



VILLAGE OF KEY BISCAIYNE

Office of the Village Manager



Village Council
Franklin H. Caplan, *Mayor*
Michael E. Kelly, *Vice Mayor*
Michael W. Davey
Enrique Garcia
Robert Gusman
Mayra P. Lindsay
James S. Taintor

MEMORANDUM

Village Manager
John C. Gilbert

DATE: October 23, 2012
TO: Honorable Mayor and Council Members
FROM: John C. Gilbert, Village Manager
RE: Removal and Replacement of Drainage Outfall 0-16

RECOMMENDATION

It is recommended that the Village Council award the construction contract to Ballarena Construction for the Removal and Replacement of Drainage Outfall 0-16 located at 260 Harbor Drive.

BACKGROUND

There are two outfalls serving storm water collection system Basin 8. The outfall located at 260 Harbor Dr. collapsed and was abandoned several years ago. The other outfall at 380 Harbor Dr. collapsed a few months ago and is temporarily abandoned. There is a window of opportunity to replace the collapsed outfall at 260 Harbor Dr. where new construction just started and the work may be done with minimum impact. Time is of essence to coordinate this work with the new construction.

The repair of this outfall mitigates flooding along Harbor Drive as well as in other areas located within Basin 8. Project management and inspection will be done in house by Public Works Department.

Six (6) contractors were invited to provide submittals. After extending the submittal date, bids were obtained from two (2) contractors and reviewed by Public Works and the engineering firm Tetra Tech. The lowest responsible bidder is Ballarena Construction Inc. with a bid amount of \$93,075.00 dollars.

The project will be substantially completed within thirty (30) calendar days from the date specified in the Notice to Proceed.

Funding for this project will be obtained from the Stormwater Enterprise Fund.

RESOLUTION NO. 2012 - _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, SELECTING BALLARENA CONSTRUCTION FOR THE REMOVAL AND REPLACEMENT OF DRAINAGE OUTFALL 0-16 WITHIN THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER AND/OR HIS DESIGNEE TO NEGOTIATE FINAL TERMS FOR SUCH SERVICES AND ENTER INTO AN AGREEMENT; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is necessary to expeditiously remove and replace stormwater drainage outfall pipe No. 0-16, which provides stormwater drainage to the bay and prevents flooding; and

WHEREAS, the Village Council desires to select the proposal of Ballarena Construction (the "Contractor") to remove and replace drainage outfall pipe No. 0-16 within the Village (the "Service"); and

WHEREAS, this Service should be provided by the Contractor who is familiar with the scope of work needed by the Village and can provide the Service in an expeditious manner in order to comply with NPDES requirements, ensure proper drainage and prevent flooding; and

WHEREAS, based on the forgoing and the need to complete the Service in an expeditious manner, it is impractical to competitively bid this Service and it is necessary to waive competitive bidding pursuant to Section 2-85 of the Village's Code; and

WHEREAS, the Village Council authorizes the Village Manager and/or his designee to negotiate final terms for such Service and enter into an agreement with the Contractor, consistent with the proposal attached hereto as Exhibit "A;" and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF
THE VILLAGE OF KEY BISCAWAYNE, FLORIDA, AS FOLLOWS:**

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Contractor Selected. The Village Council hereby selects the Contractor for the Service.

Section 3. Waiver of Competitive Bidding. The Village Council hereby waives competitive bidding, pursuant to Section 2-85 of the Village Code, because it is impractical to apply such procedures for the Service which must occur in an expeditious manner by the Contractor who is familiar with the Village's scope of work and to ensure compliance with NPDES requirements, provide for stormwater drainage and prevent flooding.

Section 4. Village Manager Authorized. The Village Manager and/or his designee are hereby authorized to negotiate final terms and enter into an agreement with the Contractor for the Service, consistent with the proposal attached hereto as Exhibit "A," subject to approval as to form, content, and legal sufficiency by the Village Attorney.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of October, 2012.

