

REQUEST FOR COUNCIL ACTION

SUBJECT: Construction and installation of a 10 All Steel Gable Shelters at various City parks

SUMMARY: Approve a Purchase Order to Modern Construction for the construction of 10 new park pavilions in an amount not to exceed \$443,100.00.

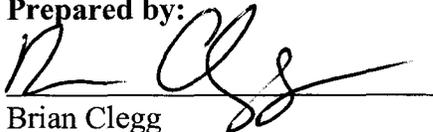
FISCAL IMPACT: Funding for this project is available in the recently approved \$4,000,000 Parks Improvement Bond.

STAFF RECOMMENDATION: Staff recommends approval of the Purchase Order with Modern Construction to provide and install ten new pavilions at nine City parks in an amount not to exceed \$443,100.00.

MOTION RECOMMENDED: "I move to adopt Resolution No. 15-137 authorizing Staff to proceed with a Purchase Order with Modern Construction to provide and install ten new pavilions at nine City parks in an amount not to exceed \$443,100.00.

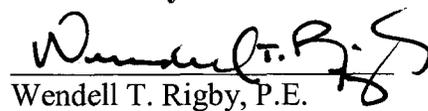
Roll Call vote required.

Prepared by:



Brian Clegg
Parks Director

Reviewed by:



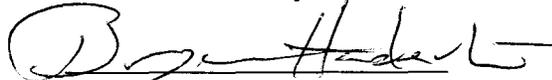
Wendell T. Rigby, P.E.
Director of Public Works

Reviewed as to Legal Sufficiency:



Darien Alcorn
Acting City Attorney

Recommended by:



Bryce Haderlie
Interim City Manager

BACKGROUND DISCUSSION:

City Council recently approved a \$4,000,000 bond to upgrade City parks. Staff advertised with an Invitation for Bid (IFB) for ten new pavilions in the following nine City Parks;

Bicentennial Park
Camelot Park
Constitution Park (2 pavilions)
Dixie Valley Park
Greens Meadow Park
Lexington Park
The Ranches Park
Vista West Park
Veterans Park

Three contractors responded to the IFB, see attached bid tabulation. Though CSM Construction was the low bidder, they failed to acknowledge the three addenda to the IFB. As a result, the low responsive and responsible bidder is Modern Construction.

Attachments:

Resolution
Bid Tabulation

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

RESOLUTION NO. 15-137

A RESOLUTION AUTHORIZING THE MAYOR TO AUTHORIZE STAFF TO PROCEED WITH A PURCHASE ORDER MODERN CONSTRUCTION TO PROVIDE AND INSTALL ALL STEEL GABLE SHELTERS IN 10 CITY PARKS

Whereas, the City Council of the City of West Jordan has received and reviewed proposals for the purchase and installation of All Steel Gable Shelters in 10 city parks with Modern Construction being the recommended firm for a Purchase Order in an amount not to exceed \$443,100.00; and

Whereas, the City Council desires to award a Purchase Order with Modern Construction.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF WEST JORDAN, UTAH:

Section 1. A Purchase Order is hereby awarded to Modern Construction for an amount not to exceed \$443,100.00.

Section 2. This Resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this 8th day of July 2015.

KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS
City Recorder

Voting by the City Council	"AYE"	"NAY"
Jeff Haaga	_____	_____
Judy Hansen	_____	_____
Chris McConnehey	_____	_____
Chad Nichols	_____	_____
Sophie Rice	_____	_____
Ben Southworth	_____	_____
Mayor Kim V. Rolfe	_____	_____

BID / QUOTE TABULATION FORM:

Bid Name All Steel Gable Shelters (10)

Project # PW 1256

Bid/Quote Date: 06/24/15
2:00 PM

Requesting Department: Parks -- Jim R.

