

**1. Requested Motion:**

**Meeting Date:** August 16, 2010

Public Works Services, Inc. approves the bid tabulation and ranking of bids submitted in response to ITB-10-03-PWU and awards the construction contract for the Pumping Station Improvements Project to Brooks & Freund, LLC in an amount of \$485,751.00.

**Why the action is necessary:**

Approval must be received for all purchases equal to or over \$25,000.

**What the action accomplishes:**

This action moves the Pumping Station Improvement Project into the construction phase.

**2. Agenda:**

**3. Requirement/Purpose:**

**4. Submitter of Information:**

- Consent
- Administrative

- Resolution
- Ordinance
- Other: Bid Award

- Council
- Town Staff – Public Works
- Town Attorney

**5. Background:**

This project is partially a result of damage that occurred to the North Pump Station building during hurricanes Charley and Wilma. It also includes constructing a structure at the Marina Pump Station pursuant to homeland security requirements. This project does not include replacing any pumps or other infrastructure. The buildings are designed to meet a wind load of 150 mph based on the zones in which they are located. Both structures will have a second floor where all electrical controllers will be relocated to meet Code. The pumps at both facilities will remain at ground level. Bids were advertised on May 23, 2010 with the opening taking place on July 16, 2010. This project has been budgeted for in the amount of \$664,355.00. The low bidder indicates that the contract duration to final completion will be 180 calendar days. Attached is the Engineer's confirmation and recommendation, bid tabulation and excerpts from the bid submitted by Brooks & Freund, LLC. I have also attached a rendering of both buildings for your reference.

**6. Alternative Action:**

Disapprove the bid award and do not move forward with the improvement project.

**7. Management Recommendations:**

Staff recommends award.

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

**9. Council Action:**

- Approved
- Denied
- Deferred
- Other

## Memorandum

To	Cathie Lewis	Page	1
CC	Susan Malay, Doug Eckmann		
Subject	Town of Fort Myers Beach Pumping Station Improvements ITB-10-03-PWU		
From	Gary C. Ferrante, P.E.		
Date	August 5, 2010		

At the Bid Opening for the above referenced project held on July 16, 2010, five bids were received. The bids ranged from \$485,751.00 to \$688,658.00, and Brooks & Freund was identified as the apparent low bidder. All five of the bids were below the estimate for the project.

After the bid opening, all of the bids were briefly analyzed to determine if there was an apparent reason for the large spread in the bid prices. Based on the information supplied by the bidders, it was discovered that the three lowest bidders indicated they would use an "equal" pre-engineered building manufacturer in lieu of one of the specified companies, while the two highest bidders indicated they would use one of the specified manufacturers.

Per the provisions of Part C Paragraph 12.3 of the Contract Documents, an internet search was conducted to ascertain the suitability of the "equal" building manufacturers indicated. Based on information available on the internet for each of the manufacturers indicated by each bidder, the building systems appear as though they could all meet the specifications. I contacted Brooks & Freund to discuss this issue with them, and they put me in contact with their intended building supplier, Allied Steel Buildings. Allied supplied supplemental information (which I have reviewed and found satisfactory) and e-mail correspondence stating that they intend to comply with all of the building specifications for the project.

Since I am not familiar with Brooks & Freund, I called three of their listed references. All three of the people I talked to said they would hire Brooks & Freund again; and all were extremely satisfied with the project and the contractor.

Based on the information obtained during my investigation, I have no objections to awarding the contract to the apparent low bidder, Brooks & Freund.

