

DOCUMENT 00 41 13
BID FORM – STIPULATED SUM

To: Administrator of Purchasing
Shelby County Government
Suite 550
160 North Main St.
Memphis, TN 38103

Project: Structural Repairs and Pavement Replacement at Shelby County Fire Station #62
4647 Forest Hill Irene Road, Memphis, TN 38125

Date: 29 June 2016

Submitted by: (full name) Design Specialties & Construction Co Inc.

(full address) 2280 Podesta Cove
Memphis TN 38134

1. OFFER

BASE BID - All Work not including the Additive Alternates listed on this bid form and not including the Contingency Allowance as indicated in the bid documents:

Two hundred and twenty thousand, three hundred and two dollars and seventy one cents

(\$ 220,302.71) State amount in both words and figures.

CONTINGENCY ALLOWANCE Ten percent (10%) of the Base Bid to the nearest whole dollar:

twenty two thousand and thirty dollars

(\$ 22,030.00) State amount in both words and figures.

TOTAL BASE BID AMOUNT (Base Bid plus Contingency Allowance)

Having examined the Place of The Work and all matters referred to in the Instructions to Bidders and the Contract Documents prepared by John Pruet Architects for the above mentioned project, we, the undersigned, hereby offer to enter into a Contract to perform the Work for the Sum of:

two hundred and forty two thousand three hundred and thirty three cents dollars,

(\$ 242,333) in lawful money of the United States of America.

We have included the security Bid Bond as required by the Notice to Bidders. All applicable federal taxes are included and State of Tennessee and City of Memphis taxes are included in the Bid Sum.

ADDITIVE ALTERNATE BID ITEM NO. 1

Removal and Replacement of Concrete parking areas North (approximately 548 SF) and West (approximately 1,870 SF) as indicated on drawings.

Thirty nine thousand one hundred and ninety two dollars and no cents

(\$ 39,192.00) State amount in both words and figures.

ADDITIVE ALTERNATE BID ITEM NO. 2

Removal and replacement of the North (1,894 SF) and South (2,732 SF) driveways connecting to Forest Hill Irene Road.

eighty thousand and forty two dollars and no cents

(\$ 80,042.00) State amount in both words and figures.

2. ACCEPTANCE

This offer shall be open to acceptance and is irrevocable for ninety days from the bid closing date.

If this bid is accepted by the Owner within the time period stated above, we will:

- Execute the Agreement within seven days of receipt of Notice of Award.
- Furnish the required bonds within seven days of receipt of Notice of Award. In the form described in Supplementary Conditions.
- Commence work within seven days after written Notice to Proceed.

If this bid is accepted within the time stated, and we fail to commence the Work or we fail to provide the required bonds, the security deposit shall be forfeited as damages to the Owner by reason of our failure, limited in amount to the lesser of the face value of the security deposit or the difference between this bid and the bid upon which a Contract is signed.

In the event our bid is not accepted within the time stated above, the required security deposit will be returned to the undersigned, in accordance with the provisions of the Instructions to Bidders; unless a mutually satisfactory arrangement is made for its retention and validity for an extended period of time.

3. CONTRACT TIME

If this Bid is accepted, we will: Complete the Work in ONE HUNDRED TWENTY (120) calendar days from Notice to Proceed. CONTRACTOR agrees to provide COUNTY an amount equal to 500 (\$) Dollars per day for liquidated damages for each consecutive calendar day required for the completion of the contract beyond the time stipulated.

4. ADDENDA

The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.

- Addendum # _____ Dated _____

5. APPENDICES

- The following documents are attached to and made a condition of the Bid:
- LOSB Subcontractor & Supplier List
- Drug-Free Workplace Affidavit
- Bid security in form of Bid Bond

6. BID FORM SIGNATURES

The Corporate Seal of

Design Specialties & Construction Co. Inc.

(Bidder - print the full name of your firm)

no Corporate Seal

was hereunto affixed in the presence of:

(Authorized signing officer Title)

(Seal)

Patrick Golden, President

Design Specialties & Construction Co. Inc.

Patrick Golden

(Authorized signing officer Title)

(Seal)

If the Bid is a joint venture or partnership, add additional forms of execution for each member of the joint venture in the appropriate form or forms as above.