CONTRACTOR NAME:	Bid Bond	Addenda			Total Bid Price
		#1	#2	#3	
1 <u>CSM Construction</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>\$296,974.00</u>
2 <u>J. Lynn Roberts & Sons</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>\$458,995.00</u>
3 <u>Modern Construction</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>\$443,100.00</u>

INVITATION FOR BIDS

RETURN BIDS TO:

CITY OF WEST JORDAN
City Recorder's Office
8000 South Redwood Road
West Jordan, Utah 84088

BID NO.: PW 1256
DUE DATE: June 24, 2015
2:00 pm sharp

All Steel Gable Shelters for 10 City Parks

Please Complete:

Bidder Company Name:	Modern Construction	Contact Person:	Tim Ramey				
Phone Number:	(801) 253-9489	Fax Number:	(801) 253-9306				
Address (orders):	PO Box 95315	City:	South Jordan	State:	Utah	Zip:	84095
Remit Address:	PO Box 95315	City:	South Jordan	State:	Utah	Zip:	84095
Email Address:	tim@utahmrc.com	Fed Tax ID #:	87-0463919				
Installer Company Name	Modern Construction	License Number	276380-5501				

GENERAL INFORMATION:

The City of West Jordan, Utah is seeking bids from licensed and insured companies with expertise in the construction of park pavilions.

Sealed bids will be received by the City of West Jordan, City Recorder's Office, 8000 South Redwood Road, West Jordan, Utah 84088 until **06/24/15 at 2:00 P.M.** at which time they shall be publicly opened and read aloud.

Bids, modifications, or corrections received after the closing time on the "Due Date" will be considered late and will not be opened. Facsimile transmitted bids will not be considered.

Questions regarding the project can be directed to Jim Riding, Construction Manager, at (801) 569-5096; jimr@wjordan.com or Brian Clegg, Parks Director, at (801) 569-5711, brianc@wjordan.com, however, only written clarifications and addenda issued by the Division of Purchasing will be binding for bid evaluation and award.

It is the intention of the City to issue a contract to the successful bidder, with reasonable promptness; however, the City does not guarantee to make any purchase based upon this IFB.

NOTE:

- All Bidders are to submit a 5% Bid Bond.
- A 100% payment and performance bond will be required from the awarded bidder.
- Installer must be licensed with the State of Utah.
- The successful bidder shall at all times maintain a current workers compensation insurance policy in accordance with State of Utah statute.
- The successful bidder shall at all times maintain a general liability insurance policy in the amount of \$1,000,000 dollars (minimum) per occurrence for bodily injury, personal injury, and property damage.
- The successful bidder shall at all times maintain a general automotive insurance policy in the amount of \$1,000,000 dollars (minimum) per occurrence for bodily injury, personal injury, and property damage.
- The successful bidder's insurance shall at all times name the City, its officers, employees, and volunteers as additional insured with respect to liability arising from any contract that results from this bid.

SCOPE OF SERVICES & SPECIFICATIONS:

1. Contractor to provide pre-engineered drawings to submit to the City's building department to obtain a no fee permit.

- Drawings to show concrete column reinforcement and embedded bolt sizes.
2. Contractor to furnish all equipment, labor, materials, and appurtenances for the project.
 3. Remove existing pavilion structures and concrete
 4. Provide and install concrete column piers for pavilions
 5. Provide and install 4" concrete slab for pavilion using 4000 PSI concrete over 4" of compacted road base or gravel to accommodate the size of the pavilion. Concrete slab to be finished at ground level and extent 12 inches beyond roof line. Refer to City of West Jordan Standards RD 200, RD 205 and RD 210 for slab construction and specifications.
 6. Shelters to be provided by RCP Shelters or approved equal. All steel gable shelter with the following features;
 - * 5,000 hours salt spray resistance, powder coated tube steel frame,
 - * Gable beams shop welded as single members so no field assembly required
 - * 24 gauge exposed fastener metal roof.
 - * 4:12 roof pitch
 - * All hidden fasteners
 - * Engineered to local code
 - * No place for birds or animal to roost.
 - * Follow Engineered drawing for footing construction.
 7. Color selections: Tube Steel Framing - Enclosure Beige; Roof - Patina Green