COMPANY NAME	Attended Pre-Bid Mtg	Complete Pkg (Addendums 1-6, Public Ent Crime Form)	BID BOND	BASE BID	ALT BID #1 Deductive Delete Marina Pump Station	ALT BID #2 Deductive Delete controller valve/lightning suppression
One Source Construction Company 6325 Presidential Ct. Suite 3 Fort Myers, FL 33919	Yes	Yes	Yes	\$ 521,711.00	\$ 167,984.00	\$ 7,200.00
Stevens and Layton Inc. 11260 Palm Beach Blvd. Fort Myers, Florida 33905	Yes	Yes	Yes	\$ 688,658.00	\$ 160,700.00	\$ 12,900.00
Nease Inc. 5239 Williams Drive Fort Myers Beach, Florida 33931	Yes			No Bid		
Semmer Electric Inc. 1130 Main Street Fort Myers Beach, Florida 33931	Yes			No Bid		
Maddox Construction Company 26340 Old 41 Road Suite 3 Bonita Springs, Florida 34135	No			No Bid		
Conidaris Builders 15645 Pine Ridge Road Fort Myers, Florida 33908	Yes			No Bid		
Brooks & Freund, LLC 5661 Independence Circle Fort Myers, Florida 33912	Yes	Yes	Yes	\$ 485,751.00	\$ 120,785.00	\$ 12,852.00
Southwest Utility Systems, Inc. 16341 Old US 41 S Fort Myers, Florida 33912	Yes	Yes	Yes	\$ 670,000.00	\$ 180,000.00	\$ 20,000.00
Cunningham Construction 2221 McGregor Blvd Fort Myers, FL 33901	Yes			No Bid		
EESI 2408 Sycamore Street St. James City, Florida 33965	Yes			No Bid		
Wright Construction Company 5811 Youngquist Road Fort Myers, Florida 33912	Yes	Yes	Yes	596,993.00	\$ 128,212.00	\$ 8,512.00

Cathie Lewis

Susan Malay

Gary Ferrante - AECOM

CONSULTANTS PRESENT



**PART D**  
**FMB:001 - OFFICIAL BID FORM**  
(2 of 5 Pages)

JULY 9, 2010  
(DATE)

2:00 P.M.  
(TIME)

**Town of Fort Myers Beach**  
**2523 Estero Blvd.**  
**Fort Myers Beach, FL 33931**

1. ATTENTION: BIDS WILL ONLY BE CONSIDERED FROM THOSE BIDDERS WHO HAVE OBTAINED THESE CONTRACT DOCUMENTS FROM THE TOWN DIRECTLY
2. The Undersigned, hereinafter called "BIDDER", having visited the site of the proposed project and having become familiar with the local conditions, nature and extent of the work, and having examined carefully the Agreement Form, General Conditions, Supplementary Conditions, Plans and Specifications and other Contract Documents, and having fulfilled their requirements as well as the Bonding requirements herein, proposes to furnish all labor, materials, equipment and other items, facilities and services for the proper execution and completion of the:

**TOWN OF FORT MYERS BEACH PUMPING STATION IMPROVEMENTS PROJECT**

in full accordance with the drawings and specifications prepared in accordance with the Town's Advertisement for Bids, Instruction to Bidders, Construction Contract and all other documents related thereto on file with Town of Fort Myers Beach, and if awarded the contract, to complete the said work within the time limits specified for the following bid price:

**TOTAL LUMP SUM OR NOT-TO-EXCEED AMOUNT:** FOR COMPLETION OF ALL WORK:

Four Hundred Eighty - Five Thousand Seven  
Hundred Fifty One and 00/100

(Typed or written legibly in words)

DOLLARS (\$) 485,751.<sup>00</sup>  
(Typed or written legibly in dollar amount)

**LUMP SUM DEDUCTIVE ALTERNATE BID #1:** DELETE MARINA PUMP STATION:

One Hundred Twenty Thousand Seven  
Hundred Eighty - Five and 00/100

(Typed or written legibly in words)



PART D  
FMB:001 - OFFICIAL BID FORM  
(3 of 5 Pages)

DOLLARS (\$ 120,785.<sup>00</sup> )  
(Typed or written legibly in dollar amount)

**LUMP SUM DEDUCTIVE ALTERNATE BID #2: DELETE CONTROLLER VALVE & LIGHTNING SUPPRESSION:**

Twelve Thousand Eight Hundred Fifty  
Two and <sup>00</sup>/<sub>100</sub>  
(Typed or written legibly in words)

DOLLARS (\$ 12,852.<sup>00</sup> )  
(Typed or written legibly in dollar amount)

3. There is enclosed a Certified Check, Cashier's Check or Bid Bond in the amount of

Five Percent  
(Typed or written legibly in words)

(\$ 5% )  
(Typed or written legible in dollar amount)

payable to the Town of Fort Myers Beach as a guarantee for the purpose set out in the Instruction to Bidders.

