

Meeting Date: 10/27/2015

Agenda Item 3

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration/Discussion Presentation

SHORT TITLE Approval to award Bid L-51-15, Furnish Lime Softening Gearbox Unit, to the second lowest responsive, responsible bidder Condo Electric Industrial Supply, Inc. in the amount of \$168,589.00.

Summary of Purpose and Why:

Bid L-51-15 was issued for the purchase of one (1) new bolt-in drive mechanism to replace the existing bridge-mounted gear reducer and drive motor on the existing Lime Softening Unit #1 at the Water Treatment Plant for the Utilities Department. Bid award is recommended to the second lowest responsive, responsible bidder, Condo Electric Industrial Supply, Inc. in the amount of \$168,589.00. City Commission approval of this contract award is requested.

- (1) Origin of request for this action: Staff
- (2) Primary staff contact: A. Randolph Brown, Utilities Director 954 786-7043
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: From budgeted funds in account 420-7264-533.65-11, CIP 05-886 Capital Project / Equipment.

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Utilities	<u>10/15/15</u>	<u>APPROVED</u>	<u>[Signature]</u>
General Services	<u>10/13/15</u>	<u>APPROVE</u>	<u>[Signature]</u>
Finance	<u>10/10/15</u>	<u>Approval</u>	<u>[Signature]</u>
Budget	<u>10/19/15</u>	<u>Approve</u>	<u>[Signature]</u>

[Signature]
X City Manager

[Signature]

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1 st Reading _____	1 st Reading _____	Results: _____	Results: _____
2 nd Reading _____	_____	_____	_____

MEMORANDUM

Purchasing #16-002
October 12, 2015

To: Dennis W. Beach, City Manager

Through: Otis J. Thomas, General Services Director *OT*

From: Cassandra LeMasurier, Purchasing Supervisor *cl*

Subject: Award Bid L-51-15, Furnish Lime Softening Gearbox Unit

Contract Need/Background

Bid L-51-15 was issued for the purchase of one (1) new bolt-in drive mechanism to replace the existing bridge-mounted gear reducer and drive motor on the existing Lime Softening Unit #1 at the Water Treatment Plant for the Utilities Department.

Attached you will find copies of a memorandum, consultant's bid analysis and the bid award recommendation form submitted by the Utilities Director, and copies of the bid tabulation, and bid solicitation document.

Bidders List

The Bidders List was created by using companies suggested by the requesting department, companies that have responded to prior bids, companies that have requested their names be placed on the Bid List, and companies from appropriate listings in other source books.

Number of firms attending the optional pre-bid conference 4
Number of firms responding with bids 3

Advertising

The Bid was advertised in the Sun Sentinel, and notices were sent to bid notice agencies throughout the nation. Bid notices are also posted on the City's web page and sent to all registered bidders by email.

Funding

The contract will be funded from budgeted funds in account 420-7264-533.65-11 / CIP 05-886 Capital Project / Equipment.

Award Recommendation

After reviewing the responses to this bid with the Utilities Department it is recommended the award for L-51-15 be made to the second lowest responsive, responsible bidder Condo Electric Industrial Supply, Inc. in the amount of \$168,589.00.00 for the bid.

Enclosures

cc: file

BID AWARD RECOMMENDATION FORM

From: Purchasing Division Cassie LeMasurier Date 09/22/2015

To: Utilities Department Attn.: Phil Hyer

Subject: Bid No. L-51-15 Item/service: Furnish Lime Softening Gearbox Unit

Attached is the Bid Tabulation for subject item/service requisitioned by your department. Please complete this form in order that proper presentation and recommendations may be made to the City Commission for its approval, as appropriate. Your response should be typed. Please return this form to the Purchasing Division within three weeks of receipt.

This form must be accompanied by a memorandum explaining the item/service to be purchased, what it will be used for, stating that it is either a replacement or an additional item, and any other pertinent information which might be requested by the City Commission. This memo should also contain a detailed justification if you are rejecting a low bidder (see below).

1. SOURCE OF FUNDS:

Budgeted Code: 420 7264 533 65.11 (CIP 05-886)

Title: Water Treatment Plant Improvements

2. RECOMMENDATION:

(a) Which bidder do you recommend?

Condo Electric Industrial Supply, Inc.

(b) Is the recommended bid the lowest bid received?

Yes No

Note: If you recommend award to other than the low bidder detailed justification must be furnished for rejection of all lower bids, in an accompanying memorandum.

(c) If references were required, were they checked?

