

**Charlotte County Board Of County Commissioners
Agenda Item Summary**

Item Number: F- 14

1 DEPARTMENT MAKING REQUEST

Purchasing

2 MEETING DATE

7/22/2014 9:00:00 AM

3 REQUESTED MOTION/ACTION

Ratify and approve an increase in expenditures for Contract #14-114, Fill Dirt - Annual Contract, as awarded to D.M. Construction Corporation of Punta Gorda, Florida at the unit prices attached for the increase estimated annual expenditure of \$200,000.

4 AGENDA

Consent

5 IS THIS ITEM BUDGETED (IF APPLICABLE) -

Budget Action

No Action Needed. Funding from Solid Waste Enterprise Fund proposed in FY15 Budget Process.

Financial Impact Summary Statement

Funding for this expenditure comes from Solid Waste Enterprise Fund - Contractual Services.

Detailed Analysis Attached -

Budget Officer-

6 BACKGROUND (Why is this Action Necessary, and What Action will be accomplished)

This is an annual contract for the supply and delivery of fill dirt on an "as needed" basis for the Zemel Road Landfill utilized by the Municipal Solid Waste Division of Public Works. Also, is utilized by other divisions if needed. The bid was issued with an annual estimate of 15,000 tons when the tonnage estimate for this bid should have been 30,000 tons.

The purpose of this bid is for fill dirt used by Charlotte County Public Works Solid Waste Division and other County Departments is awarded annually. This material is utilized at the Charlotte County Landfill for daily cover, intermediate cover and access roads. The Landfill's operating permit, through Florida Department of Protection, requires that initial cover (six inches minimum) be applied and maintained over the exposed waste that is processed daily in order to minimize any adverse environmental, safety or health impacts such as those resulting from birds, unauthorized wastes, blowing litter, odors, vectors and fires. An intermediate cover (12 inches minimum) will be applied and maintained within seven days on areas not expected to receive additional waste within 180 days. The Landfill needs to maintain the access roads which are comprised of dirt and shell material. These are all-weather roads to provide year-round access for our customer to access the disposal areas within the landfill.

Contract term is through December 31, 2014 with the option to renew for two (2) additional one-year terms, by mutual consent, at the same prices, terms and conditions.

Therefore, it is requested that the Board of County Commission ratify the award for Contract #14-144 Fill Dirt - Annual Contract, as awarded to D.M. Construction Corporation of Punta Gorda, Florida at the unit prices attached.

ATTACHMENTS:

Name:

Description:

Type:

[14114backup.pdf](#)

Backup Material

Backup
Material



**CHARLOTTE COUNTY BOARD OF COMMISSIONERS
OFFICIAL BID TABULATION
FILL DIRT - ANNUAL CONTRACT
BID NO. 2014000114**

BID OPENING DATE: 1/15/2014

DEPT: PW

Company Names ▶		FLORIDA DIRT SOURCE			D M CONSTRUCTION CORP.		FARABEE MINE & SHELL LLC		FLORIDA ATI INC d/b/a ADVANTAGE TRANSPORTATION		
Location ▶		FORT MYERS, FL			PUNTA GORDA, FL		NAPLES, FL		PUNTA GORDA, FL		
Description ▼	Unit	Qty	Price	Extension	Price	Extension	Price	Extension	Price	Extension	
FILL DIRT	TON	15,000	\$8.24	\$123,600.00	\$6.17	\$92,550.00	\$6.75	\$101,250.00	\$6.35	\$95,250.00	
Lead time required for delivery: (Calendar Days)				2-3 DAYS			5 DAYS			1-2 DAYS	2 DAYS
Location ▶		SITWORK SUPPLIER INC.			GRIPPO PAVEMENT						
Location ▶		NOKOMIS, FL			LEHIGH ACRES, FL						
Description ▼	Unit	Qty	Price	Extension	Price	Extension	Price	Extension	Price	Extension	
FILL DIRT	TON	15,000	\$7.57	\$113,550.00	\$10.72	\$160,800.00					
Lead time required for delivery: (Calendar Days)				1 DAY			2 DAYS				

AWARDED TO: DM Construction, of Punta Gorda, FL , the lowest responsive, responsible bidder.

