

I-4 Standard Purchasing Resolution 2: Low Bidder Meeting Specifications - Fencing for I-75 Under the Overpass (Introduced by: Kurt Bovensiep, Public Works Manager)

Resolution #2014-10-128
Moved by Henderson
Seconded by Hodorek

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish and install new fencing on Big Beaver under the I-75 Overpass to the low bidder meeting specifications; *Motor City Fence Co. of Troy, Michigan*, for an estimated total cost of \$12,489.00, not to exceed budgetary limitations; at unit prices contained in the bid tabulation opened September 25, 2014, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor's submission of properly executed contract documents, including insurance certificates and all other specified requirements.

Yes: All-7
No: None

MOTION CARRIED

PURCHASE ORDER

No. 2015-00000548

DATE: 10/14/2014

PAGE: 1 of 1

FOB DESTINATION

Ship To

CITY OF TROY
Streets
4693 ROCHESTER ROAD
TROY, MI 48085

Bill To

CITY OF TROY
Streets
4693 ROCHESTER ROAD
TROY, MI 48085

COUNCIL RESOLUTION
2014-10-128

VENDOR NO. 167064

Vendor

MOTOR CITY FENCE COMPANY
3661 DELAWARE DRIVE
TROY, MI 48084

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1	Lump Sum	Big Beaver and I-75 Sidewalk Fencing Furnish all equipment, material and labor to remove and install new fencing for the City of Troy Big Beaver and I-75 under the overpass in accordance with all bid specifications ITB-COT 14-32. Contact Kurt Bovensiep at 248 524 3489 to schedule work.	12,489.0000	\$12,489.00

Entered By: MaryBeth Murz

\$12,489.00

Special Instructions:

CITY COUNCIL AWARD DATE: 10/6/2014. Certificate of Insurance to be on file for duration of project. Bid deposit check #9202226495 shall be retained as performance surety until successful completion and acceptance of all contract specifications.

TERMS & CONDITIONS

1. Purchases of Municipalities are exempt from State Sales and Federal Excise Taxes.
2. Prior to acceptance, vendor agrees to provide City with information under the Right-to-Know Law, P.A. 1986, No. 80, and fully comply with all terms and conditions of the Michigan Occupational Safety and Health Act, MCL 408.1001, et seq. including vendor shall provide City with an "MSDS". Vendor also agrees to be responsible for all required labeling.
3. In cases of emergency/disaster, the City can purchase up to six(6) times the order amount for a period of six(6) months at the price contained in the contract.
4. Purchase Orders are signed electronically based upon computer generated "on-line" authorized approvals. Authentic signatures are on file in the City of Troy Purchasing Department.

NOTICE: The City could put the vendor on notice that vendors will be held financially responsible for any claims or awards made against the City as a result of the vendor's action. If the City has to defend the initial lawsuit, the City will bring in the vendor as a co-defendant or sue the vendor, either as the result of settling a claim or the conclusion of the lawsuit.

I HEREBY CERTIFY THAT THIS ORDER IS PROPERLY AUTHORIZED AND APPROVED.

MaryBeth Murz

	Motor City Fence Co.	RMD Holdings, LTD
		dba Nationwide Construction
	Troy, MI	Chesterfield, MI
Check#	9202226495	9012309882
Check Amount	\$750.00	\$750.00

PROPOSAL: To furnish all equipment, material and labor to remove and install new fencing for the City of Troy Big Beaver and I-75 Overpass in accordance with all bid specifications.