4. The BIDDER hereby agrees that:

(a) The above proposal shall remain in full force and effect for a period of 90 calendar days after the time of the opening of this proposal and it shall not be revoked, withdrawn or canceled within that time frame, except that the TOWN may in its sole discretion, release any Bid and return the Bid security prior to that date. Once the bidder has been notified that its bid has been awarded by the Town of Fort Myers Beach, within the above time frame the price proposed as submitted shall constitute the contract price which shall be executed within the time frames established by these documents.

(b) In the event the award is made to this BIDDER, the BIDDER will enter into a formal written agreement with the TOWN in accordance with the accepted bid, will execute the contract contained within these documents, and provide a Public Payment and Performance Bond from a Surety in good standing with the Florida Department of State who is licensed to do business in Florida and acceptable to the OWNER. The Public Payment and Performance Bond shall be in the amount of one hundred percent (100%) of the accepted bid. The BIDDER shall, within seven (7) calendar days of the Notice of Award, submit the required Certificates of Insurance. The BIDDER further agrees that in the event of the BIDDER'S default of breach of any of the agreements of this proposal, the bid deposit shall be forfeited.



**PART D**  
**FMB:001 - OFFICIAL BID FORM**  
(4 of 5 Pages)

Acknowledgment is hereby made of receipt of the following Addenda issued during the bidding period.

Addendum No. 1 Dated: 6/22/2010 Addendum No. 3 Dated 7/7/10

Addendum No. 2 Dated: 6/30/2010 Addendum No. 4 Dated 7/7/10

Addendum No 5 Dated 7/8/10 Addendum No 6 Dated 7/8/10

5. If awarded this construction contract, the BIDDER agrees to complete the work covered by this contract as follows:

- (a) Substantially complete in 150 consecutive calendar days from date of Official Notice to Proceed.
- (b) Final completion in 180 consecutive calendar days from the date of Official Notice to Proceed.
- (c) Both the TOWN and CONTRACTOR recognize that the liquidated damages reflect a good faith estimate and that the injury to TOWN which could result from a failure of CONTRACTOR to complete on schedule is uncertain and cannot be computed exactly. In no way shall costs for liquidated damages be construed as a penalty on the CONTRACTOR.

6. Neither the undersigned nor any other person, firm or corporation named herein, nor anyone else to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action for this proposal by the TOWN, also that no head of any department or employee therein, or any officer of Fort Myers Beach, Florida is directly interested therein.

This proposal is genuine and not collusive or a sham; the person, firm or corporation named herein has not colluded, conspired, connived or agreed directly or indirectly with any bidder or person, firm or corporation, to put in a sham proposal, or that such other person, firm or corporation, shall refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the unit prices of said proposal or proposals of any other bidder, or to secure any advantage against the TOWN or any person, firm or corporation interested in the proposed contract; all statements contained in the proposal or proposals described above are true; and further, neither the undersigned, nor the person, firm or corporation named herein, has directly or indirectly submitted said proposal or the contents thereto, to any association or to any member or agent thereof.

7. The below signed BIDDER agrees to comply with all applicable provisions as set forth in the Anti-Discrimination requirements included as part of the General Conditions of this documents. The BIDDER further agrees to hold harmless, defend



PART D  
FMB:001 - OFFICIAL BID FORM  
(5 of 5 Pages)

and indemnify the TOWN and its agents for any losses including attorney's fees, incurred as a result of its failure to abide by the applicable Anti-Discrimination laws.

Donald E. Brooks

CGCA16135

(Name of License Holder)

(State Certificate No.)