Yes No Not applicable for this bid

Signature: 

Date: 10/8/15

Title: Utilities Director
(Department Head)



Phone: (954) 545-7016

**City of Pompano Beach
UTILITIES TREATMENT PLANT**

Fax: (954) 545-7046

MEMORANDUM NO. 16 - 01

DATE: October 5, 2015
TO: Otis Thomas, General Services Director
FROM: Phil Hyer, Utilities Treatment Plants Superintendent *PH*
C: A. Randolph Brown, Utilities Director *ARB*
Donovan Evans, Utilities Maintenance Supervisor

SUBJECT: Bid Award Recommendation L-51-15 Furnish Lime Softening Gearbox Unit

Three bids were received for furnishing a new gearbox which provides mixing for the lime softening treatment unit. This bid advertisement included technical specifications developed and provided by our consultant McCafferty Brinson Consulting (MBC) for the gearbox needed. At the conclusion of the bid, MBC reviewed the two lowest bids for conformance to those technical specifications. MBC provided the Utilities Department bid evaluation and award recommendation services.

It was noted that low bidder Arroyo Process (AP) proposal of \$158,147 did not acknowledge Addendum No. 2 in their bid package. AP had the following language in their proposal "Documents not received and not listed above were not considered in the creation of this proposal. Any new or revised specifications may require a revision to the proposal and adjustment in price and delivery".

In addition, (AP) submitted over four pages of comments and exceptions to the technical specifications and referenced quality assurance standards. One of the most concerning exceptions was "Sumitomo takes exception to all performance/ fit for use guarantees...We take exception to all field performance test requirements".

Condo Electric Industrial Supply, INC. (CESI) proposal of \$168,589 was the next lowest bid. Our consultant MBC reviewed the proposal provided by CESI and found no discrepancies or inconsistencies. CESI has proposed to provide a Siemens Flender gearbox. The Flender gearbox was the original gearbox supplied for our Infilco Degremont treatment units in 1985. This gearbox is a direct drop in replacement of the ones which have been in service for 30 years.

As a result of the numerous exceptions to the technical specifications and quality assurances contained within gearbox specifications listed in the Arroyo Process bid proposal, Utilities staff concurs with the recommendation our consultant MBC.

Utilities staff also concurs with MBC that the CESI proposal best meets the Utilities Department needs. The Utilities Department feels it is in the best interest of the City to award Bid L-51-15 to Condo Electric Industrial Supply, INC. for the amount of \$168,589. Funding is available in Water Treatment Plant Improvements (CIP 05-886) account # 420 7264 533 65.11.

City of Pompano Beach
 Furnish Lime Softening Gearbox Unit
 Bid L-51-15 Date: 09/22/2015

Line Item	Description	Arroyo Process Equipment 1550 Centennial Blvd. Bartow, FL 33830	Condo Electric Industrial Supply, Inc. 3746 E 10th Court Hialeah, FL 33013	Infilco Degremont, Inc. 8007 Discovery Drive Richmond, VA 23229
1	Furnish one (1) new bolt-in drive mechanism to replace the existing bridge-mounted gear reducer and drive motor on the existing lime softening Unit #1 Lime Softening Unit No. 1 is a #29. The old gearbox and drive unit has been removed. The replacement drive unit shall be fully compatible with the existing mounting footprint on the existing support bridge, the existing flanged output shaft coupling and rotor-impeller mixer mechanism and all electrical and power supply connections as specified herein.	\$158,147.00	\$168,589.00	\$263,600.00
	GRAND TOTAL	\$158,147.00	\$168,589.00	\$263,600.00
	Manufacturer/ Product Bid	Sumitomo / Baldor	Siemens Flender P/N: KDNS 500	Design drive retrofit for one #29 NS Accelator
	Delivery time after receipt of order	182 days	238 days	294 days
	Notes	Bid submitted with exceptions.		Bid submitted with exceptions.



McCafferty Brinson
consulting

October 2, 2015

Mr. A. Randolph Brown, P.E.
Utilities Director
City of Pompano Beach
1205 N.E. 5th Avenue
Pompano Beach, Florida 33060

**Subject: Bid L-51-15 – Furnish Lime Softening Gearbox Unit
Bid Evaluation and Recommendation of Award**

Dear Mr. Brown:

The City received three bids for the above-referenced project on September 22, 2015. Attached is a tabulation of the bids received. McCafferty Brinson Consulting, LLC (MBC) has reviewed the bid packages for the two lowest bids, submitted by Arroyo Process and Condo Electric Industrial Supply, Inc.

The apparent low bidder is Arroyo Process (AP), with a bid of \$158,147.00. AP completed and submitted all required documentation. AP did not acknowledge receipt of Addendum No. 2 in the space provided on the bid form, and the proposal contained in the bid package included the following statement referring to the list of specifications and Addendum No. 1:

“Documents not received and not listed above were not considered in the creation of this proposal. Any new or revised specifications may require a revision to the proposal and adjustment in price and delivery.”

The proposal also included approximately 4.5 pages of comments and exceptions to the specifications. While many of the comments and exceptions appear to be clarifications that, in our opinion, would not constitute grounds for disqualification of the bid, several are material to the bid and bid price. For example:

1. The manufacturer’s proposal states that “(1) Certified Drawing and (1) Operation & Maintenance (O&M) Manual per drive are included in the price,” whereas Section 11221, 1.03, B requires three paper copies of the O&M Manual.
2. The manufacturer’s proposal states that, “Sumitomo takes exception to all performance/fit-for-use guarantees . . . We take exception to all field performance test requirements.” This appears to be in conflict with the requirements specified in Section 11221, 3.03 and 3.04, although later comments in the proposal appear to indicate that some of these services are included in the proposal price. It is not clear that the bid price includes all services specified in Section 11221, 3.03 and 3.04.