END OF DOCUMENT



AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that **Design Specialties & Construction, Inc., 2280 Podesta Cove, Bartlett, TN 38134**

as Principal, hereinafter called the Principal, and **Pennsylvania National Mutual Casualty Insurance Company**
a corporation duly organized under the laws of the State of **Pennsylvania**

as Surety, hereinafter called the Surety, are held and firmly bound unto **Shelby County Government, Support Services, 584 Adams Avenue, Memphis, TN 38103**

as Obligee, hereinafter called the Obligee, in the sum of **Five percent of amount bid**
Dollars(\$ 5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for **Structural Repairs and Pavement Replacement, Shelby County Fire Station #62, RFP #16-006-83.**

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this **29th** day of **June,** **2016.**

Jan Melton
(Witness)

Jan Melton
(Witness)
Jan Melton

Design Specialties & Construction, Inc.
{ *Patrick J. Golden* (Principal) (Seal)
President. (Title)

Pennsylvania National Mutual Casualty Insurance Company
{ _____ (Surety) (Seal)
Richard H. Whitley (Title)

Richard H. Whitley , Attorney-in-fact

PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY
Harrisburg, Pennsylvania

8172

POWER OF ATTORNEY

Know All Men By these Presents, That PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, a corporation of the Commonwealth of Pennsylvania, does hereby make, constitute and appoint RICHARD H. WHITLEY, MICHAEL A. MCDANIEL, MARCIA COATES, AND JAMES S. BROWN, ALL OF MEMPHIS, TENNESSEE (EACH) its true and lawful Attorney(s)-in-Fact to make, execute, seal and deliver for and on its behalf, as surety, as its act and deed:

ANY AND ALL BONDS AND UNDERTAKINGS PROVIDED THE AMOUNT OF NO ONE BOND OR UNDERTAKING EXCEEDS THE SUM OF FIVE MILLION DOLLARS ----- (\$5,000,000.00) ALL POWER AND AUTHORITY HEREBY CONFERRED SHALL HEREBY EXPIRE AND TERMINATE WITHOUT NOTICE AT MIDNIGHT ON MARCH 31, 2022, AS RESPECTS EXECUTION SUBSEQUENT THERETO.

And the execution of such bonds in pursuance of these presents shall be as binding upon said Company as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Harrisburg, Pennsylvania, in their own proper persons.

This appointment is made by and under the authorization of a resolution adopted by the Board of Directors of the Company on October 24, 1973 at Harrisburg, Pennsylvania which is shown below and is now in full force and effect.

RESOLVED, that (1) the President, any Vice President, the Secretary, or any Department Secretary shall have power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Company, and affix the Company's seal thereto, bonds, undertakings, recognizance's, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any of such Officers of the Company may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-Fact with authority to execute waivers and consents on behalf of the Company; and (3) the signature of any such Officer or of any Assistant Secretary or Department Assistant Secretary and the Company seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, 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.

In Witness Whereof: PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY has caused these presents to be signed and its corporate seal to be hereto affixed on March 27, 2012.



PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY

Robert B. Brandon
Robert B. Brandon, Senior Vice-President, Underwriting Operations

Commonwealth of Pennsylvania, County of Dauphin – ss:

On March 27, 2012, before me appeared Robert B. Brandon to me personally known, who being by me duly sworn, did say that he resides in the Commonwealth of Pennsylvania, that he is the Senior Vice-President, Underwriting Operations of PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, that he is the individual described in and who executed the preceding instrument, and that the seal affixed to said instrument is the corporate seal of said Company, and that said instrument was signed and sealed on behalf of said Company by authority and direction of said Company, and the said office acknowledged said instrument to be the free act and deed of said Company.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Traci A Kimmich, Notary Public
City Of Harrisburg, Dauphin County
My Commission Expires Oct 31, 2012
Member, Pennsylvania Association of Notaries

Traci A. Kimmich
Notary Public

I, Robert B. Brandon, Senior Vice-President, Underwriting Operations of the PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, a corporation of the Commonwealth of Pennsylvania, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by the said Company, which is still in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said Company on June 29, 2016

Robert B. Brandon
Senior Vice-President, Underwriting Operations



Shelby County
 LOSB Program

LOS B FORM B

LOS B UTILIZATION PLAN
 (To Be Submitted with the Bid/Proposal)

Company: Design Specialties and Construction Inc.
 Bid No.: RFP- 16-006-83 Structural Repairs & Pavement Replacement

I, Patrick J. Golden President, do certify that on the following procurement opportunity,

 (Contractor)
Design Specialties & Const. Inc., the following LOSB's will be utilized as sub-contractors, suppliers,

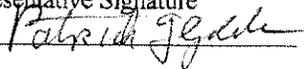
 (Opportunity)
 or to provide professional services:

