



REQUEST FOR BOARD ACTION

ITEM NO. 12.

DATE OF MEETING: March 18, 2013

REQUESTED BY: Michael G. Mack, Utilities Director

SHORT TITLE: Resolution Approving the Award of the Base Bid Plus the Add Alternate Bid for the Construction of a 3,200 square foot Maintenance Building for the Surface Water Treatment Plant project and Authorization of a Purchase Order to Construction Systems, Inc. in Amount of \$546,474.

BACKGROUND: When PCU bid for the construction of the 2 MGD Surface Water Treatment Plant in 2010, a Maintenance Building for equipment storage and repair was included as an Add Alternate in the bid. At the time, staff did not elect to award the Add Alternate for the Maintenance Building in order to stay within the original project budget. As a result of outstanding construction management by the staff of PCU, the Water Treatment Plant project was completed \$1,378,853 (4%) under budget. The need for an equipment storage and repair area remains and staff desires to now construct the building and take advantage of the remaining USDA-RD grant funding. Approximately \$100,000 of the total cost will be reimbursed by the balance of USDA-RD grant. The remaining cost will be paid from the project savings. The Project Engineer's (CDM) recommendation, Bid Tabulation, and copy of the Bid Form are attached. No additional appropriation is necessary and staff recommends approval of this resolution.

SPECIFIC ACTION REQUESTED: To consider a resolution approving the award of the Base Bid plus the Add Alternate and authorize a purchase order to Construction Systems, Inc., for the construction of 3,200 square foot Maintenance Building in the amount of \$546,474.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.



Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the recommendation of award of the Base Bid and Add Alternate for the construction of 3,200 square foot Maintenance Building at the Water Treatment Plant Facility in the amount of \$546,474 to Construction Systems, Inc., and the authorization of the respective Purchase Order is approved. The Chairman/County Manager is authorized to execute any document necessary to implement this resolution.

83-407400 Capital Outlay \$ 546,474

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ McCoy ___ Tate ___ Ward ___ Williams ___

George R. Brown, Chairman 03/18/13
Date

ATTEST 03/18/13
Date



February 4, 2013

Mr. Michael G. Mack
Director
Pender County Utilities
605 East Fremont Street
Burgaw, NC 28425

Subject: Pender County WTP – Maintenance Building
Recommendation of Award
CDM Project No. 67476-88838

Dear Mr. Mack:

On January 22, 2013 five bids were received for the Pender County WTP Maintenance Building Project. CDM Smith has reviewed these bids and have prepared the enclosed certified bid tabulation for your reference. The Bidders are listed in the bid tabulation in numerical order based on the low bidder first.

The five bidders on the project are as follows:

<u>Bidder</u>	<u>Grand Total Base Bid</u>
Construction Systems, Inc.: Fayetteville, NC	\$540,705.00
Nationwide Construction Group: Chesterfield, MI	\$549,440.75
Constructive Building Solutions: Wilmington, NC	\$568,000.00
D. S Simmons, Inc.: Goldsboro, NC	\$638,000.00
Seashore Builders: Maple Hill, NC	\$993,699.00

Each of the Bidders attached a bid bond in an amount of five percent of the Grand Total Base Bid. Each of the Bidders acknowledged receipt of the two Addenda that were issued during the Bid Period. Additionally, all bids were found to be mathematically correct.

The Bid documents identified one alternative bid item for the provision of a galvanized finish on the structural steel members. The amounts of these bid alternates are shown in the attached bid tabulation.





Mr. Michael Mack
February 4, 2013
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Based upon review of the bids CDM Smith recommends that Pender County award a construction contract in the amount of \$546,474.00 to Construction Systems, Inc. for the Pender County WTP Maintenance Building project.

Along with this recommendation, CDM Smith is enclosing a copy of the Certified Bid Tabulation and Construction Systems, Inc.'s Bid. Should you have any questions about this information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "William Mason".