COMPLETE FOR THE SUM OF:	\$12,489.00	\$16,700.00
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CONTACT INFORMATION:

Hours of Operation	Monday - Friday 8:00-5:00	Monday - Friday 7:00-5:00
24HR Phone #	248 269 8888	586 484 6589

SITE INSPECTION: Y/N

Date	9/1/2014	8/27/2014
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COMPLETION DATE:

	December 15, 2014	
Can Meet	Yes	Yes
Cannot Meet		
Offers		
Work Shall Commence		

REFERENCES:

	Yes	Yes
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INSURANCE:

Can Meet	Yes	Yes
Cannot Meet		

ACKNOWLEDGEMENT SIGNED: Y OR N

	Yes	Yes
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PAYMENT TERMS:

	Net 30	Net 30
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EXCEPTIONS:

	None	None
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WARRANTY:

	1 year	1 year parts & labor
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QUESTIONNAIRE: Attached Y or N

	Yes	Yes
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SCHEDULE OF VALUES: Y or N

	Yes	Yes
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FORMS COMPLETED:

Legal Status of Bidder:	Y or N	Yes	Yes
Non-Collusion Affidavit:	Y or N	Yes	Yes
Certification regarding Debarment:	Y or N	Yes	Yes

BOLDFACE TYPE DENOTES LOW BIDDER

ATTEST:

Enna Bachelor
Kurt Bovensiepe
Irene Newman

 MaryBeth Murz,
 Purchasing Manager



**CITY OF TROY
BID PROPOSAL**

ITB-COT 14-32
Page 1 of 6

The undersigned proposes to **FURNISH ALL EQUIPMENT, MATERIAL AND LABOR TO REMOVE AND INSTALL NEW FENCING FOR THE CITY OF TROY BIG BEAVER AND I-75 OVERPASS** in accordance with the attached specifications. The specifications are to be considered an integral part of this bid proposal, at the following prices:

COMPANY NAME: Motor City Fence Co.

The document contains the following sections:

Instructions to Bidders (2 pages)	Forms (3 forms)
Bid Proposal (6 pages)	Specifications (4 pages)
Vendor Questionnaire (2 pages)	Sample Insurance Certificate (1 page)
Schedule of Values (1 page)	Public Act 57 (2 pages)
	Statement of No Bid (1 page)

PROPOSAL: BIG BEAVER AND I-75 OVERPASS FENCING

Furnish all equipment, material and labor to remove and dispose of existing fencing and install new fencing as indicated in the attached specifications at the overpass of Big Beaver and I-75.

COMPLETE FOR THE SUM OF: \$ 12,489.⁰⁰

SCHEDULE OF VALUES:

The City of Troy may be required to add or delete work due to unforeseen circumstances. Therefore, a unit price schedule shall be attached to your bid document at the time of bid submission which indicates unit prices for all items to be used during the course of the project. All unit prices shall include the labor.

A SCHEDULE OF VALUES FORM IS ATTACHED AND MUST BE COMPLETED AND RETURNED WITH THE BID AT THE TIME OF SUBMISSION.

NOTE: All items of work noted in the specifications that are not specifically noted in the bid proposal shall be considered as included in the contract and shall be completed at no extra cost to the City of Troy.

Measurements given in the bid proposal are approximate and made in good faith. It shall be the bidder's responsibility to take exact measurements during a site inspection. Any discrepancies in the measurements must be brought to the City's attention.

INFORMATION:

For additional general information or questions concerning this project please contact **MaryBeth Murz, Purchasing Manager**, at (248) 680-7291 between the hours of 8:00 a.m. and 4:00 p.m., Monday thru Friday.

DESIGNATED CITY REPRESENTATIVE:

Kurt Bovensiep, Public Works Manager at (248) 524-3489 or k.bovensiep@troymi.gov is the designated City Representative for this project.

CONTACT INFORMATION:

Hours of operation: Mon - Fr. 8-5 24 Hour Phone No. 248-269-8888

SITE INSPECTION:

All bidders should examine the site to determine the amount of work to be done in accordance with the specifications. If a bidder does not make a site inspection, that bidder accepts full responsibility and risk for any errors or omissions in his/her bid proposal. Contact **Mr. Kurt Bovensiep** at (248) 524-3489 or k.bovensiep@troymi.gov to schedule a site visit between the hours of 8:00 am - 4:00 pm, Monday through Friday.

Our company visited the site on 9-1-14.
 Our company did not visit the site.