7803041 Lee County

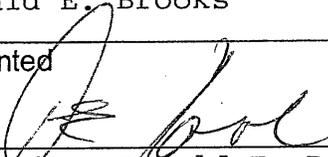
Business Tax Receipt No. (Specify jurisdiction)

(State Registration No.)

In witness whereof, the BIDDER has hereunto set its signature and affixed its seal this 9th day of July, 2010.

Donald E. Brooks

By: Printed

By: Signature  Donald E. Brooks

TITLE: Manager  
Brooks & Freund, LLC

Donald E. Brooks

Company Name  
5661 Independence Circle, Ste 1

Contact Person  
don@brooksandfreund.com

Mailing Address  
Fort Myers, FL 33912

E-mail / Contact Person  
239-939-5251

City, State, and Zip

Telephone Number  
239-939-5117

Fax Number

ATTEST:   
~~Secretary~~ Witness

(Seal)



PART D
FMB:002 - BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we
Brooks & Freund, LLC

as Principal, and
(BIDDER'S Name)

Western Surety Company a Corporation licensed to do

(Surety's Name)

business under the laws of the State of Florida as a Surety, are held and firmly bound unto TOWN
OF FORT MYERS BEACH TOWN COUNCIL, LEE COUNTY, FLORIDA, a Political Subdivision of
the State of Florida,

in the SUM OF \$ 5% of Amount of Bid

for the payment whereof, well and truly to be made, we bind ourselves, our heirs, successors,
personal representatives and assigns, jointly and severally, firmly, by these presents.

SIGNED AND SEALED this 22nd day of June, 2010

WHEREAS, said Principal is herewith submitting a Bid Proposal for the construction of:

TOWN OF FORT MYERS BEACH PUMPING STATION IMPROVEMENTS PROJECT

(Name of Project)

NOW, THEREFORE, the condition of the above obligation is such that if said Principal shall be
awarded the Contract upon said Proposal within the specified time and shall enter into a written
Contract, satisfactory in form, provide an acceptable Public Payment & Performance Bond from a
Surety acceptable to the TOWN and provide other Insurance as may be required to the TOWN
within seven (7) calendar days after the written Notice of Award date, or within such extended
period as the TOWN may grant, then this obligation shall be null and void; otherwise said Principal
and Surety shall pay to said TOWN in money the difference between the amount of the Bid of said
Principal and the amount for which said TOWN may legally contract with another party to perform
said work, if the latter amount be in excess of the former, together with any expenses and
reasonable attorney's fees incurred by said TOWN if suit be brought hereon, but in no event shall
said Surety's liability exceed the penal sum hereof plus such expenses and attorney's fees. The
liability of the Surety shall not exceed the penal sum of the bid bond.

Witness as to Principal

Handwritten signature of Michelle Wild

By: Witness Signature

Witness as to Surety

Handwritten signature of Marsha A. Cassell

By: Witness Signature

Marsha A. Cassell

Brooks & Freund, LLC (SEAL)

Principal

Richard Freund, Mgr (SEAL)