McCafferty Brinson Consulting, LLC

633 South Andrews Avenue, Suite 402, Fort Lauderdale, Florida 33301
Telephone: 954.797.7100 • Facsimile: 954.467.9870 • www.mccaffertybrinson.com • Florida License No. 26952

Mr. A. Randolph Brown, P.E.
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3. The manufacturer has taken exception to the use of the existing motor mounting pedestal, as specified in Section 11220, 1.01.
4. The manufacturer has taken exception to all of the referenced standards listed in Section 11221, 1.02, C.
5. The manufacturer has taken exception to several of the required submittals specified in Section 11221, 1.03. It is not clear whether these will be provided by AP or are not included in the bid price.
6. The manufacturer has taken several exceptions to the warranty and guarantee requirements specified under Section 11221, 1.04.
7. The manufacturer has taken exception to the welding requirements in Section 11221, 2.02, G.

It is our opinion that the failure to acknowledge Addendum No. 2 (and the included caveat related to the basis of the proposal), coupled with the above exceptions to the Specifications, renders AP's bid not comparable to the competing bids. On this basis, the City may consider AP's bid non-responsive.

The next lowest bidder is Condo Electric Industrial Supply, Inc. (CEIS) with a bid of \$168,589.00. MBC found no discrepancies or inconsistencies in CEIS's bid. We have contacted the references provided by CEIS in their bid form for similar installations by CEIS's proposed manufacturer (Siemens Flender). The references indicated that the drive units supplied by Siemens Flender were of good quality and performed satisfactorily in their applications. In addition, the City of Pompano Beach currently has a Siemens Flender drive unit installed on Lime Softening Unit No. 2 that has been in service in excess of five years.

It is our opinion that CEIS is a responsive, responsible bidder and is capable of undertaking the Work. Considering that the apparent low bid submitted by Arroyo Process may be considered non-responsive for the reasons listed above, McCafferty Brinson Consulting, LLC recommends that the City award the contract to Condo Electric Industrial Supply, Inc.

McCafferty Brinson
consulting

Mr. A. Randolph Brown, P.E.
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If you have any questions or comments, please do not hesitate to contact me. We appreciate the opportunity to serve the City on this important project.

Sincerely,



Frank A. Brinson, P.E.
Vice President
McCafferty Brinson Consulting, LLC
fbrinson@mccaffertybrinson.com

cc: John Sfiropoulos, City of Pompano Beach
Phil Hyer, City of Pompano Beach

The City of Pompano Beach
Bid L-51-15 - Furnish Lime Softening Gearbox Unit

BID TABULATION

Item	Description	Quantity	Unit	Condo Electric		
				Arroyo Process	Industrial Supply, Inc.	Infilco Degremont, Inc.
1.	Furnish one (1) new bolt-in drive mechanism to replace the existing bridge-mounted gear reducer and drive motor on the existing lime softening Unit #1. Lime Softening Unit No. 1 is a #29. The old gearbox and drive unit has been removed. The replacement drive unit shall be fully compatible with the existing mounting footprint on the existing support bridge, the existing flanged output shaft coupling and rotor-impeller mixer mechanism and all electrical and power supply connections as specified herein.	1	LS	\$158,147.00	\$168,589.00	\$263,600.00
GRAND TOTAL:				\$158,147.00	\$168,589.00	\$263,600.00





**City of Pompano Beach, Purchasing Division
1190 N.E. 3rd Avenue, Building C
Pompano Beach, Florida, 33060**

BID L-51-15 -- FURNISH LIME SOFTENING GEARBOX UNIT

August 18, 2015

The City of Pompano Beach is currently soliciting bids for the purchase of one (1) new bolt-in drive mechanism to replace the existing bridge-mounted gear reducer and drive motor on the existing Lime Softening Unit #1. Lime Softening Unit No. 1 is a #29 NS Accelator manufactured by Infilco Degremont, Inc. which was previously equipped with a Model KDNS 500 drive manufactured by Siemens Flender. Sealed bids will be received until **2:00 p.m. (local), September 22, 2015**, in the Purchasing office at 1190 NE 3rd Avenue, Building C, Pompano Beach, Florida 33060. These bids will then be publicly opened at the above time and date in the presence of City officials. Bid openings are open to the public. All bidders and/or their representatives are invited to be present. Bids may not be submitted by facsimile.

Once opened, the bids will be tabulated, evaluated, and presented to the appropriate City officials for contract award.

