bids must list the cost of the equipment, fall zone material, drainage material and labor separately. The City reserves the right to reject any and all proposals with or without cause, and to accept proposals which it considers most favorable. Proposals should include a minimum of two references of installations similar to that proposed for Fountain Green City. References shall include name of project, location, contact information including phone number and general cost of installation.

All delivery, assembly, installation and supervision costs must be included in the proposal. Payment for the project will be sent within sixty (60) days after delivery and assembly/installation and invoicing of the park upgrades and improvements.

All proposal amounts shall be guaranteed for not less than sixty (60) days after the proposal submittal deadline date.

Each proposal must be accompanied by a Certified Check, Cashier's Check, or Bid Bond payable to Fountain Green City in an amount not less than ten percent (10%) of the total bid amount. The successful Supplier shall furnish approved Performance and Payment Bonds, each in the amount of one hundred percent (100%) of the bid amount. Workmen's Compensation, Comprehensive General Liability, and Transportation insurance and insurance certificates shall be provided by the successful Supplier. Successful Suppliers are required to comply with Fountain Green City Business Licensing requirements. Following execution of proposal receipt, proposals will be available to the public upon specific request.

No proposal may be withdrawn within a period of sixty (60) days after the bid opening date.

Prices shall include delivery f.o.b., freight paid by the bidder to the jobsite.

The Supplier must submit two (2) hard copies of the proposal to the address listed above. All Proposals must comply with the specifications and guidelines provided in this document.

This solicitation is being offered in accordance with state statutes governing procurement. Accordingly, Fountain Green City reserves the right to negotiate an agreement based on fair and reasonable compensation for the scope of work and services proposed, as well as the right to reject any and all responses deemed unqualified, unsatisfactory or inappropriate at the sole discretion of Fountain Green City.

CIVIL RIGHTS STATEMENT:

Qualified women, veterans, minority and handicapped individuals are strongly encouraged to submit proposals.

EVALUATION AND SELECTION PROCESS:

Proposals will be evaluated by a selection committee based on the following criteria:

Criteria & Points:

1. CSP Proposed Cost & Timeline (20 Points)
2. CSP addresses design guidelines and specifications (20 Points)
3. CSP Statement to meet CDBG guidelines (20 Points)
4. CSP Safety precautions, warrantee and insurance capabilities (20 Points)
5. Overall Quality of CSP and references (20 Points)

Maximum Points: 100

Following the submission of all CSP submittals, a Selection Meeting, made up of the City Council and the Mayor will be held at 7:00p.m. on 12/07/2023, in the Fountain Green City Town Hall located at 375 N State St. Fountain Green, UT 84632. This meeting will be open to the public. All sealed bids shall be opened by the Mayor or designated representative in the above listed open public meeting, before one or more witnesses, at the time and place indicated in this bid packet. The name of the bidder and the amount of each bid shall be recorded and made available to the public. Bids shall not be accepted after the time for submission of a bid has expired.

The City Council shall award the bid/contract to the lowest qualified bidder or the bidder who best satisfies the objective criteria described in the invitation for bids which may include: Experience, performance ratings, inspection of workmanship, suitability, quality, likely compatibility with existing assets or practices, availability, warrantee, references, licensure, proximity or other criteria reasonably specified in the invitation to bid.

Tied bids may be resolved using any reasonable criteria and at the sole discretion of the City Council.

Please refer to Appendix A for further information on the procurement policy of Fountain Green City.

CREDIT FOR FUNDING OF PROJECT:

Credit for funding is given to the Department of Housing and Urban Development through the Community Development Block Grant (CDBG) funding.



APPENDIX A
OFFICE OF THE
STATE AUDITOR

As of October 2018

Procurement Policy

Purchasing Ordinance #71806 of Fountain Green City prescribing the manner Fountain Green City shall procure goods and services.