PARKS AND LOCATIONS

Bicentennial Park 7000 South 1800 West	Remove existing 24' x 23' pavilion and install a new 24' x 24' pavilion	<u>\$ 36,800</u>
Camelot Park 7230 South 1975 West	Remove existing 25' x 24' pavilion and install a new 24' x 24' pavilion	<u>\$ 36,800</u>
Constitution Park South	Remove existing 49' x 23' pavilion and install a new 24' x 50' pavilion	<u>\$ 63,400</u>
Constitution Park North	Remove existing 49' x 23' pavilion and install a new 24' x 50' pavilion	<u>\$ 63,400</u>
7000 South 3200 West Dixie Valley Park	Remove existing 24' x 24' pavilion and install a new 24' x 24' pavilion	<u>\$ 36,800</u>
6420 South 3620 West Greens Meadow Park	Remove existing 24' x 24' pavilion and install a new 24' x 24' pavilion	<u>\$ 36,800</u>
2941 West 8489 South Lexington Park	Remove existing 24' x 23' pavilion and install a new 24' x 24' pavilion	<u>\$ 36,800</u>
6890 South 2040 West Ranches Park	No existing pavilion install a new 24' x 24' pavilion	<u>\$ 32,100</u>
7950 South 5300 West Vista West Park	Remove existing 23' x 23' pavilion and install a new 24' x 24' pavilion	<u>\$ 36,800</u>
9120 South 3730 West Veterans Memorial Park	Remove existing 49' x 24' pavilion and install a new 24' x 50' pavilion	<u>\$ 63,400</u>
7900 South 2200 West		

BID PRICING:

Total Bid Price: \$443,100

We hereby acknowledge the receipt of Addendums one, two and three and will abide by these addendums.

Bidder's Name: Timothy Ramey Bidder's Title: President

Signature:  Date: 6/24/2015



1 TOWNE SQUARE, SUITE 1470
SOUTHFIELD, MICHIGAN 48075
(866) 328-0567 FAX (248) 750-0431
www.gcna.com

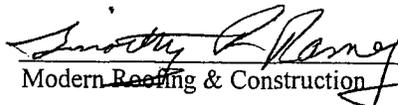
BID BOND

KNOW ALL MEN BY THESE PRESENTS, that Modern Roofing & Construction as Principal, hereinafter called the Principal, and The Guarantee Company of North America, USA a corporation duly organized under the laws of the state of Michigan as Surety, hereinafter called the Surety, are held and firmly bound unto City of West Jordan as Obligee, hereinafter called the Obligee, in the sum of **5% of bid**, for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

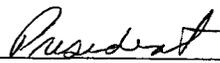
WHEREAS, the Principal has submitted a bid for: **West Jordan Pavillions**

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this **16th Day of June, 2015**



Modern Roofing & Construction (Seal)



(Title)

The Guarantee Company of North America, USA
(Surety) (Seal)



Alaina Ollerton
Attorney-In-Fact



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

Ryan J. Gardner, Steven D. Shemwell, Barb Rufener, Karen Egbert, Jason S. Gardner, Karianna Kondel, Kathy L. Jewell, Alaina Ollerton
Infinitum 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:

1. 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
2. To revoke, at any time, any such Attorney-in-fact and revoke the authority given, except as provided below
3. 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.
4. 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, Sr. Vice President, COO

Randall Musselman, Secretary

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.

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 16th day of June, 2015

Randall Musselman, Secretary

ADDENDUM NO. 1
Date June 16, 2015

Invitation for Bid
PW 1256
All Steel Gable Shelters 10 City Parks

To All Plan holders and/or Prospective Bidders:

The following changes, additions, and/or deletions are hereby made a part of

IFB: PW 1256 All Steel Gable Shelters 10 City parks

-Prior to construction, the contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of the work.