There are three (3) sections in this bid: Specifications/Special Conditions, General Conditions, and Proposal. Please read all sections thoroughly. Complete the bid in accordance with the instructions and return all numbered pages, initialed at the bottom of each page, when you submit your bid package. Failure to do so may result in the rejection of your bid.

If you need any additional information regarding this bid, please contact Cassandra LeMasurier, Purchasing Supervisor, at (954) 786-4098.

SECTION I - SPECIFICATIONS/SPECIAL CONDITIONS

A. Pre-Bid Conference and Site Visit

There will be an optional pre-bid conference to review the specifications and bid forms and answer questions from potential bidders on **August 27, 2015 beginning at 10:30 a.m.** in the Utilities Administration Building (EOC), 1205 N.E. 5th Avenue, Pompano Beach, Florida 33060. Attendance at this meeting is not mandatory to bid, but is highly recommended. A site visit will take place immediately following the Pre-Bid Conference. For those that do not attend the Pre-Bid Conference site visit arrangements must be made to conduct a site visit to become familiar with local conditions that may affect costs, progress, performance for furnishing of the specified gearbox unit.

Before submitting a Bid, each Bidder will, at Bidder's own expense, make or obtain any additional examinations, investigations, explorations, tests and studies and obtain any additional information and data which pertain to the physical conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance for furnishing of the specified gear box unit and which Bidder deems necessary to determine its Bid for performing and furnishing the work in accordance with the time, price and other terms and conditions of the bid. The project location is 1205 N.E. 5th Avenue, Pompano Beach, FL 33060. Access to this site is restricted. Bidders may contact John Sfiropoulos, Civil Engineer III (954) 545-7009 to schedule a site visit.

B. Intent

The intent of this bid is to establish a contract for the purchase of one (1) new bolt-in drive mechanism to replace the existing bridge-mounted gear reducer and drive motor on the existing Lime Softening Unit #1, delivered, as specified herein.

C. Basis of Award

Award will be made to the lowest responsive, responsible bidder based on the grand total.

D. Pricing

All prices bid shall be F.O.B. destination/delivered to Water Treatment Plant 301 NE 12 Street, Pompano Beach, FL 33060.

No minimum order quantities shall be stipulated by bidders.

E. Delivery

Bidders are to state the number of calendar days after receipt of an order required for delivery. The City seeks a source of supply that will provide accurate and timely delivery. The awarded bidder must adhere to delivery schedules. If, in the opinion of the General Services Director, the successful bidder(s) fail at any time to meet the requirements herein, including the delivery requirements, then the contract may be cancelled upon written notice. See Section II - General Conditions, (6) "Delivery," and (10) "Default," for additional information.

Awarded bidder must notify the City 15 days prior to delivery to allow the City to arrange for the gearbox to be offloaded by City personnel using City equipment. The delivery truck will be staged on the east side of the lime softening treatment units for the crane to offload. Proof of auto insurance is not required due to owner offloading of gearbox unit.

F. Addenda

The issuance of a written addendum is the only official method whereby interpretation, clarification, or additional information can be given. If any addenda are issued to this Bid solicitation the City will attempt to notify all known prospective Bidders, however, it shall be the responsibility of each Bidder, prior to submitting their bid, to contact the City Purchasing Office at (954) 786-4098 to determine if addenda were issued and to make such addenda a part of their Bid proposal. Addenda will be posted to the City's website.

G. Small Business Enterprise Program

The Pompano Beach City Commission has established a voluntary Small Business Enterprise (SBE) Program to encourage and foster the participation of Small Business Enterprises in the central procurement activities of the City. The City of Pompano Beach is strongly committed to ensuring the participation of Small Business Enterprises (SBE's) as contractors and subcontractors for the procurement of goods and services. The definition of a SBE, for the purpose of the City's voluntary program, is taken from the State of Florida Statute 288.703(1).

As of the date of publication of this solicitation, a small business means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in Florida that has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

The City encourages all firms to undertake good faith efforts to identify appropriate Small Business Enterprise partners. Sources of information on certified Small Business Enterprises include the Broward County Small Business Development Division, the State of Florida Office of Supplier Diversity, South Florida Water Management District, and other agencies throughout the State. The City includes links to these organizations from the City's website www.pompanobeachfl.gov. Please indicate in your response if your firm is a certified Small Business Enterprise.

Please note that, while no voluntary goals have been established for this solicitation, the City encourages small business participation in *all* of its procurements.

H. Local Business Program

On March 23, 2010, the City Commission approved a Resolution establishing a Local Business Program, a policy to increase the participation of City of Pompano Beach businesses in the City's procurement process.

You can view the list of City businesses that have a current Business Tax Receipt on the City's website, and locate local firms that are available to perform the work required by the bid specifications. The business information, sorted by business use classification, is posted on the webpage for the Business Tax Receipt Division:

http://pompanobeachfl.gov/pages/department_directory/development_services/business_tax_receipt_division/business_tax_receipt_division.html.php

Please note that, while no voluntary goals have been established for this solicitation, the City encourages Local Business participation in *all* of its procurements.