DOWNPAYMENTS AND PREPAYMENTS:

Any bid submitted which requires a down payment or prepayment for services prior to performance and acceptance, as being in conformance with specifications will not be considered for award. No payments will be made until work/ service is performed to the satisfaction of the authorized City representative.

APPROVED ALTERNATES:

The City of Troy's designated department representative or his/her designee will review all items submitted for consideration as approved alternates. Their decision as acceptability will be deemed in the City of Troy's best interest and will be final.

MATERIAL AVAILABILITY:

Bidders must accept responsibility for verification of material availability, production schedules, and other pertinent data prior to submission of their bid, and confirm delivery times. It is the responsibility of the bidder to notify the City immediately if items specified are discontinued, replaced, or not available for an extended period of time.

LABOR:

Prevailing wages are not required for this project.

DELIVERY:

Materials are not to be delivered to the site until work is to commence. Secure storage space will not be available for long-term storage. All materials are to be F.O.B. delivered, freight paid to the work location in the City of Troy in accordance with the attached specifications.

QUALIFICATION OF MANUFACTURER:

The Fencing Products Manufacturer will be a company specializing in the manufacturing of commercial quality chain link fencing with a minimum of ten years experience.

SAMPLES:

Actual samples of quoted material may be requested at the discretion of the City of Troy's designated representative. Samples will be provided at no cost to the City and will become the property of the City of Troy. Submitted samples may be used for testing purposes.

AWARD:

The evaluation and award of this bid shall be a combination of factors, including but not limited to: cost, professional competence, equipment, references, submission of the schedule of values, and the correlation of the proposal submitted to the needs of the City of Troy.

The City of Troy reserves the right to award this bid to the lowest responsible total bidder meeting specifications; to reject low bids which have major deviations from specifications; to accept a higher bid which has only minor deviations; whatever is deemed to be in the City's best interest.

COMPANY NAME: Motor City Fence Co.

LOCAL PREFERENCE:

The City of Troy reserves the right to award a contract to a local business, one which pays City of Troy taxes (real and/or personal), if the bid of a local vendor is within 5% of the lowest responsive and responsible non-local bidder, then the local vendor is given one chance to match the low bid.

BID DEPOSIT AND FORFEITURE:

The bid deposit of the lowest bidder shall be forfeit if, after bid opening, a change in the bid price or other provision of the bid is required by the bidder that is prejudicial to the interest of the City of Troy or fair competition.

CONTRACT FORMS:

Bidders should complete the Legal Status of Bidder, Non-Collusion Affidavit and Certification regarding Debarment forms and return with their bid proposal.

PUBLIC ACT 57:

Public Act 57 requires contractors to provide certain notices to governmental entities concerning improvements on real property; to allow for modifications of contracts for improvement of real property; to provide for remedies; and to repeal acts and parts of acts. This contract shall comply with all applicable provisions of Public Act 57 [a copy of the act is attached for reference (2 pages)].

SUBCONTRACTORS:

The undersigned agrees to submit a list of proposed subcontractors, if applicable, for approval by the designated City representative within 72 hours after notification of being the low qualified bidder. It will be understood that this may occur prior to bid award, but the bidder's status will not be final until approved by the Troy City Council.

It will be the successful bidder's responsibility to ensure that any subcontractor performing work on this project is capable of doing the work as specified. The designated City representative retains the right to evaluate the work performed by or on behalf of the successful bidder and reserves the right to reject any work performed that is not in accordance with the specifications or is considered to be poor workmanship. Payment will not be made until the successful bidder has corrected any deficiencies found to the satisfaction of the designated City representative.

PURCHASE ORDER:

After the Troy City Council has approved the award recommendation and acceptable insurance is received, the successful bidder will receive a purchase order issued from the City of Troy, which will create a bilateral contract between the City of Troy and the successful bidder. The purchase order shall commit the bidder to perform the contract in accordance with specifications. A contract document will not be issued.

COMPLETION DATE:

Once the Contractor moves supplies and materials to the work site, work shall commence upon notice to proceed and be completed by **December 15, 2014**. The City of Troy is the only party to this contract that may authorize amendment to this schedule.