Name	Description of Work	Contract Value	LOS B Number
Whitney Anderson Building Group, LLC	Masonry Repairs & tuck pointing	\$9,510.00	C-1116-24888
Design Specialties & Const. Inc.	Supervision, Bollards, Painting, Grading & sodding & cleanup	\$44,360.71	C-0818-26242

(If additional space is needed this form may be duplicated)

TOTAL CONTRACT VALUE: \$53,870.71
 TOTAL % OF LOS B PARTICIPATION: 24% Base Bid

The successful bidder/proposer is required to finalize and submit this form prior to award of a contract. Joint Venture Agreements, partnering agreements and all pertinent information must be presented prior to contract award. This information will be incorporated into the contract and will become a contractual obligation of the successful bidder/proposer. The finalized LOSB Form B shall not be changed or altered after award of a contract without approval from Shelby County. The successful bidder/proposer is required to provide written notice describing the reasons for the change to Shelby County to obtain approval of any changes to LOSB Form B.

Submitted by:
Patrick J. Golden
 Authorized Representative Signature
President 
 Title
6/29/2016
 Date

**Shelby County
LOS B Program**

LOS B FORM A

**CERTIFICATION OF EFFORTS TO ACHIEVE LOS B PARTICIPATION
(To Be Submitted with the Bid/Proposal)**

Company Name: Design Specialties and Construction Inc.

Bid No.: RFP 16-006-83

I certify that the following efforts were made to achieve LOS B participation:

YES NO

A	Provided written notices to LOSB's who have the capability to perform the work of the contract or provide the service	Yes	
B	Direct mailing, electronic mailing, facsimile or telephone requests	Yes	
C	Provided interested LOSB's with adequate information about plans, requirements and specifications of the contract in a timely manner to assist them in responding to a solicitation	Yes	
D	Allowed LOSB's the opportunity to review bid specifications, blue prints and all other bid/RFP related items at no charge, and allowed sufficient time for review prior to the bid deadline	Yes	
E	Acted in good faith with interested LOSB's, and did not reject LOSB's as unqualified or unacceptable without sound reasons based on a thorough investigation of their capabilities	Yes	
F	Did not impose unrealistic conditions of performance on LOSB's seeking subcontracting opportunities	Yes	

Additionally, I contacted the referenced LOSB's and requested a bid/proposal. The responses I received were as follows:

Name and Address of LOSB	Type of Work And Contract Items, Supplies or Services to be Performed	Response	Reason for Not Accepting Bid/Proposal
Hamilton-Elles 2056 Fletcher Creek Memphis, TN. 38133	Concrete	No Response	No Bid
Nurre Glass 2605 Summer Ave. 38112	Glass & Glazing	Not Bidding	No Bid
Whitney Anderson Building Group, LLC	Masonry	Bidding	

(If additional space is required, this form maybe duplicated)

If applicable, please complete the following:

I hereby certify that LOSB's were "Unavailable" as defined in the LOSB Program to submit bids to provide goods and services for this RFP/Bid's purpose.

Reasons for the "Unavailability":

Submitted by:



Patrick J. Golden

President

Authorized Representative Signature

Title

6/29/2016

Date

I.

GRATUITY DISCLOSURE FORM

Shelby County Ethics Commission

INSTRUCTIONS: This form is for all persons receiving any Shelby County Government contract, land use approval or financial grant money to report any gratuity that has been given, directly or indirectly, to any elected official, employee or appointee (including their spouses and immediate family members) who is involved in the decision regarding the contract, land use approval, or financial grant of money.

1. NAME

None

2. DATE OF GRATUITY

3. NATURE AND PURPOSE OF THE GRATUITY

4. NAME OF THE OFFICIAL, EMPLOYEE, APPOINTEE, OR FAMILY MEMBER WHO RECEIVED THE GRATUITY

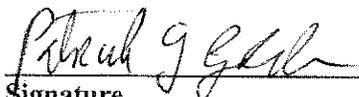
5. NAME OF THE PERSON OR ENTITY THAT PROVIDED THE GRATUITY

6. ADDRESS OF THE PERSON OR ENTITY THAT PROVIDED THE GRATUITY

7. DESCRIPTION OF THE GRATUITY

8. COST OF THE GRATUITY (If cost is unknown and not reasonably discernible by the person giving the gratuity, then the person giving the gratuity shall report a good faith estimate of the cost of the gratuity.)

9. The information contained in this Gratuity Disclosure Form, and any supporting documentation or materials referenced herein or submitted herewith, is true and correct to the best of my knowledge, information and belief and affirm that I have not given, directly or indirectly, any gratuity to any elected official, employee or appointee (including spouse and immediate family members) that has not been disclosed and I affirm that I have not violated the provisions of the Shelby County Government Code of Ethics.