FRANK CAPLAN, MAYOR

ATTEST:

CONCHITA H. ALVAREZ, MMC
VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Village Attorney

EXHIBIT "A"

(Attach Proposal of Contractor)

EXHIBIT "A"

PROPOSAL

FOR THE VILLAGE OF KEY BISCAIYNE
OUTFALL O-16 REMOVAL AND REPLACEMENT

J.B BUILDERS & CONTRACTORS SMO.

PRESENTED BY dba Ballarera Construction (hereinafter called "BIDDER"), organized and existing under the Laws of the State of Florida doing business as (corporation, Partnership, or Individual as applicable) submitted on this 16 day of October, 2012, to the VILLAGE OF KEY BISCAIYNE (hereinafter called the "OWNER").

The undersigned, as Bidder (herein used in the masculine singular, irrespective of actual gender and number) hereby declares that the only persons interested in this Proposal are named herein, that no other person has any interest in this Proposal or in the Contract to which this Proposal pertains, that this Proposal is made without connection or arrangement without any connection or arrangement with any other person, and that this Proposal is in every respect fair, and it submitted in good faith and without collusion or fraud.

The Bidder further declares that he has satisfied himself fully relative to all matters and conditions with respect to the work to which this Proposal pertains.

Sealed bids for a Project known and identified as "Outfall O-16 Removal and Replacement" will be received by Tetra Tech until 3:00 p.m. on 10/10/2012 via email at alicia.verea-feria@tetratech.com.

Bid Security Forfeited Liquidated Damages; Failure to execute a Contract and file an acceptable Performance Bond, when required, as provided herein, within ten (10) days after written notice of award has been given, shall be just cause for the annulment of the award. Award may then be made to the next lowest responsible Bidder or all bids may be rejected.

Sets of the Contract Documents including Plans and Specifications were transmitted via email. Any questions regarding these Contract Documents, Plans and Specifications can be addressed to Alicia M. Vereas-Feria, of Tetra Tech, Inc. at 305-632-8321 or via email at alicia.verea-feria@tetratech.com.

The Village of Key Biscayne will award the contract within 30 days. The Contractor shall begin work within 5 calendar days after receipt of the Notice to Proceed. All work shall be completed within 30 calendar days from the receipt of the Notice to Proceed.

The Village of Key Biscayne, Florida, reserves the right to reject any or all bids, to waive any informality in any bid or to re-advertise for bids. Bids from any person, firm or corporation in default on other contracts or agreements with the Village and/or the County may be rejected. Failure by the Bidder to satisfy claims on previous contracts with the Village and/or the County may be a cause for rejection of his bid.

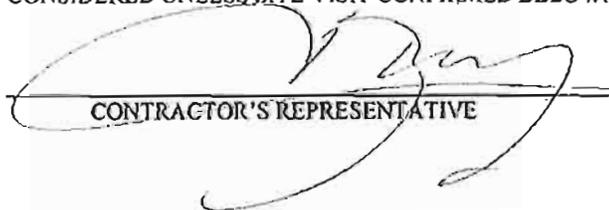
The Village of Key Biscayne, Florida, reserves the right to add or delete any or all items for the bid

item list prior or during the construction phase. The Contractor will be compensated by increasing or decreasing the original amount by the bid item price.

The Bidder proposes and agrees, if this Proposal should be accepted, to execute all appropriate Contract Documents for the purpose of establishing a formal contractual relationship between him and the Village of Key Biscayne, Miami-Dade County, Florida.