- Our Company can meet this delivery / installation schedule
- Our company cannot meet this delivery / installation schedule but offers:

Work shall commence 21 calendar days after notice to proceed.

COMPANY NAME: Motor City Fence Co.

REFERENCES:

The City of Troy requires that your company list at least three (3) clients who have recently had similar work and material installed by your company. If your company has done work for the City of Troy in the past, it is required the City be listed as one of your references.

COMPANY: City of Troy
ADDRESS: 500 W- Big Beaver Rd. Troy, MI 48084
PHONE: 248-524-3489 CONTACT: Kurt Bovensiepe
EMAIL: K.bovensiepe@troymi.gov

COMPANY: City of Birmingham
ADDRESS: _____
PHONE: 248-649-1807 CONTACT: Robert Fox
EMAIL: _____

COMPANY: City of Westland
ADDRESS: _____
PHONE: 734-722-7620 CONTACT: Robert Kosowski
EMAIL: _____

IMPORTANT:

The City shall have the right to require by written order, changes in, additions to, or deductions from the work required by the bid documents provided that if changes, additions, or deductions are made, the general character of the work as a whole is not changed thereby. Adjustments in the Contract price, if any, because of any change, addition, or deduction in the work, shall be determined as hereinafter provided, and any claim for extension of time for completion shall be adjusted at the time of ordering the changes, additions, or deductions.

No claim for change, addition, or deduction, or adjusting of price, or extension of time for completion thereof, shall be made or allowed unless done in pursuance of written order from the City specifically authorizing such change, addition, or deduction. Drawings without a written order shall not be considered such authority. Written notice of such claims shall be made to the designated City representative before the commencement of the work. Where the written order diminishes the quality of work to be done, this shall not constitute a basis for a claim for damages or anticipated profits on the work that may be dispensed with.

COMPANY NAME: Motor City Fence Co.

INSURANCE: Insurance Requirements shall be in accordance with the attached **SAMPLE INSURANCE CERTIFICATE**. The required Insurance Certificate must be submitted to the Purchasing Department, to the attention of the Purchasing Manager within five (5) business days of a verbal/ electronic request. The bid cannot be completely awarded without this Insurance Certificate. The Insurance Certificate may be faxed (248) 619-7608 to the City Offices, and is the only bid document accepted in this format.

- We can meet the specified insurance requirements.
- We cannot meet the specified insurance requirements.
- We do not carry the specified limits but can obtain the additional insurance coverage of \$ _____ at the cost of \$ _____.
Note: Please note the amendments on a sample insurance certificate and attach it to your bid proposal.
- Our bid proposal is reduced by \$ _____ if we lower the requirements to \$ _____.
Note: Please note the amendments on a sample insurance certificate and attach it to your bid proposal.

IMPORTANT: A Certificate of Insurance on an ACORD Form showing present coverage or a letter from your insurance agent or carrier that the insurance to be supplied will meet specifications SHOULD be attached to the bid document at the time of submission of the bid proposal to the Office of the City Clerk.

NOTE: Failure on the part of any bidder to contact his/her insurance carrier to verify that the insurance carried by the bidder meets City of Troy specifications may result in this bid proposal being completed incorrectly.

OTHER: Sole proprietors must execute a certificate of exemption from Worker's Compensation requirements or provide proof of Worker's Compensation Insurance. All coverage shall be with insurance carriers licensed and admitted to do business in Michigan, and acceptable to the City of Troy.

INSURANCE VERIFICATION: A bidder shall complete the above portion that details additional costs that may be incurred for specified coverage without purchasing the additional coverage prior to bid submission.

Letter Verification: If not submitted with the bid documents as requested, the recommended bidder will be notified to submit a letter from the *insurance agent or carrier* that the insurance to be supplied will meet specifications. As an alternative, the recommended bidder may submit the certificate of insurance meeting specifications at this time at his/ her option. ***The City must receive this letter or certificate within (5) business days after verbal / electronic notification has been delivered to the recommended bidder or the bidder will be considered non-responsive and the bid un-awardable.*** This process will occur before presentation of the award recommendation to the Troy City Council.