Signature

6/29/2016
Date

Patrick J. Golden
Print Name

k.

DRUG-FREE WORKPLACE AFFIDAVIT

STATE OF Tennessee

COUNTY OF Shelby

The undersigned, principal officer of Design Specialties And Construction Inc, an employer of five (5) or i employees contracting with Shelby County government to provide construction services states under oath as follows:

1. The undersigned is a principal officer of Design Specialties And Construction, Inc. (hereinafter referred to as the "Company"), and is duly authorized to execute this Affidavit on behalf of the Company.
2. The Company submits this Affidavit pursuant to T.C.A. § 50-9-113, which requires each employer with no less than five (5) employees receiving pay who contracts with the state or any local government to provide construction services to submit an affidavit stating that such employer has a drug-free workplace program that complies with Title 50, Chapter 9, of the *Tennessee Code Annotated*.
3. The Company is in compliance with T.C.A.~ 50-9-113. Further affiant saith not.

Principal Officer: Patrick J Golden, President

Patrick J Golden

STATE OF Tennessee

COUNTY OF Shelby

Before inc personally appeared _____ with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the foregoing affidavit for the purposes therein contained.

Witness my hand and seal at office this 27th day of June 2016

Notary Public

Opal Roberts

My commission expires: 8-11-2018



2280 Podesta Cove
Memphis, TN 38134
Phone: 901-382-8380
Fax: 901-382-8498
designspec3@aol.com
www.designspecialties.info

Design Specialties & Construction Inc.

Proposal Response Sheet

Shelby County Government – RFP 16-006-83 STRUCTURAL REPAIRS AND PAVEMENT REPLACEMENT

Name of firm: Design Specialties & Construction Co. Inc
Firm's Website: http://www.designspecialties.info/about_us

Mailing Address:
2280 Podesta Cove
Memphis TN 38134

Phone: 901-382-8380
Fax: 901-382-8498

Remit Address:
same as mailing address

Phone: _____
Fax: _____
Payment Terms: _____

Authorized Representative: Patrick Golden Print: Patrick Golden
Signature (Person authorized to negotiate with the County on behalf of the organization/firm.)
Email address: Designspec3@aol.com

Authorized Representative: _____ Print: _____
Signature (Person authorized to negotiate with the County on behalf of the organization/firm.)
Email address: _____

The signature (s) above indicates that certifies that:

- (i) the Proposer's signatory is an agent authorized to submit proposals on behalf of the organization/firm;
- (ii) all declarations in the proposal and attachments are true to the best of reasonable knowledge;
- (iii) all aspects of the proposal, including cost, have been determined independently, without consultation with any other prospective Proposer or competitor for the purpose of restricting competition;
- (iv) the offer made in the proposal is firm and binding for 90 days after receipt of the proposal by the County; and
- (v) all aspects of this RFP and the proposal submitted are binding for the duration if this proposal is selected and a contract awarded.

Vendor # A4823 (Required) EOC #: LOSB-C-0818-26242 (Required)

If EOC certification was obtained through a Teaming agreement and the EOC number starts with a "T", please complete the next page. If this does not apply, disregard the next page.

____ Check here if you qualify as a MBE __, HBE __ or WBE __ (Minority, Hispanics or Woman owned N/A Business Enterprise) If so, please indicate the classification below:

African American Hispanic American Asian American Native American Other _____

Check here if you are a qualified LOSB (Locally owned Small Business) vendor. Certification for this status is received through the EOC Administration. *This is not a self-certifying classification.*

Proposal Response Sheet

Shelby County Government – RFP 16-006-83 STRUCTURAL REPAIRS AND PAVEMENT REPLACEMENT

Are you currently in an EOC Teaming Agreement? If so please complete the following:

Please name the firm you agreed to team with in order to be qualified to do business with Shelby

County Government: **No teaming necessary because we are a Certified LOSB**

You are aware that part of being approved with a “Teaming Agreement” you agreed to team with the certified LOSB identified on your agreement on “ALL” County projects? **N/A**

Will this company participate in the completion of services for this proposal? **N/A**

If not, why? _____

If you answered no to the above question, is your Teaming LOSB vendor aware that you are bidding on this project for the County? **N/A**

Have you included another firm to participate in the completion of the services: _____

If so, who? **N/A**

(Include the complete business name, address, phone and contact person)

Are they a certified LOSB with Shelby County? Include LOSB# _____

Please note that all of the information contained on this page will be used during the evaluation of the responses

The first page of this document **MUST** be printed on your company letterhead or stationary.