I. Detail Specifications

This bid is for one (1) new bolt-in drive mechanism to replace the existing bridge-mounted gear reducer and drive motor on the existing Lime Softening Unit #1. Lime Softening Unit No. 1 is a #29 NS Accelator manufactured by Infilco Degremont, Inc. which was previously equipped with a Model KDNS 500 drive manufactured by Siemens Flender.

The replacement drive unit shall be fully compatible with the existing mounting footprint on the existing support bridge, the existing flanged output shaft coupling and rotor-impeller mixer mechanism and all electrical and power supply connections. The project location is at 1205 N.E. 5th Avenue, Pompano Beach FL 33060.

Refer to Specifications Section 11220 document posted with this bid for detailed specifications for this procurement.

J. Questions And Communication

All questions regarding the solicitation are to be submitted in writing to the Purchasing Office, 1190 N.E. 3rd Avenue, Building C (Front), Pompano Beach, Florida 33060, fax (954) 786-4168 or email purchasing@copbfl.com. All questions must include the inquiring firm's name, address, telephone number and solicitation name and number. Questions must be received at least seven (7) calendar days before the scheduled solicitation opening. Oral and other interpretations or clarifications will be without legal effect. Any addendum necessary to answer questions will be posted to the City's website, and it is the Proposer's responsibility to obtain all addenda before submitting a response to the solicitation.

SECTION II - GENERAL CONDITIONS

- 1. Submission and Receipt of Bids
 - 1.1. Bidders must use the form furnished by the City.
 - 1.2. Bids having any erasures or corrections must be initialed by the bidder in ink. Bid shall be typewritten or filled in with pen and ink. Manual signature must be in ink.
 - 1.3. It will be the sole responsibility of the bidder to have their bid delivered to the Purchasing office before the closing hour and date shown for receipt of bids.
 - 1.4. Your sealed bid envelope should show the following information:
 - 1.4.1. Your return mailing address in the upper left-hand corner.
 - 1.4.2. Bid Number - write or type the bid number that appears on the first page of the bid form on the line for it on the front of the envelope.
 - 1.4.3. Bid Items - write or type the title of the bid on line "Sealed bid for: _____".
 - 1.5. Use the following address for delivery of bids:

City of Pompano Beach
 Purchasing Division
 1190 N.E. 3rd Avenue, Building C
 Pompano Beach, FL 33060
 - 1.6. Late bids will not be considered and will be returned unopened.
 - 1.7. Bids transmitted by email or facsimile will not be accepted.
- 2. Completion of Bid Forms

Bidder is to fill in all of the blank spaces on the bid forms and return all numbered pages. Bidder should initial each page at the bottom to indicate he has read and understands the provisions contained on that page.
- 3. Signature Required

All bids must show the company name and be signed by a company officer or employee who has the authority to bind the company or firm by their signature. **UNSIGNED BIDS WILL BE REJECTED.** All manual signatures must be original - no rubber stamp, photocopy, etc.
- 4. Prices to be Firm

Bidder certifies that prices, terms and conditions in the bid will be firm for acceptance for a period of ninety (90) days from the date of bid opening unless otherwise stated by the City. Bids may not be withdrawn before the expiration of ninety (90) days. Prices shall be firm, with no escalator clauses unless specified by the City. Bids may be withdrawn after ninety (90) days only upon written notification to the City.
- 5. Extensions

- 6. Delivery

If there is an error in extensions (mathematical calculations), unit prices will prevail.

 - 6.1. All items are to be bid F.O.B. delivered with freight charges prepaid and included, to designated addresses as specified by the City on its purchase order(s) or in letter(s) of authorization.
 - 6.2. Bidder must state specific number of calendar days required for delivery of each item bid in appropriate space on the bid pages for consideration of award of this bid.
 - 6.3. Delivery time will be a factor for any orders placed as a result of this bid. The City reserves the right to cancel such order(s) or any part thereof, without obligation, if delivery is not made within the time(s) specified herein and hold the vendor in default. (See Section 10.)
- 7. Signed Bid Considered an Offer

This signed bid is considered an offer on the part of the bidder, which offer shall be considered accepted upon approval by the City Commission of the City of Pompano Beach (if required). The City of Pompano Beach will issue a purchase order or a letter of authorization to the successful bidder, as authorization for delivery of the items awarded subject to requirements of detailed specifications and those contained herein.