**BID FORM
FILL DIRT – ANNUAL CONTRACT
BID NO. 2014000114**

TO: Senior Division Manager - Purchasing
Board of County Commissioners
Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, Fl. 33948-1094

The undersigned, as bidder, does hereby declare that he has read the Request for Bids, Instructions to Bidders, Technical Specifications & Conditions, Bid Form and any other documentation for

FILL DIRT – ANNUAL CONTRACT

and further agrees to furnish all items listed on the attached Bid Form in accordance with the unit price(s) submitted. The above specified documents are herein incorporated into the Bid Form and shall be defined as the contract documents.

	UNIT PRICE	UOM	X	QUANTITY	=	ESTIMATED TOTAL
FILL DIRT	\$ <u>6.17</u>	TONS		15,000		\$ <u>92,550.00</u>

Lead time required for delivery: Five (5) calendar days.

Check (✓) that a copy of the following has been submitted with the Bid Form:

() FDOT Scale Certification Per Pre-Bid Meeting, Use Charlotte County Landfill Scale

Local Business Status: If Bidder affirms that it is a local business as defined in IB-26 and in accordance with Ordinance 2009-005 adopted by the Charlotte County Board of Commissioners and filed with the Secretary of State on February 17, 2009, and Ordinance 2009-041 adopted by the Charlotte County Board of Commissioners and filed with the Secretary of State on October 19, 2009, then the Affidavit Claiming Status as a Local Business, which is included as a part of this bid package, must be completed and returned.

- Yes, our business qualifies as a Local Business and has completed and attached the 'Affidavit Claiming Status as a Local Business' as a part of our submission.
- No, our business does not qualify as a Local Business.

NOTE: Charlotte County's official bid openings are open to the public. Citizens and submitting bidders are encouraged to attend. However, if you are unable to attend but wish to obtain the unofficial bid results, you may do so by visiting our website at www.charlottecountyfl.com/purchasing under "Purchasing Bids On-Line", Document Number 141144. No information regarding the submittal will be divulged over the telephone.

PIGGYBACK CLAUSE: It is understood and agreed by Charlotte County and the successful bidder(s) that any local governmental entity in the County of Charlotte may purchase the materials and services specified herein in accordance with the prices submitted by the successful bidder(s). It is also understood and agreed that each local entity will establish its own contract with a successful bidder, place its own orders, be invoiced therefrom and make its own payments to the successful bidder in accordance with the terms of the contract established between the local governmental entity and the successful bidder. It is also hereby mutually understood and agreed that Charlotte County is not a legally bound party to any contractual agreement made between a successful bidder and any local entity other than Charlotte County Board of County Commissioners.

The bidder hereby agrees to the above stated provisions of the piggyback clause: YES X NO _____

Name of Bidder: D.M. Construction Corp., P.O. Box 510487, Punta Gorda, FL 33951-0487
(This form to be returned)

If notified of the acceptance of this bid form, the undersigned agrees to execute a Contract for the stated compensation in the form as prescribed by the County, within the time constraints outlined in Instructions to Bidders.

The signature below is a guarantee that the Bidder will not withdraw his/her bid for a period of sixty (60) days after the scheduled time for opening the bids.

The undersigned acknowledges receipt of the following addenda, and the cost, if any, of such revisions has been included in the price bid.

Addendum No. 1, Dated 1/7/14 Addendum No. _____, Dated _____; Addendum No. _____, Dated _____
Addendum No. _____, Dated _____; Addendum No. _____, Dated _____; Addendum No. _____, Dated _____

HOLD HARMLESS AGREEMENT:

The bidding firm as indicated below, it's officers and members shall, through the signing of this document by any authorized party or agent, indemnify, hold harmless and defend Charlotte County, a political subdivision of the State of Florida, its officers, agents, employees, and volunteers from all suits and actions, including attorney's fees and all costs of litigation and judgment of every name and description brought against the County as a result of loss, damage or injury to person or property by reason of any act or failure to act by the bidding firm, its agents, servants or employees.

Type of Organization (Please Check One): Individual Ownership _____ Partnership _____ Joint Venture _____ Corporation X

Name of Bidding Firm D.M. Construction Corp.