Western Surety Company

Surety's Name

By: As-Attorney-in-Fact, Surety
Douglas R. Moore

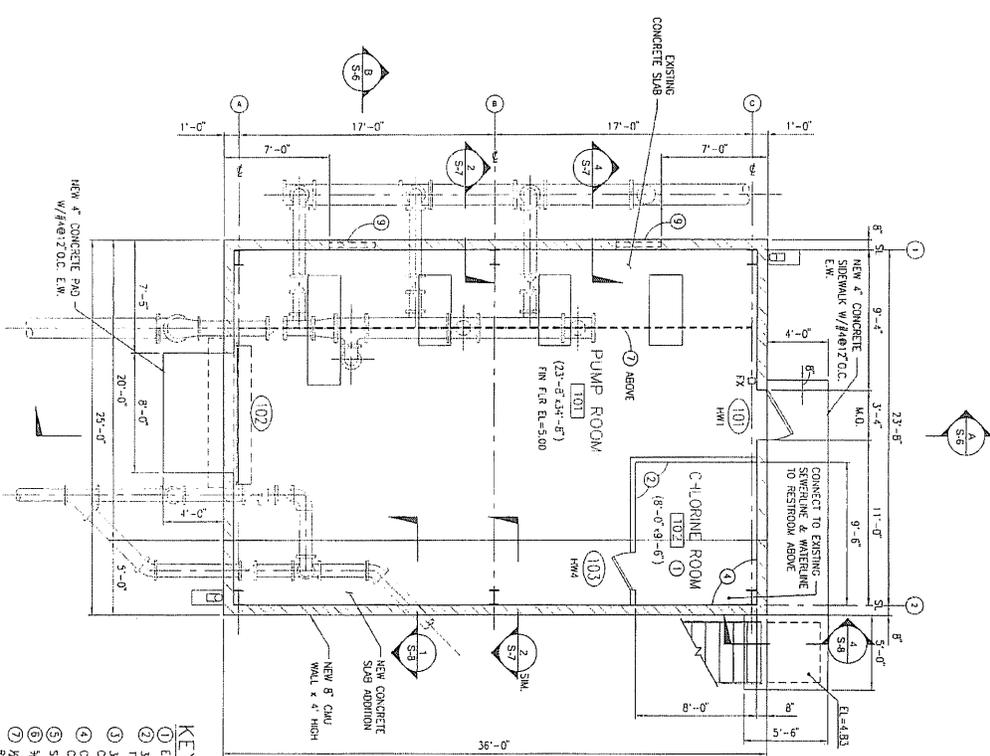
Affix Corporate Seals and attach proper Power of Attorney for Surety.