SCHEDULE OF BID ITEMS					
FDOT Item No.	Description	Unit	Estimated Quantity	Unit Cost	Total
Outfall O-16 Removal and Replacement					
100-1	Allowance Account	LS	1	\$ 10,000.00	\$ 10,000.00
101-1	Mobilization	LS	1	\$ 8,500	\$ 8,500.00
101-2	Indemnification	LS	1	\$ 25.00	\$ 25.00
101-3	Performance and Payment Guaranty & Insurance	LS	1	\$ 3,000.00	\$ 3,000.00
102-1	Maintenance of Traffic (5%)	LS	1	\$ 1,000.00	\$ 1,000.00
104-1	Erosion Control	LS	1	\$ 1,500.00	\$ 1,500.00
110-1	Clearing and Grubbing	LS	1	\$ 750.00	\$ 750.00
110-4	Removal of Existing Concrete Pavement	SY	10	\$ 1.00	\$ 10.00
120-1	Grading	LS	1	\$ 280.00	\$ 280.00
160-4	12" Stabilized Subgrade	SY	125	\$ 2.00	\$ 250.00
200-1	Limerock Base, Primed (6" Thick)	SY	125	\$ 20.00	\$ 2,500.00
400-1	Concrete, Class 1 (Substructure)	CY	1	\$ 2,500.00	\$ 2,500.00
425-1	Modify Inlet	EA	1	\$ 2,000.00	\$ 2,000.00
430-1	18" C-905 (DR 25) PVC	LF	225	\$ 224.00	\$ 50,400.00
522-1	Concrete Sidewalk, 4" Thick	SY	10	\$ 100.00	\$ 1,000.00
575-1	Sodding	SY	285	\$ 40.00	\$ 11,400.00
100-1A	Allowance Account - Connection to Seawall	LS	1	\$ 7,360.00	\$ 7,360.00
	TOTAL BID				\$ 93,075.00
TOTAL BID IN WORDS					
Ninety three thousand, seventy five dollars, with 00/100ths					

NOTE: THE CONTRACTOR SHALL EXAMINE THE SITE AND THE SITE'S EXISTING CONDITIONS PRIOR TO SUBMITTING A BID PRICE. THE CONTRACTOR'S REPRESENTATIVE SHALL SIGN BELOW TO CONFIRM COMPLIANCE WITH THIS REQUIREMENT. NO BID WILL BE CONSIDERED UNLESS SITE VISIT CONFIRMED BELOW.



 CONTRACTOR'S REPRESENTATIVE



October 16, 2012

Mr. John C. Gilbert
Village Manager
Village of Key Biscayne
88 West McIntyre Street
Key Biscayne, Florida 33149

**Subject: OUTFALL O-16 REMOVAL AND REPLACEMENT
Bid Review and Experience Verification
Tt # 200-15760-12001**

Dear Mr. Gilbert:

Tetra Tech has reviewed the bids received for the above referenced project submitted to the Village of Key Biscayne (Village) on October 16, 2012. The bid prices received have been entered into the bid tabulation attached hereto as Attachment A. Ballarena Construction was the apparent low bidder with a total base bid of \$93,075.00 with Southeast Engineering Contractors, Inc. being the second apparent lowest bidder at \$101, 678.00.

As listed in the results tabulation provided in Attachment B, six (6) contractors were invited to provide submittals. After extending the submittal date to accommodate, two contractors (2) were able to respond in a timely manner. The bid documents submitted by each of these bidders were found to be complete as noted in the results tabulation. One (1) contractor was no longer providing services in the area. The Village Contractor, PELCO, is at the limit for performance bonds currently issued and their insurance carrier will not provide additional.

Village Public Works staff are familiar with both responding contractors and have previously completed work to the satisfaction of the Village and other municipalities.

In summary, Ballarena Construction has adequately demonstrated their experience and ability to complete the project and recommend award of the project to Ballarena Construction provided that any additional documentation is submitted to the satisfaction of the Village.

Should you have any questions or comments, please do not hesitate to call me.

Sincerely,
Tetra Tech

A handwritten signature in cursive script, appearing to read 'Alicia M. Vereas-Feria'.