Mailing Address P.O. Box 510487, Punta Gorda, FL 33951-0487

Location Address 3801 E. Henry Street

City & State Punta Gorda, FL ZIP 33982

Telephone (941) 639-3666 Fax Number (941) 637-8334

E-mail dmconstcorp@earthlink.net

Signature of person authorized to bind the Company: 

Print Name/Title of person authorized to bind the Company: George Davis, President

Date: 1/14/14

(This form to be returned)

AFFIDAVIT
Claiming Status as a Local Business

Bidder affirms that it is a local business as defined below and in accordance with the following: Ordinance 2009-005 adopted by the Charlotte County Board of Commissioners and filed with the Secretary of State on February 17, 2009; and Ordinance 2009-041 adopted by the Charlotte County Board of Commissioners and filed with the Secretary of State on October 19, 2009.

A. Local Business Definition:

Local business means the company has a valid Business Tax Receipt issued by Charlotte County, Sarasota County or DeSoto County for at least six months prior to the bid submission to do business within Charlotte County, Sarasota County or DeSoto County that authorizes the business to provide the services or goods, and a physical business address located within the limits of Charlotte County, Sarasota County or DeSoto County from which the business operates or performs business. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In addition to the foregoing, a business shall not be considered having a "Local Business" unless it contributes to the economic development and well-being of these Counties in a verifiable and measurable way. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid to be eligible for consideration as having a "Local Business". A business that misrepresents the local preference status of its company in a bid to the County will lose the privilege to claim local preference for a one year period.

B. Competitive bid (local price match option):

Each formal competitive bid solicitation shall clearly identify how the price order of the bids received will be evaluated and determined. When a responsive, responsible non-local business submits the lowest price bid, and the bid submitted by one or more responsive, responsible local businesses, as defined below, is within five percent of the price submitted by the non-local business, each of the aforementioned local businesses shall have the opportunity to submit, a best and final bid equal to or lower than the amount of the low bid previously submitted by the non-local business within five days of being notified by the Senior Division Manager of Purchasing in writing. Contract award shall be made to the responsive, responsible business submitting the lowest best and final bid. In the case of a tie in the best and final bid between a local business and a non-local business, contract award shall be made to the local business.

If requested by the County, the bidder will be required to provide documentation substantiating the information given in this affidavit. Charlotte County reserves the right to request supporting documentation as evidence to substantiate the information given in this affidavit. Failure to do so will result in the bidder's submission being deemed non-responsive.

Company Name: D.M. Construction Corp.

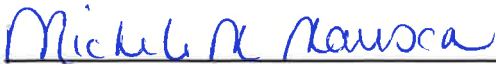
Signature: 

Title: President

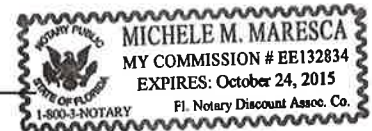
Year Business Established: 1948 Circle the appropriate County: Charlotte DeSoto Sarasota

State of Florida
County of Charlotte

Sworn to and subscribed before me, a Notary Public, for the above State and County on this 14th
day of January, 2014.


Notary Public

10-24-15
Commission Expiration



(Affix Official Seal)

The signee of this Affidavit guarantees, as evidenced by the sworn affidavit required herein, the truth and accuracy of this affidavit to interrogatories hereinafter made.

This page to be returned only if Contractor is claiming a Local Business Status.

SOURCE OF SUPPLY AND SUBCONTRACTORS

The following sources of supply and subcontractors shall be used for the **FILL DIRT – ANNUAL CONTRACT** project. If bidder does not have a source of supply or subcontractor, insert "to be determined". When a source or subcontractor is determined, selection will be subject to County approval. (If not applicable, state N/A).

Source of Supply	Subcontractor(s)
1. <u>D.M. Construction Pit</u> <u>(Punta Gorda)</u>	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____

DRUG FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that D.M. Construction Corp. (name of business) does:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Signature



Dated

1/14/14

Name of Bidder: D.M. Construction Corp., P.O. Box 510487, Punta Gorda, FL 33951-0487

(This form to be returned)