**Fort Myers Beach Pumping Station Improvements  
Contracts on Hand Q14**

Current Construction Contract	Myakka River State Park Park, Bathroom Buildings, RV Sites Sarasota, FL	Charlotte Commons Site Infrastructure for Commercial Center Peachland & Veterans, Port Charlotte, FL	Naples Church of Christ Church 12740 Livingston Road, Naples, FL	Covington Meadows Apartments Renovation Fort Myers, FL
Type	Prime Contractor	Prime Contractor	Prime Contractor	Prime Contractor
Address	\$1,185,876.00	\$3,275,437.00	\$3,121,532.00	\$771,110.00
Contractor or Sub	11/25/2009	8/19/2009	6/9/2009	3/4/2010
Amount of Contract	70%	90%	88%	90%
Contract Date	15%	80%	75%	10%
Percent by Subcontractors	Jim Grubb	Eric Brooks	Eric Brooks	Dennis Hirsch
Project Manager	Rusty Martin/Isaac Sanchez	Richard Freund	Jeremy Johnson	Dennis Hirsch
Superintendent	Oct-10	May-10	May-10	Sep-10
Required Completion	State of Florida, DEP	Primerica Group One	Naples Church of Christ	Fort Myers Housing Authority
Owner Name	3900 Commonwealth Blvd MS #520	3629 Madaca Lane, Tampa	12740 Livingston Road, Naples, FL	4224 Michigan Ave Link, Fort Myers
Owner Address	850-488-5372	Dale Johnson - 813-933-0629	Jeff Blake - 734-476-4952	Marcia Davis 239-344-3251
Owner Phone	Laura S Ross, AIA	Banks Engineering	Titsch & Associates	Moore & Spence Architects
Architect or Engineer	3540 Thomasville Rd, Tallahassee, FL	12653 SW County Rd. 769, Lake Suzy, FL	13710-2 Six Mile Cypress Pkwy, FTM	7290 College Pkwy, Fort Myers, FL
Address	Current Construction Contract	Okeechobee Emergency Operations Bldg Emergency Operations Building Okeechobee, FL	Celery Fields Stormwater Improvements Site Improvements 6800 Palmer Blvd, Sarasota	Sarasota Fire Station #10 Fire Station 35 Vic Edwards Road, Sarasota
Type	Renaissance Preserve Phase 2 Multifamily Townhome Development Michigan Ave Link, Fort Myers	Prime Contractor	Prime Contractor	Prime Contractor
Address	\$11,150,605.00	\$3,594,000.00	\$7,210,025.00	\$2,665,942.00
Contractor or Sub	4/1/2009	1/31/2010	7/7/2009	3/1/2009
Amount of Contract	TBD	80%	60%	90%
Contract Date	0%	20%	50%	90%
Percent by Subcontractors	Jack Jammie	Jack Jammie	Jim Grubb	Eric Brooks
Percent Complete	TBD	David Ramey	Jim Grubb	Isaac Sanchez
Project Manager	TBD	January-11	Nov-10	June-10
Superintendent	Primerica Group One	Okeechobee County	Sarasota County	Sarasota County
Required Completion	3629 Madaca Lane, Tampa	1690 NW 9th Ave, Okeechobee, FL	1001 Sarasota Center Blvd	1001 Sarasota Center Blvd, Sarasota
Owner Name	Rick Cavalleri - 813-933-0629	Donnie Oden 863-634-4321	Peter Peruzzi - 941-861-0523	941-861-0533
Owner Address	Sheeley Architects	Architects Design Group	Kintley-Horn and associates Inc.	BMK Architects
Owner Phone	12800 University Drive, FTM	333 North Knowles Ave, Winter Park, FL	2601 Cattleman Road Suite 500, Sarasota	323 Central Ave, Sarasota
Architect or Engineer	Current Construction Contract	Pasco County Bus Wash Bus Wash, Fuel Station, Office Bldg New Port Richey, FL		
Address	Three Oaks Community Park Park, Tennis/Basketball courts Three Oaks Pkwy, FTM	Prime Contractor		
Type	Amount of Contract	\$1,575,800.00		
Address	\$712,892.00	3/16/2010		
Contractor or Sub	7/20/2009	90%		
Amount of Contract	85%	90%		
Contract Date	99%	15%		
Percent by Subcontractors	Jim Grubb	Eric Brooks		
Percent Complete	Tom Karr	Howard Zablo		
Project Manager	Jul-10	Dec-10		
Superintendent	Lee County	Pasco County		
Required Completion	1500 Monroe Street, Fort Myers	7220 Osteen Rd, New Port Richey		
Owner Name	239-533-8883	727-834-3292		
Owner Address	Dave Douglas Associates	Lunz Prebor Fowler Architects		
Owner Phone	1821 Victoria Ave, FTM	58 Lake Morton Dr, Lakeland, FL		
Architect or Engineer				