General Provisions

1. Purchasing Agent Designated. Fountain Green City Mayor is hereby appointed and designated as the Fountain Green City purchasing agent. The Purchasing Agent may from time to time appoint another person to undertake all or some of the duties of the Purchasing Agent set forth herein or appointed to him.
2. Authority to Enter into and Execute Contracts. All contracts are to be approved by the city council. No department, office, advisory or policy board or other organization of Fountain Green City, nor any officer or employee thereof, shall be empowered to execute any purchase order or contract except as specifically authorized in this resolution or by other applicable law. All contracts in violation of this provision are considered void and may result in the personal obligation and liability of persons at fault for such violations.
3. Conflict of Interests Prohibited. No officer, employee, agent, representative or member of any committee of the city shall have a financial interest in any contract, bid, or proposal; receive any compensation or gift from any bidder or proposer; or have any other conflict of interest (See Utah Code 67-16 and 17-16a).
4. Competitive Procurement. Unless exempted by this policy, all purchases and contracts shall be awarded on a competitive basis, as required by this Resolution and applicable State and Federal law.
5. Participation in State Procurement Unit Agreement and Contracts. Pursuant to Utah Code 63G-6a-2105, Fountain Green City may make purchases from or participate in state public procurement unit agreements and contracts, pursuant to the terms of said agreements and contracts without soliciting additional procurement options.
6. Unethical Purchasing Practices. Failure of any agent, officer or employee to comply with ethical purchasing requirements may result in suspension, termination, being personally liable for the purchase and/or criminal prosecution. All agents, officers and employees engaged in the procurement process for Fountain Green City will maintain high ethical behavior in agreement with Utah Code 67-16, Utah Public Officers' and Employees' Ethics Act and avoid the following practices:
 - a. Dividing a procurement to avoid following policy (see Utah Code 63G-6a-2404.3)
 - b. Kickbacks and Gratuities (see Utah Code 63G-6a-2404, 67-16-5 through 67-16-6)
 - c. Failure to Disclose conflicts (see Utah Code 63G-6a-1205 & 67-16-9)
 - d. Cost-plus-a-percentage-of-cost contracts (see Utah Code 63G-6a-1205)

7. Fountain Green City purchases are not subject to sales tax. For vendors requiring documentation of tax exempt status, a TC-712G Exemption Certificate for Governments and Schools may be obtained from the Mayor at (435)445-3453.
8. When a procurement involves the expenditure of State or Federal funds, Fountain Green City shall comply with the applicable State and Federal laws and regulations.

Authorization Requirements for Purchases

1. Purchases up to \$500.00. All procurements of services and goods in an amount less than \$500.00 may be approved by the Supervisor, provided such procurements have been budgeted for within the department and are in line with the budgeted purposes and responsibilities of said department.
2. Purchases from \$500.00 to \$1,000.00. All procurements of services and goods in an amount between \$500.00 to \$1,000.00 must have a purchase order approved by the Supervisor, Purchasing Agent and City Council prior to initiating the purchase. Descriptions of items or services will use sufficient and descriptive terminology to allow the reviewer to understand what is being purchased and why, part numbers by themselves are not sufficient.
3. Purchases from \$1,000.00 to \$25,000.00. All procurements of services and goods in an amount over from \$1,000.00 to \$25,000.00 must have a purchase order approved by the Supervisor, Purchasing Agent and City Council Documentation of the solicitation of three quotes or reference to the exemption of those requirements must be attached. (See telephone quote sheet at the end of this policy).
4. Purchases over \$25,000.00. All procurements of services and goods in an amount over \$25,000.00 must be put out for competitive bid to be prepared and approved by the Supervisor, Purchasing Agent and City Council (See section of Competitive Bids for requirements). Purchases over \$25,000.00 require a written contract to be approved in an open meeting.
5. Avoidance of approval and written contract requirements. Purchases shall not be divided into smaller purchases for the purpose of evading the approval process required by this policy, or for the purpose of avoiding the need to obtain a written contract.
6. Competitive Sealed Bids – When Required
 - a. All procurements of goods which are reasonably anticipated to exceed \$25,000.00 shall be obtained by competitive sealed bidding. The City Council may also require competitive sealed bidding for the procurement of goods and services for any amount.
 - b. In the event that bids exceed available funds and the lowest responsive and responsible bid does not exceed funds available by more than five percent, the Board may, where time or economic considerations preclude re-solicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsive and responsible bidder, in order to bring the bid within the amount of available funds.
 - c. Content of Invitation for Bids. An invitation for bids shall:
 - i. State that the city is seeking bids for a procurement;