-The Contractor is responsible for any and all expenses associated with the repair of located utility lines damaged by the Contractor.

-The Contractor will be responsible to fully repair and restore all landscape features such as; over excavation, turf, mulch, trees, shrubs, curbs, sidewalks, roads, and irrigation to original condition and to the City of West Jordan's satisfaction.

-All repair work must be inspected by the Parks Department.

**All Bidders shall acknowledge receipt and acceptance of this Addendum No. 1
By signing a copy and attaching it with your Bid Package.**

Appended hereto and part of Addendum No. 1:
END OF ADDENDUM NO. 1

 6/23/15

Modern Construction
P.O. Box 95315
South Jordan, UT 84095

ADDENDUM NO. 2

Date June 22, 2015

**Invitation for Bid
PW 1256
All Steel Gable Shelters 10 City Parks**

To All Plan holders and/or Prospective Bidders:

The following changes, additions, and/or deletions are hereby made a part of

IFB: PW 1256 - All Steel Gable Shelters 10 City parks

This addendum is to answer the following questions:

1. Question: The format of the RFB presents a quandary for us because of the bid bond required. Can two bonds be submitted, one from the supplier and one from the installer? *Answer: The City will be issuing one contract to the successful bidder, only one bid bond will be needed and accepted and that will be from the successful bidder. Also, a 100% performance and payment bond will be required from the successful bidder as noted in the IFB.*

2. Question: You are requesting 10 shelters in 9 parks. Delivery can be accomplished in two ways: 1) Deliver all the shelters to your maintenance yard. Then, the winning contractor would pick up a shelter for a specific park when he is ready for it and deliver it to the park. In this way, you will pay only one point-to-point freight charge. Or 2) have each shelter delivered to a specific park. With this option, the shelter will sit in the parks until the contractor is ready to install them. (Don't know if he will be responsible for security?) There will be an extra freight charge from a freight company each time they stop to deliver a shelter. These freight charges can be as much as \$300 each, which would add as much as \$3,600 to the overall freight cost. *Answer: the IFB is requesting 11 shelters in 10 parks. The City does not have space to store the shelters until they are to be assembled. The storage, delivery, freight charges and security will be the responsibility of the successful bidder. The City will not accept responsibility or ownership for the shelters until each park project is 100% complete and the City's Parks Department has accepted the shelter. Until that time, the successful bidder is to accept all responsibility for the shelters.*

All Bidders shall acknowledge receipt and acceptance of this Addendum No. 2 by signing a copy and attaching it with your Bid Package.

END OF ADDENDUM NO. 2

Timothy R Roney 6/23/15

**Modern Construction
P.O. Box 95315
South Jordan, UT 84095**

ADDENDUM NO. 3
Date June 23, 2015

**Invitation for Bid
PW 1256
All Steel Gable Shelters 10 City Parks**

To All Plan holders and/or Prospective Bidders:

The following changes, additions, and/or deletions are hereby made a part of

IFB: PW 1256 All Steel Gable Shelters 10 City parks

This addendum is to address a typographical error

Answer: the IFB is requesting ~~11 shelters in 10 parks.~~ 10 shelters 9 parks. The City does not have space to store the shelters until they are to be assembled. The storage, delivery, freight charges and security will be the responsibility of the successful bidder. The City will not accept responsibility or ownership for the shelters until each park project is 100% complete and the City's Parks Department has accepted the shelter. Until that time, the successful bidder is to accept all responsibility for the shelters.

All Bidders shall acknowledge receipt and acceptance of this Addendum No. 3 by signing a copy and attaching it with your Bid Package.

END OF ADDENDUM NO.3

Timothy R Romey 6/23/15

**Modern Construction
P.O. Box 95315
South Jordan, UT 84095**