Final Insurance Certificate Submission:

After approval by Troy City Council, the City of Troy will review the insurance certificates to ensure all acceptable documents have been received and allow five (5) additional days after verbal / electronic notification to submit final insurance certificates in accordance with specifications. The City of Troy reserves the right to WITHHOLD AND KEEP any bid surety for failure to comply. The company will be considered in default of contract and will be barred from doing business with the City of Troy for a minimum of three (3) years for failing to meet insurance requirements.

COMPANY NAME: _____

Motor City Fence Co.

SIGNATURE PAGE

PRICES:

Prices shall remain firm for 60 days or bid award, whichever comes first, except the successful bidder whose prices shall remain firm through project completion.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: _____



NOTE:

The undersigned has checked carefully the bid figures and understands that he/she shall be responsible for any error or omission in this bid offer and is in receipt of all addenda as issued.

TAX ID: 06-1679022

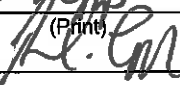
COMPANY: Motor City Fence Co.

ADDRESS: 3661 Delaware Dr. CITY: Troy STATE: MI ZIP: 48084

PHONE: (248) 269-8888 FAX NUMBER: (248) - 269-8896

REPRESENTATIVE NAME: Brian J. Lepp

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: _____



PAYMENT TERMS: Net 30 WARRANTY: 1 yr.

CHECK INCLUDED: \$750. E-MAIL: Brian@motorcityfence.com

COMPLETION: **IN ACCORDANCE WITH SPECIFICATIONS.**

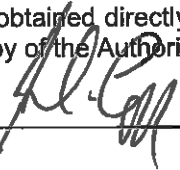
EXCEPTIONS:

Any exceptions, substitutions, deviations, etc. from the City of Troy specifications and this proposal must be stated below and reason for, and are an integral part of this bid proposal offer.

ACKNOWLEDGEMENT:

I, Brian J. Lepp, certify that I have read the **Instructions to Bidders** (2 Pages) and that the bid proposal documents contained herein were obtained directly from the City's Purchasing Department or MITN website, www.mitn.info and is an official copy of the Authorized Version.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: _____



IMPORTANT:

All City of Troy purchases require a MATERIAL SAFETY DATA SHEET, where applicable, in compliance with the MIOSHA "Right to Know" Law. Please include a copy of any relevant MSDS at the time of bid submission.

NOTE:

The City of Troy, at their discretion, may require the bidder to supply a Financial Report from an impartial Financial Credit Reporting Service before award of contract.

U.S. FUNDS:

All prices are to be quoted in U. S. Currency.



VENDOR QUESTIONNAIRE

Please provide the following information and submit with your bid proposal:

FIRM NAME: Motor City Fence Co.

TYPE OF ORGANIZATION: (Circle One)

- a. Individual
- b. Partnership
- c. Corporation
- d. Joint Venture
- e. Other LLC

If applicable:

FORMER FIRM NAME(S) None

NOTE: If additional space is needed throughout the questionnaire, please attach additional sheets numbered appropriately for identification.

1. Have you owned or operated a company that declared Chapter 7 during the last ten (10) years?

() Yes When: _____ No

2. How many years of experience do you have installing fencing?

11.5 Years

3. Evidence that your company is licensed to do business in the State of Michigan.

_____, _____ ?

4. Please provide a list of all open contracts your company currently holds. Include contact name, organization, type, size, required date of completion, percentage of completion to date of each job and value of each contract.

Organization/Contact Name	Type/Size	Date	Percentage	Value

5. List the number and types of equipment to be used for this project; if awarded this bid. (Attach itemized list that is marked _____ for identification if more space is required.)

All hand tools.

6. If applicable, list all proposed subcontractors to be used in the performance of this contract and the work to be performed by each. Include a complete list and references of all subcontractors.