William Mason, P.E., BCEE
CDM Smith

Cc: File



Pender County WTP - Maintenance Building

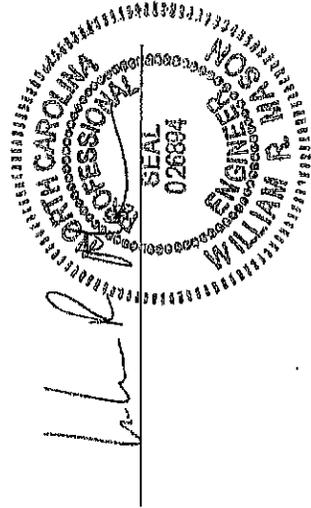
Certified Bid Results

Description	Construction Systems, Inc.	Nationwide Construction Group	Constructive Building Solutions	D.S. Simmons, Inc.	Seashore Builders
Base Bid Amount	\$ 540,705.00	\$ 549,440.75	\$ 568,000.00	\$ 638,000.00	\$ 993,699.00
Add/Deduct for Galvanized	\$ 5,769.00	\$ 7,000.00	\$ 1,000.00	\$ 25,000.00	\$ (3,500.00)
Acknowledge Addenda	Yes	Yes	Yes	Yes	Yes
Bid Bond	Yes	Yes	Yes	Yes	Yes
Compliance Statement	Yes*	Yes	Yes	Yes	Yes
Lobbying Certificate	Yes*	Yes	Yes	Yes	Yes
Debarment Certification	Yes*	Yes	Yes	Yes	Yes

*Construction Systems, Inc. did not include the Compliance Statement, Lobbying Certificate, and Debarment Certification as part of their bid package, but later supplied the information when requested.

The bids tabulated herein were publicly opened and read aloud at 2:00 p.m. on the 22th day of January, 2013, at the Pender County Utilities office located in Burgaw, NC and all bids were accompanied by either a certified check or bidder's bond except as otherwise noted.

CDM Smith
 5400 Glenwood Avenue, Suite 300
 Raleigh, North Carolina 27612



SECTION 00410

BID FORM

PROJECT IDENTIFICATION: PENDER COUNTY WTP -- MAINTENANCE BUILDING

THIS BID IS SUBMITTED BY: Construction Systems, Inc.

ADDRESS: 6205 Raeford Road

Fayetteville, NC 28304

DATE OF BID: January 22, 2013

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ARTICLE 1 - BID RECIPIENT

1.01 This Bid Is Submitted To: *Pender County*
605 East Fremont Street
Burgaw, North Carolina 28425

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in the Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 - BIDDER'S ACKNOWLEDGMENTS

2.01 Bidder accepts all of the terms and conditions of the Advertisement and Instructions to Bidders, including without limitations those dealing with the dispositions of Bid security. The Bid will remain subject to acceptance for 90 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner. Within 90 days of bid date, the lowest cost, responsible, responsive Bidder will receive a tentative notice of award with contracts to execute subject to Funding Agency review and approval.

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bidding Documents, the other related data identified in the Bidding Documents, and the following Addenda, receipt of which is hereby acknowledged.

Addendum No.	Addendum Date
	<u>January 10, 2013</u>
	<u>January 17, 2013</u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and is satisfied as to all Federal, State, and local Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has obtained and carefully studied (or accepts the consequences for not doing so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by the Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by Bidder, and safety precautions and programs incident thereto.
- E. Bidder does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.
- F. Bidder is aware of the general nature of the Work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- G. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports and drawings identified in the Bidding Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.
- J. Bidder will submit written evidence of its authority to do business in the State of North Carolina not later than the date of its execution of the Agreement.

ARTICLE 4 - FURTHER REPRESENTATIONS

4.01 Bidder further represents that:

- A. This Bid is genuine and not made in the interest of or on the behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation;

- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.

ARTICLE 5 - BASIS OF BID

5.01 Base Bid for Single Prime Construction of the Pender County Surface Water Treatment Plant, complete as indicated on the Drawings and as specified and including all work (excludes work that would be added under the additive bid alternates below).

BASE BID

ITEM DESCRIPTION

- 1. Pre-Engineered Metal Maintenance Building including all work on the contract plans and specifications.

Lump Sum Bid Price FIVE THOUSAND FORTY \$ 540,705.00
(use words) (numerals)
THOUSAND SEVEN HUNDRED

ALTERNATE BID ITEM FIVE DOLLARS

If Owner can afford alternative bid item, then Base Bid price above may be modified to include Alternate Item. Contractor to indicate if this is an additive or deductive bid alternate.

- A. Modification in Base Bid price above to provide galvanized finished on all structural steel members in lieu of specified shop primed, field-painted finish. Galvanized finish is to be ASTM A123, Zn with 0.05% min. Ni applied at a rate of not less than 2 oz/sq ft of surface.

Lump Sum (Add / Deduct) FIVETHOUSAND SEVEN \$ 5,769.00
(use words) (numerals)
HUNDRED SIXTY-NINE DOLLARS

ARTICLE 6 - TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete per paragraph 14.04 of the General Conditions and will be completed and ready for final payment in accordance with paragraph 14.07.B of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the work within the Contract Times.