- ii. Contain information on how to contact the person with the most knowledge about the procurement;
 - iii. State the period of time during which bids will be accepted;
 - iv. Describe the manner in which a bid shall be submitted;
 - v. State the address at which a bid may be submitted, and the person to whom the bid should be submitted;
 - vi. Describe the goods or services sought to be procured;
 - vii. List or refer to the objective criteria that will be used to evaluate the bids.
 - viii. To the extent possible, include or reference significant contractual terms and conditions.
 - ix. State the date, time and place for the public opening of all bids.
 - x. An invitation to bid may require attendance at a pre-bid meeting for the purpose of obtaining additional information relevant to the bid. The invitation shall list the time, date and place of any pre-bid meeting that will take place.
 - xi. An invitation to bid may require that a bidder obtain additional specifications and objective criteria too lengthy to publish in the invitation for bids. The invitation to bid shall indicate where such information may be obtained.
- d. All invitations for sealed bids shall be published at least twice in a newspaper of general circulation at least 14 days prior to the deadline for submission of a bid.
 - e. All sealed bids shall be opened by the Mayor or designated representative in an open public meeting, before one or more witnesses, at the time and place indicated in the invitation for bids. The name of the bidder and the amount of each bid shall be recorded and made available to the public. Bids shall not be accepted after the time for submission of a bid has expired.
 - f. The City Council shall reject bids from further evaluation that are: incomplete, illegible, conditional, modify bid requirements, contain additional terms or conditions, divide bid into parts, failed to attend required pre-bid meetings, fail to confirm requirements or specifications, the bidder has a pending dispute with Fountain Green City on a previous project or where the City Council reasonably concludes that the bidder is unable to satisfactorily fulfill the bid requirements or has engaged in unlawful or unethical conduct in attempting to secure the bid. Any bidder whose bid has been rejected may obtain from the City Council/Mayor a written finding stating the specific reason the bid was rejected.
 - g. The City Council shall award the bid/contract to the lowest qualified bidder or the bidder who best satisfies the objective criteria described in the invitation for bids which may include: Experience, performance ratings, inspection of workmanship, suitability, quality, likely compatibility with existing assets or practices, availability, warrantee, references, licensure, proximity or other criteria reasonably specified in the invitation to bid.
 - h. Tied bids may be resolved using any reasonable criteria and at the sole discretion of the City Council.

- i. Fountain Green City may cancel the bid process or reject all bids in whole or in part if it determines that; no bids met bid requirements, there are insufficient funds, the item is no longer needed or the specifications or timing does not meet Fountain Green City's current needs or long term plans. In the event of a bid cancelation the [governing body] shall publicly state the reason for the cancellation and make that information available for public inspection.
- j. Exemptions from competitive bid requirements may include the following: Sole source providers, service contracts with professionals or specialists, emergency purchases. The Mayor shall sufficiently document the reason for not competitively bidding the procurement and have it approved by the City Council.
- k. Protests to the bidding process shall be submitted to the Mayor in writing within 5 days. The Mayor will respond to the protest within 5 days of receiving the complaint. The Mayor's decision may be appealed to the City Council in writing within 5 days. The city council may address the appeal at its next regularly scheduled meeting or hold a special meeting to evaluate the merits of the protest appeal.

Other Items to be considered that may be found in purchasing policies:

- Requirement for W-9's to be submitted for all new vendors
- Exempting Payroll, and Utilities from purchase order requirements
- Allowing Purchasing Agent authority to modify PO's up to a percentage for freight or other unforeseeable items.
- Allowance for preference of local vendors (this is not allowed when expending Federal Funds.
- Requirement for contracts to be reviewed and approved by the County Attorney
- Disposition of Surplus Property
- Records retention for bid documentation
- Anti-collusive bidding

QUOTE SHEET

Product or Service Requested: (Include specific project requirements such as required completion date etc.)

Vendor #1:

Company Name:

Person Contacted: _____ Date Contacted:

Method of Contact: ☐ Phone ☐ E-mail ☐ In-person ☐ Other:

Contact Information: Phone: _____ Address: _____

Amount Quoted: (Or attach vendor's written proposal or bid) _____

Vendor #2:

Company Name:

Person Contacted: _____ Date Contacted: _____

Method of Contact: ☐ Phone ☐ E-mail ☐ In-person ☐ Other:

Contact Information: Phone: _____ Address: _____

Amount Quoted: (Or attach vendor's written proposal or bid) _____

Vendor #3:

Company Name:

Person Contacted: _____ Date Contacted: _____

Method of Contact: ☐ Phone ☐ E-mail ☐ In-person ☐ Other:

Contact Information: Phone: _____ Address: _____

Amount Quoted: (Or attach vendor's written proposal or bid) _____