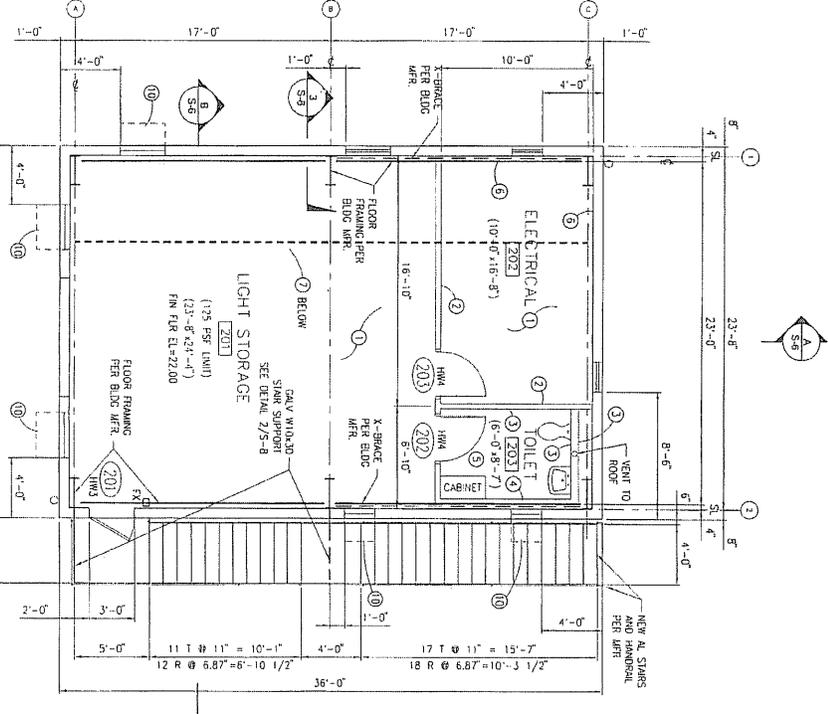


**FIRST FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

**KEYED NOTES:**

- ① EXPOSED CEILING STRUCTURE.
- ② 3/8" 76 O.K. METAL STUDS @ 16" O.C. W/ 1/2" TYPE X GYP BOARD.
- ③ 3/8" 75 O.K. METAL STUDS @ 16" O.C. W/ CONCRETE BLOCKER BOARD.
- ④ CONCRETE BLOCKER BOARD OVER FURRING CHANNELS.
- ⑤ SUSPENDED GYPSUM BOARD CEILING 8'-0" AFF.
- ⑥ 3/4" GYPSUM BOARD OVER FURRING CHANNELS.
- ⑦ 1/2" TON CHAIN BRACKET ABOVE TYPE W/ GALV. SB-22 RAIL ATTACHED TO JOIST @ 8'-0" O.C. MAX.
- ⑧ GALV. WB-24 STAIR SUPPORT PER BLOC. MFR.
- ⑨ LOWER ABOVE.
- ⑩ LINE OF BAYONA SHUTTER ABOVE IN ACCORDANCE WITH BAYONA SHUTTERS.COM OR EQUAL.

NOTE:  
 FX = FIRE EXTINGUISHER



**SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

NO.	DATE	DESCRIPTION	BY	CHECKED
1	08/09/08	ISSUE FOR PERMITS	ROBERT E. HANNON, P.E.	
2	08/09/08	ISSUE FOR PERMITS	ROBERT E. HANNON, P.E.	
3	08/09/08	ISSUE FOR PERMITS	ROBERT E. HANNON, P.E.	
4	08/09/08	ISSUE FOR PERMITS	ROBERT E. HANNON, P.E.	
5	08/09/08	ISSUE FOR PERMITS	ROBERT E. HANNON, P.E.	
6	08/09/08	ISSUE FOR PERMITS	ROBERT E. HANNON, P.E.	
7	08/09/08	ISSUE FOR PERMITS	ROBERT E. HANNON, P.E.	
8	08/09/08	ISSUE FOR PERMITS	ROBERT E. HANNON, P.E.	

PROJECT NO.	57981
PROJECT NAME	ROBERT E. HANNON, P.E.
PROJECT ADDRESS	19373.00
PROJECT CITY	BOULE
PROJECT STATE	
PROJECT COUNTY	
PROJECT ZIP	
PROJECT PHONE	
PROJECT FAX	
PROJECT EMAIL	
PROJECT WEBSITE	
PROJECT NOTES	
PROJECT LOG	
PROJECT DRAWINGS	
PROJECT SPECIFICATIONS	
PROJECT CONTRACT	
PROJECT AGREEMENT	
PROJECT SCHEDULE	
PROJECT BUDGET	
PROJECT RISK	
PROJECT QUALITY	
PROJECT SAFETY	
PROJECT ENVIRONMENT	
PROJECT COMMUNITY	
PROJECT HISTORY	
PROJECT LEGAL	
PROJECT FINANCIAL	
PROJECT OPERATIONAL	
PROJECT MAINTENANCE	
PROJECT REPAIRS	
PROJECT REPLACEMENTS	
PROJECT UPGRADES	
PROJECT MODIFICATIONS	
PROJECT ADDITIONS	
PROJECT DELETIONS	
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OWNER	TOWN OF FORT MYERS BEACH
PROJECT	MARINA PUMP STATION IMPROVEMENTS
DATE	09/09/09
SCALE	3/8"=1'-0"
DESIGNER	ROBERT E. HAYTHORN, P.E.
CHECKER	RECH
DATE	09/09/09
PROJECT NUMBER	16973.00
PROJECT NAME	BOYLE
PROJECT ADDRESS	
PROJECT CITY	
PROJECT STATE	
PROJECT ZIP	
PROJECT PHONE	
PROJECT FAX	
PROJECT E-MAIL	
PROJECT WEBSITE	
PROJECT URL	
PROJECT VIDEO	
PROJECT AUDIO	
PROJECT IMAGE	
PROJECT OTHER	
PROJECT COMMENTS	