Alicia M. Vereas-Feria
Project Manager

C: Tony Brown, Village of Key Biscayne, Public Works Superintendent
Rod Cashe, P.E., Tetra Tech, Project Engineer

ATTACHMENT B

BID/PROPOSAL TABULATION

FAILURE TO FILE A PROTEST WITHIN THE TIME PRESCRIBED IN SECTION 120.53(5), FLORIDA STATUTES, SHALL CONSTITUTE A WAIVER OF PROCEEDINGS UNDER CHAPTER 120, FLORIDA STATUTES. ALL BIDS/PROPOSALS ACCEPTED BY THE STATE ARE SUBJECT TO THE STATE'S TERMS AND CONDITIONS AND ANY AND ALL ADDITIONAL TERMS AND CONDITIONS SUBMITTED BY THE BIDDERS/PROPOSERS ARE REJECTED AND SHALL HAVE NO FORCE AND EFFECT. OFFERS FROM THE VENDORS LISTED HEREIN ARE THE ONLY OFFERS RECEIVED TIMELY AS OF THE ABOVE OPENING DATE AND TIME. ALL OTHER OFFERS SUBMITTED IN RESPONSE TO THIS SOLICITATION, IF ANY, ARE HEREBY REJECTED AS LATE.

NOTICE OF BID/PROPOSALS PROTEST BONDING REQUIREMENT - ANY PERSON WHO FILES AN ACTION PROTESTING A DECISION OR INTENDED DECISION PERTAINING TO CONTRACTS ADMINISTERED BY THE DIVISION OR A STATE AGENCY PURSUANT TO SECTION 120.53(5)(b), FLORIDA STATUTES, SHALL POST WITH THE DIVISION OR THE STATE AGENCY AT THE TIME OF FILING THE FORMAL WRITTEN PROTEST, A BOND PAYABLE TO THE DIVISION OR STATE AGENCY IN AN AMOUNT EQUAL TO 1 PERCENT OF THE DIVISION'S OR STATE AGENCY'S ESTIMATE OF THE TOTAL VOLUME OF THE CONTRACT OR \$5,000, WHICHEVER IS LESS, WHICH BOND SHALL BE CONDITIONED UPON THE PAYMENT OF ALL COSTS WHICH MAY BE ADJUDGED AGAINST HIM IN THE ADMINISTRATIVE HEARING IN WHICH THE ACTION IS BROUGHT AND IN ANY SUBSEQUENT APPELLATE COURT PROCEEDING. FOR PROTEST OF DECISIONS OR INTENDED DECISIONS OF THE DIVISION PERTAINING TO AGENCIES' REQUESTS FOR APPROVAL OF EXCEPTIONAL PURCHASES, THE BOND SHALL BE IN THE AMOUNT EQUAL TO 1 PERCENT OF THE REQUESTING AGENCY'S ESTIMATE OF THE CONTRACT AMOUNT FOR THE EXCEPTIONAL PURCHASE REQUESTED OR \$5,000, WHICHEVER IS LESS. IN LIEU OF A BOND, THE DIVISION OR STATE AGENCY MAY, IN EITHER CASE, ACCEPT A CASHIER'S CHECK OR MONEY ORDER IN THE AMOUNT OF THE BOND. **FAILURE TO FILE THE PROPER BOND AT THE TIME OF FILING THE FORMAL PROTEST, WILL RESULT IN A DENIAL OF THE PROTEST.**

BID TITLE Village of Key Biscayne -
Outfall O-16 Removal & Replacement
 BID NUMBER _____
 OPENING DATE 10/16/12 TIME 2 P.M.
 POSTING TIME/DATE _____
 FROM: _____ / _____
 UNTIL: _____ / _____
 PAGE: 1 OF 1 PAGE(S)

BIDDERS	BASE BID	BID BOND	PROPOSAL FORM	BID FORM	LICENSES	CERTIFICATE OF LIABILITY
Miguel Lopez Jr., Inc.	No response					
Ballarena Construction for Horizon Construction Inc.	\$93,075.00	√	√	√	√	√
Southeastern Engineering Contractors, Inc.	\$101,678.00	√	√	√	√	√
PELCO	No response					
Intercounty Engineering	No response					
Stone Circle	No response					

RECEIVED BY: *[Signature]* TABULATED BY: AMVF VERIFIED BY: AMVF