N/A

7. Provide a project schedule based on starting the work within ten (10) days after receiving "Notification to Proceed".

2 Days

8. List Tradesmen who would specifically be assigned to this project. Provide years of experience, areas of expertise, and/or list any additional training classes taken to increase expertise in this field for the people listed in this section who will be assigned to project.

TITLE	NAME	TRADE	EXPERIENCE / YEARS
Foreman	Ron Oltzman	Fencing	30 yrs.

9. Provide name and contact information of the manufacturer that will be supplying the fencing materials for this project. The Fencing Products Manufacturer will be a company specializing in the manufacture of commercial quality chain link fencing with a minimum of ten years experience.

T.B.O.

8. Provide manufacturer's catalog cut sheets with printed specifications including certification of compliance with material specifications for the materials being bid on this project.

() Material specifications marked T.B.O. for identification.

THE FOREGOING QUESTIONNAIRE IS A TRUE STATEMENT OF FACTS:

Signature of Authorized Company Representative:

Company:

Address:

Phone Number:

Representative's Name:

Date:

[Signature]
Motor City Fence Co.
3661 Delaware Dr. Troy, MI
248-269-8888
Brian D. [Signature]
(Print)
[Signature]



Legal Status of Bidder:

The Bidder shall fill out the appropriate form and strike out the other two:

A **corporation** duly organized and doing business under the laws of the State of Michigan for whom Brian J. Lep, bearing the office title of Owner, whose signature is affixed to this proposal, is duly authorized to execute contracts.

~~A **partnership**, all members of which, with addresses, is:~~

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AN INDIVIDUAL, WHOSE SIGNATURE IS AFFIXED TO THE PROPOSAL:

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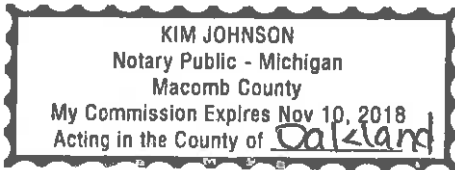
CITY OF TROY
OAKLAND COUNTY, MICHIGAN
NON-COLLUSION AFFIDAVIT

TO WHOM IT MAY CONCERN:

Brian J. Lepp, being duly sworn deposed, says that he
(Print Full Name)
is President. The party making the foregoing proposal or bid,
(State Official Capacity in Firm)

that such bid is genuine and not collusion or sham; that said bidder has not colluded, conspired, connived, or agree, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding and has not in any manner directly or indirectly sought by agreement or collusion, or communication or conference, with any person to fix the bid price or affiant or any other bidder, or to fix any overhead, profit, or cost element of said bid price, or that of any other bidder, or to secure the advantage against the City of Troy or any person interested in the proposed contract; and that all statements contained in said proposal or bid are true.

[Signature]
SIGNATURE OF PERSON SUBMITTING BID



[Signature]
NOTARY'S SIGNATURE

Subscribed and sworn to before me this 23rd
day of September, 2014
in and for Macomb County.

My commission expires:
November 10, 2018



CERTIFICATION REGARDING

DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The prospective participant certifies, to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in transactions under any non-procurement programs by any federal, state or local agency.
2. Have not, within the three year period preceding, had one or more public transactions (federal, state, or local) terminated for cause or default; and
3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) and have not, within the three year period preceding the proposal, been convicted of or had a civil judgment rendered against it:
 - a. For the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction (federal, state, or local), or a procurement contract under such a public transaction;
 - b. For the violation of federal, or state antitrust statutes, including those proscribing price fixing between competitors, the allocation of customers between competitors, or bid rigging; or
 - c. For the commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

I understand that a false statement on this certification may be grounds for the rejection of this proposal or the termination of the award. In addition, the general grant of this authority exists within the City's Charter, Chapter 12, Section 12.2- Contracts.

I am able to certify to the above statements.

Motor City Fence Co.

Name of Agency/Company/Firm (Please Print)

Brian J. Lepo

Name and title of authorized representative (Please Print)

[Signature]

Signature of authorized representative

9-24-14

Date

I am unable to certify to the above statements. Attached is my explanation.