In the event of default on the part of the bidder after such acceptance, the City may take such action as it deems appropriate including legal action for damages or specific performance.
- 8. Quality

All materials used for the manufacture or construction of any supplies, materials or equipment covered by this bid shall be new. The items bid must be new, the latest model, of the best quality and highest grade workmanship unless otherwise specified in this bid by the City.
- 9. Brand Names

Whenever proprietary names are used, (whether or not followed by the words "or approved equal"), the item(s) will be subject to acceptance and/or approval by authorized City personnel, and said personnel will deem it their prerogative to select the item(s) which are lowest bid, item by item, meeting specifications from the information furnished by the bidder with the bid and/or sample inspection or testing of the item(s) called for herein.
- 10. Default Provisions

In the event of default by the bidder, the City reserves the right to procure the item(s) bid from other sources and will hold the bidder responsible for excess costs incurred as a result. A contractor who defaults on a City contract may be banned from doing business with the City for a period of 36 months from the date of default.
- 11. Samples

Samples, when requested, must be furnished at, or before, bid opening, (unless otherwise specified), and will be delivered at no charge to the City. If not used and/or destroyed in testing, said sample(s) will, at bidder's request, be returned within thirty (30) days of bid award at bidder's expense. If requested by the City, samples and/or inspection of like items are to be made available in the southeast Florida area.

12. Acceptance of Materials

The material delivered as a result of this bid shall remain the property of the seller until a physical inspection and actual usage of the item(s) is made and thereafter deemed acceptable to the satisfaction of the City, in compliance with the terms and specifications contained herein. In the event that the item(s) supplied to the City is/are found to be defective, or does/do not conform to specifications, the City reserves the right to cancel the order upon written notice to the seller and return the item(s) to the seller at the seller's expense.

13. Manufacturers' Certifications

The City reserves the right to obtain separate manufacturer certification of all statements made in the bid.

14. Copyrights and Patent Rights

Bidder warrants that there has been no violation of copyrights or patent rights in manufacturing, producing and/or selling the item(s) ordered or shipped as a result of this bid, and successful bidder agrees to hold the City harmless from any and all liability, loss or expense by any such violation.

15. Laws and Regulations

All applicable laws and regulations of the Federal government, the State of Florida, and ordinances of the City of Pompano Beach will apply to any resulting bid award.

16. Taxes

The City of Pompano Beach is exempt from any taxes imposed by the State and Federal government. Exemption certificates will be provided upon request. State sales tax exemption certificate #85 8012621672C-6 and Federal exemption tax #59 74 0083K apply and appear on each purchase order.

17. Conflict of Instructions

If a conflict exists between the General Conditions and instructions contained herein, and the Specific Conditions and instructions contained herein, the specifics shall govern.

18. Exceptions to Specifications

For purposes of evaluation, bidder must indicate any exception to the specifications, terms, and/or conditions, no matter how minor. This includes any agreement or contract forms supplied by the bidder that are required to be signed by the City. If exceptions are not stated by the bidder, in his bid, it will be understood that the item(s)/services fully comply with the specifications, terms and/or conditions stated by the City. Exceptions

are to be listed by the bidder on an attachment included with his bid. The City will not determine exceptions based on a review of any attached sales or manufacturer's literature.

19. Warranties

The City of Pompano Beach will not accept any disclaimer of the warranties of merchantability and fitness for a particular purpose for the product(s) offered. Proposals will clearly state any additional warranties and guarantees against defective materials and workmanship. A copy of the complete manufacturer's warranty statement is to be submitted with the bid.

20. Retention of Records and Right to Access Clause

The successful bidder shall preserve and make available all financial records, supporting documents, statistical records, and any other documents pertinent to this contract for a period of five (5) years after termination of this contract; or if an audit has been initiated and audit findings have not been resolved at the end of these five (5) years, the records shall be retained until resolution of audit finding.

21. Qualifications/Inspection

Bids will only be considered from firms normally engaged in providing the types of commodities/services specified herein. The City reserves the right to inspect the Bidder's facilities, equipment, personnel, and organization at any time, or to take any other action necessary to determine Bidder's ability to perform. The General Services Director reserves the right to reject bids where evidence or evaluation is determined to indicate inability to perform.

22. Anti-collusion Statement

By submitting this bid, the bidder affirms that this bid is without previous understanding, agreement, or connection with any person, business, or corporation submitting a bid for the same materials, supplies, or equipment, and that this bid is in all respects fair, and without collusion or fraud.

Additionally, bidder agrees to abide by all conditions of this bid and certifies that they are authorized to sign this bid for the bidder. In submitting a bid to the City of Pompano Beach, the bidder offers and agrees that if the bid is accepted, the bidder will convey, sell, assign or transfer to the City of Pompano Beach all rights, title and interest in and to all causes of action it may now or hereafter acquire under the Anti trust laws of the United States and the State of Florida for price fixing relating to the particular commodities or services purchased or acquired by the City of Pompano Beach. At the City's discretion, such assignment shall be made and become effective at the time the City tenders final payment to the bidder.

23. Indemnification

Contractor covenants and agrees that it will indemnify and hold harmless the City and all of the City's officers, agents, and employees from any claim, loss, damage, costs, charge or expense arising out of any act, action, neglect or omission by contractor during the performance of the contract, whether direct, or indirect,

and whether to any person or property to which the City of said parties may be subject, except that neither the contractor nor any of its sub-contractors will be liable under this section for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of City or any of its officers, agents, or employees.