ARTICLE 7 - ATTACHMENTS TO THIS BID

7.01 The following documents are attached to and made a condition of the Bid:

- A. Required Bid security in the form of Bid Bond (EJCDC No. C-430) or Certified Check (circle type of security provided);

B. The contract plans and the complete project manual. All forms of division zero shall be completed (except for those which explicitly state that they are to be completed after the bid and except for the notice of award, Owner-Contractor Agreement, notice to proceed, performance and payment bonds, application for payment, certificate of substantial completion, certificates of insurance, and certificate of Owners attorney)

ARTICLE 8 - DEFINED TERMS

8.01 The terms used in this Bid with the initial capital letters have the meanings indicated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

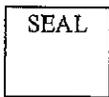
ARTICLE 9 - BID SUBMITTAL

9.01 This Bid submitted by:

If Bidder is:

An Individual

Name (typed or printed): _____



By: _____

(Individual's signature)

Doing business as: _____

A Partnership

Partnership Name: _____



By: _____

(Signature of general partner -- attach evidence of authority to sign)

Name (typed or printed): _____

A Corporation

Corporation Name: Construction Systems, Inc.

State of Incorporation: North Carolina

Type (General Business, Profession, Service, Limited Liability): General Contractor, Unlimited

By: _____

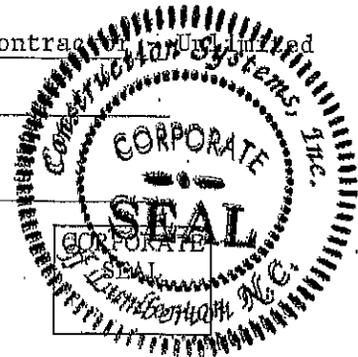
(Signature -- attach evidence of authority to sign)

Name (typed or printed): Douglas Whitbeck

Title: Vice President

Attest: James D. Thompson

(Signature of Corporate Secretary)



Date of Qualification to do business in NC [State where Project is located] is 1 / 1 / 13

A Joint Venture

Name of Joint Venture: _____

First Joint Venture Name: _____

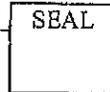


By: _____
(Signature of joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Second Joint Venture Name: _____



By: _____
(Signature of joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is party to the venture should be in the manner indicated above.)

Bidder's Business address: _____

Business Phone No. (____) _____

Business FAX No. (____) _____

Business E-Mail Address _____

State Contractor License No. _____, (If applicable)

Employer's Tax ID No. _____

Phone and FAX Numbers, and Address for receipt of official communications, if different from Business contact information:

9.02 Bid submitted on _____, 20__.

END OF SECTION

FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT _____

Construction Systems, Inc. as principal, and Great American Insurance Company, as surety, who is duly licensed to act as surety in North Carolina, are held and firmly bound unto Pender County as obligee, in the penal sum of Five Percent of Amount Bid (5%) DOLLARS, lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 22nd day of January 2013

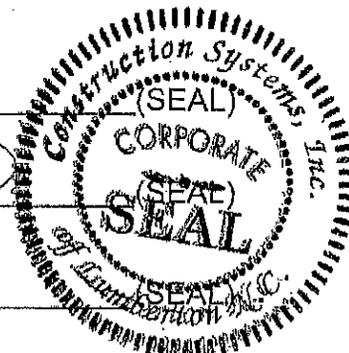
WHEREAS, the said principal is herewith submitting proposal for Pender County Water Treatment Plant Maintenance Building and the principal desires to file this bid bond in lieu of making the cash deposit as required by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that if the principal shall be awarded the contract for which the bid is submitted and shall execute the contract and give bond for the faithful performance thereof within ten days after the award of same to the principal, then this obligation shall be null and void; but if the principal fails to so execute such contract and give performance bond as required by G.S. 143-129, the surety shall, upon demand, forthwith pay to the obligee the amount set forth in the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by G.S. 143-129.1

Construction Systems, Inc.

By:

[Handwritten Signature]



Great American Insurance Company (SEAL)

By:

[Handwritten Signature: Heather K Burroughs] (SEAL)
Heather K Burroughs Attorney-in-Fact

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by this power of attorney is not more than SEVEN

No. 0 20304

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

Name	Address	Limit of Power
JAMES P. CARTER, II	BOBBI D. PENDLETON	ALL
KENNETH J. PEEPLES	NEIL B. BILLER	\$75,000,000.
PHOEBE C. HONEYCUTT	HEATHER K. BURROUGHS	
KITARA A. SMITH		

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 25TH day of JUNE 2012

Attest

GREAT AMERICAN INSURANCE COMPANY



My L C B
Assistant Secretary

David C. Kitchin
Divisional Senior Vice President

DAVID C. KITCHIN (677-377-2406)

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 25TH day of JUNE

, 2012, before me personally appeared DAVID C. KITCHIN, to me

known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



KAREN L. GROSHEIM
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 02-20-16

Karen L. Grosheim

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this

22 day of January 2013



My L C B
Assistant Secretary