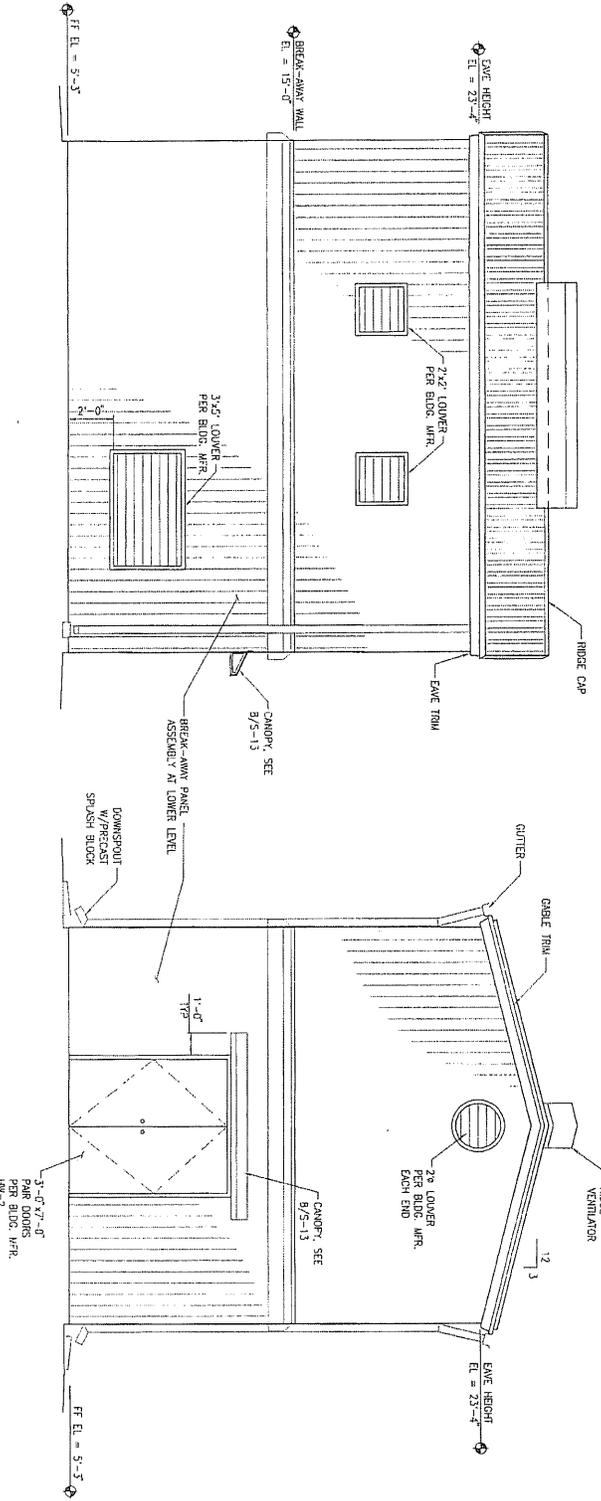
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PROJECT COMMENTS	

NORTH ELEVATION  
 SCALE 3/8"=1'-0"

WEST ELEVATION  
 SCALE 3/8"=1'-0"



DATE	09/09/09
SCALE	3/8"=1'-0"
DESIGNER	ROBERT E. HAYTHORN, P.E.
CHECKER	RECH
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