24. Reservation for Rejections and Award

The City reserves the right to accept or reject any or all bids or parts of bids, to waive irregularities and technicalities, and to request re-bids. The City also reserves the right to award the contract on such items the City deems will best serve the interests of the City. The City further reserves the right to award the contract on a "split order" basis, or such combination as shall best serve the interests of the City unless otherwise specified.

25. Interpretations

Any questions concerning the conditions and specifications contained in this bid should be submitted in writing and received by the Purchasing Division no later than seven (7) calendar days prior to the bid opening. The City of Pompano Beach shall not be responsible for oral interpretations given by any City personnel or representative or others. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given.

26. Failure to Respond

If you elect not to bid, please return enclosed "Statement of No Response" form by the bid due date, and state your reason(s) for not bidding. Failure to respond, either by submitting a bid, or by submitting a "Statement of No Response" form, may result in your name being removed from our mailing list.

27. Bid Tabulations

Tabulations are posted to the Purchasing page of the City's website. Bidders who wish to receive a copy of the bid tabulation should request it by enclosing a stamped, self addressed envelope with their bid, or by requesting a tabulation be sent to their fax machine. Bid results will not be given out by telephone. The City does not notify unsuccessful bidders of contract awards.

28. Assignment

Successful bidder may not assign or transfer this contract, in whole or part, without prior written approval of the City of Pompano Beach.

29. Termination for Convenience of City

Upon seven (7) calendar days written notice delivered by certified mail, return receipt requested, to the successful bidder, the City may without cause and without prejudice to any other right or remedy, terminate the agreement for the City's convenience whenever the City determines that such termination is in the best interest of the City. Where the agreement is terminated for the convenience of the City the notice of termination to the successful bidder must state that the contract is being terminated for the convenience of the City under the termination clause and the extent of the termination. Upon receipt of such

notice, the contractor shall promptly discontinue all work at the time and to the extent indicated on the notice of termination, terminate all outstanding sub-contractors and purchase orders to the extent that they relate to the terminated portion of the contract and refrain from placing further orders and subcontracts except as they may be necessary, and complete any continued portions of the work.

30. Public Entity Crimes

In accordance with Florida State Statute 287.133 (2)(a): A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided s. 287.017 for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

31. Governing Procedures

This bid is governed by the applicable sections of the City's General Services Procedures Manual. A copy of the manual is available for review at the City Purchasing office.

32. Identical Tie Bids

In accordance with Section 287.087, State of Florida Statutes, preference shall be given to businesses with Drug-free Workplace Programs. Whenever two or more bids which are equal with respect to price, quality, and service are received for the procurement of commodities or contractual service, a bid received from a business that certifies that it has implemented a Drug-free Workplace Program shall be given preference in the award process.

Established procedures for processing tie bids will be followed if none of the tied vendors have a Drug-free Workplace Program. In order to have a Drug-free Workplace Program, a business shall:

- 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 of 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.
33. Invoicing/Payment
- All invoices should be sent to City of Pompano Beach, Accounts Payable, P.O. Drawer 1300, Pompano Beach, Florida, 33061. In accordance with Florida Statutes, Chapter 218, payment will be made within 45 days after receipt of merchandise and a proper invoice. The City will attempt to pay within fewer days if bidder offers a payment discount. The City cannot make advance payments, make deposits in advance of receipt of goods, or pay C.O.D.
34. Optional Contract Usage
- As provided in Section 287.042(17), Florida Statutes, State of Florida agencies may purchase from a contract resulting from this solicitation, provided the Department of Management Services, Division of Purchasing, has certified its use to be cost effective and in the best interest of the State. Contractor(s) may sell such commodities or services certified by the Division to State of Florida agencies at the contractor's option.
35. Non Discrimination
- There shall be no discrimination as to race, color, religion, gender, national origin, ancestry, and physical or mental disability in the operations conducted under this contract. Included as applicable activities by the contractor under this section are the solicitation for, or purchase of, goods or services, or the subcontracting of work in performance of this contract.
36. Notice To Contractor
- The employment of unauthorized aliens by any contractor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of the contract.
37. Costs Incurred by Bidders
- All expenses associated with the preparation and/or presentation and submission of bids to the City, or any work performed in connection therewith, shall be the sole responsibility of the Bidder and shall not be reimbursed by the City.
38. Public Records
- 1) Any material submitted in response to this solicitation will become a public document pursuant to Section

- 119.071, Florida Statutes. This includes material which the responding bidder/proposer might consider to be confidential or a trade secret. Any claim of confidentiality is waived upon submission, effective after opening pursuant to Section 119.071, Florida Statutes.
- 2.1) The City of Pompano Beach is a public agency subject to Chapter 119, Florida Statutes. The Contractor shall comply with Florida's Public Records Law. Specifically, the Contractor shall:
 - a. Keep and maintain public records that ordinarily and necessarily would be required by the City in order to perform the service;
 - b. Provide the public with access to such public records on the same terms and conditions that the City would provide the records and at a cost that does not exceed that provided in chapter 119, Fla. Stat., or as otherwise provided by law;
 - c. Ensure that public records that are exempt or that are confidential and exempt from public record requirements are not disclosed except as authorized by law; and
 - d. Meet all requirements for retaining public records and transfer to the City, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to the City in a format that is compatible with the information technology systems of the agency.
 - 2.2) The failure of Contractor to comply with the provisions set forth in this Article shall constitute a Default and Breach of this Agreement and the City shall enforce the Default in accordance with the provisions set forth herein.

SECTION III - PROPOSAL

IMPORTANT!!!
BID MUST BE SIGNED TO BE CONSIDERED FOR AWARD
PER GENERAL CONDITIONS SECTION 3

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Amount</u>
1.	Furnish one (1) new bolt-in drive mechanism to replace the existing bridge-mounted gear reducer and drive motor on the existing lime softening Unit #1 Lime Softening Unit No. 1 is a #29. The old gearbox and drive unit has been removed. The replacement drive unit shall be fully compatible with the existing mounting footprint on the existing support bridge, the existing flanged output shaft coupling and rotor-impeller mixer mechanism and all electrical and power supply connections as specified herein.	1	LS	\$ _____
GRAND TOTAL				\$ _____

State manufacturer/model bid: _____
(Include complete descriptive literature with your bid)

A copy of the complete manufacturer's warranty statement is to be submitted with the bid.

State location for obtaining parts and service during and after the warranty period:

Company: _____
Address: _____
Phone: _____
Contact: _____

Bidder Name _____

Delivery time after receipt of order _____ calendar days.

Awarded bidder must notify the City 15 days prior to delivery to allow the City to arrange for the gearbox to be offloaded by City personnel using City equipment. The delivery truck will be staged on the east side of the lime softening treatment units for the crane to offload. Proof of auto insurance is not required due to owner offloading of gearbox unit.

If awarded the contract resulting from this bid, will your company agree to extend the same prices, terms and conditions to other governmental entities? (Note -- Optional, agreement not required for contract award.)

_____ Yes _____ No

If awarded the contract resulting from this bid, will your company agree to sell additional items at the awarded contract price? Yes _____ No _____

State the time period applicable for such additional purchases: _____

Conflict of Interest: For purposes of determining any possible conflict of interest, all bidders must disclose if any City of Pompano Beach employee is also an owner, corporate officer, or employee of their business. Indicate either "Yes" (a City employee is also associated with your business), or "No". If yes, give person(s) name(s) and position(s) with your business. (Note: If answer is "Yes", you must file a statement with the Supervisor of Elections, pursuant to Florida Statutes 112.313.)

No ___ Yes ___ Name & position _____

Drug-Free Workplace: Whenever two or more bids which are equal with respect to price, quality, and service are received for the procurement of commodities or contractual service, a bid received from a business that certifies that it has implemented a Drug-free Workplace Program shall be given preference in the award process. If bidder's company has a Drug-free Workplace Program as outlined in General Conditions, section 32., so certify below:

Yes, bidder has a drug-free workplace program ___ No _____

Is your company a Small Business Enterprise? (if yes, please provide a copy of your certification)

Yes ___ No _____

Name & address of company submitting bid:

.....

.....

..... zip

Bidder Name _____

Federal Employer Identification #:

Telephone number:

"Fax" number:

Email:

Acknowledgment of the following Addenda is noted:

Addendum Number(s) _____ Date(s) Issued _____

Manual signature of company officer:

IMPORTANT!!! -- SIGN IN BOX ABOVE ↑, TYPE OR PRINT NAME BELOW ↓

Signer's name (typed or printed):

Title of signer:

*** Furnish information in spaces provided, pages 9-11.

*** Submit one (1) original bid, and one (1) copy. Submit two (2) original copies of all enclosures such as brochures, manuals, etc.

*** Submit copy of the manufacturer's warranty.

Bidder Name _____

STATEMENT OF NO RESPONSE
BID L-51-15 -- FURNISH LIME SOFTENING GEARBOX UNIT

If you do not intend to bid on this requirement, please complete and return this form by the bid opening deadline to the City of Pompano Beach Purchasing Division, Building C, 1190 N.E. 3rd Avenue, Pompano Beach, Florida 33060; this form may be faxed to (954) 786-4168. Failure to respond, either by submitting a bid, or by submitting a "Statement of No Response" form, may result in your firm's name being removed from our mailing list.

WE, the undersigned, have declined to bid on this solicitation for the following reason(s):

- _____ We do not offer this product or an equivalent
- _____ Our workload would not permit us to perform
- _____ Insufficient time to respond to the Invitation for Bid
- _____ Unable to meet specifications (explain below)
- _____ Other (specify below)

Remarks _____

COMPANY NAME _____

ADDRESS _____

TELEPHONE _____

SIGNATURE/TITLE _____

DATE _____