

BILL NO. S-19-02-05

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of RFQ #4831 - PROJECT #218034 - WEISSER RECREATION CENTER ROOF REPLACEMENT (\$131,350.00) by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and CMS ROOFING, INC. for the PARKS AND RECREATION DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That RFQ #4831 - PROJECT #218034 - WEISSER RECREATION CENTER ROOF REPLACEMENT (\$131,350.00) between the City of Fort Wayne, by and through its Department of Purchasing and CMS ROOFING, INC. for the PARKS AND RECREATION DEPARTMENT, respectfully for:

complete tear off and replacement of existing roof as well as resealment of (3) triangular metal roofs;

involving a total cost of ONE HUNDRED THIRTY-ONE THOUSAND THREE HUNDRED FIFTY AND 00/100 DOLLARS – (\$131,350.00) all as more particularly set forth in said RFQ #4831 - PROJECT #218034 - WEISSER RECREATION CENTER ROOF REPLACEMENT (\$131,350.00) which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

Bid/Quote Tabulation

Project Name: Weisser Park Recreation Center Roof Replacement

Project No.: 218034

I.T.B.#: 4381

Bids Due: 1/24/2019

CONTRACTOR:	Fort Wayne Roofing	CMS Roofing	C.L. Schust	Foster Contracting	
Base bid: Lower Roof (Allowance Amount) \$5,000.00	\$108,200.00	\$77,680.00	\$87,499.00	\$125,620.00	
Alternate 1: Gymnasium (upper) roof	\$54,400.00	\$49,770.00	\$49,139.00	\$72,400.00	
Alternate 2: Reseal metal roof joints	\$1,000.00	\$3,900.00	\$2,500.00	\$9,800.00	
Total:	\$163,600.00	\$131,350.00	\$139,138.00	\$207,820.00	
Addendum Receipt Verification:	Yes	Yes	Yes	Yes	



SECTION 00386
SERVICE AGREEMENT

SERVICE AGREEMENT:

Weisser Park Center Roof Replacement
Project #218034 RFQ #4381 Q #00006

SUPPLIER NAME CMS Roofing, Inc.		CITY DEPARTMENT Parks and Recreation
STREET ADDRESS 3920 Butler Road		STREET ADDRESS 705 E. State Blvd.
CITY, STATE, ZIP CODE Fort Wayne, IN 46		CITY, STATE, ZIP CODE Fort Wayne, IN 46805
ATTENTION Zach Strasser		INVOICE ADDRESS 705 E. State Blvd.
TELEPHONE (260) 482-7663	FAX (260) 482-7663	CITY, STATE, ZIP CODE Fort Wayne, IN 46805
EMAIL ADDRESS zach.strasser@cmsroofinginc.com		ATTENTION Greg Kreiger
		TELEPHONE (260) 427-6412
		FAX (260) 427-6020

Service Description	Rates
Improvements per contract documents including complete tear off and replacement of existing roof. As well as the resealment of (3) triangular metal roofs.	\$131,350.00
Aggregate Price	\$131,350.00

The following Attachments are part of this Agreement:

SERVICE ADDRESS 802 Eckart Street
CITY, STATE, ZIP CODE Fort Wayne, IN 46806
AGREEMENT START DATE Date given on Purchase Order
AGREEMENT END DATE May 17, 2019

This Agreement is entered into between Supplier and the City as of _____. The additional terms and conditions on the reverse side hereof are part of this Agreement. Capitalized terms on this page are used as defined terms when the context so requires. The City may extend the Contract at its option, for an equivalent period, by written notice to the Supplier not less than thirty days prior to the expiration date.

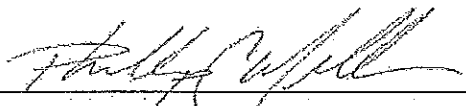
SUPPLIER:		City of Fort Wayne	
By (Signature): 		By (Signature): 	
Printed Name: Phillip C. Miller		Printed Name: Steve McDaniel	
Title: Vice President		Title: Director Parks and Recreation	
Date: 01/28/19		Date: 2/7/19	
FEDERAL TAX ID NUMBER: 35-1479306			

3. Request for Waiver - If, at the time final payment application is made, contractor has not attained the ten 10% E.B.E. goal, contractor shall file with the final payment application a "Request for Waiver." Said Request for Waiver shall contain a written description of the efforts taken by Contractor to attain the 10% E.B.E. goal.
4. Determination of Waiver Requests - The Contract Compliance Department of the City of Fort Wayne shall examine all Requests for Waiver to determine if Contractor's efforts constitute good faith efforts to attain such goal and shall submit recommendations concerning said requests for Waiver for the final determination of the Board of Public Works of the City of Fort Wayne.
5. Good Faith Per Se - In any case, a Contractor shall be deemed to have made good faith efforts at compliance where E.B.E.'s have subcontracted for every sub-contract for which there are qualified E.B.E.'s available.
6. Consequence of noncompliance - In the event the Board of Public Works approves a recommendation that contractor failed to make good faith efforts at compliance, the contract shall be reduced by the amount calculated as the difference between 10% and the percentage level met. Said amount shall be added to the City of Fort Wayne E.B.E. Bond Guarantee Fund and contractor agrees to accept the reduced amount as full payment under the terms of his/her contract.
7. Waiver approved - In the event the Board of Public Works determines that a good faith effort to comply with this E.B.E. Rider has been made, the contract shall not be reduced, and the balance owing to the contractor shall be paid in full.

IN WITNESS WHEREOF,

The parties have executed the E.B.E. Rider this 28th day of January, 2019.

CONTRACTOR

BY:  Company CMS Roofing, Inc.

Name Printed Phillip C. Miller

ATTEST: 

Steve McDaniel, Director
Fort Wayne Parks and Recreation

Revised 2-09



E.B.E. RIDER

THIS AGREEMENT made and entered into by and between the **CITY OF FORT WAYNE**, hereinafter referred to as **OWNER** and CMS Roofing, Inc., hereinafter referred to as **CONTRACTOR**,

WITNESSETH:

WHEREAS, the **CONTRACTOR** is the apparent low bidder on construction project commonly referred to as the **Weisser Park Center Roof Replacement**, Project #218034, which project was bid under Resolution Number RFQ #4381; and

WHEREAS, **CONTRACTOR** agrees that the goal for qualified Emerging Business Enterprises, hereinafter sometimes referred to as **E.B.E.'s** as subcontractors on this project is **10%** of the contract amount; and

WHEREAS, **OWNER** has, pursuant to Executive Order 90-01 (as amended 05-08-06), adopted a goal of at least 10% of the contract amount to Emerging Business Enterprises as defined under said Executive Order (as amended 05-08-06); and

WHEREAS, said Executive Order (as amended 05-08-06) states:

"Section 2, Paragraph C. Each contractor shall be required to make a good faith effort to subcontract 10% of the contract amount to Emerging Business Enterprises on each construction contract he/she is awarded. In the event a contractor is unable to subcontract 10% of the contract amount or secure services of an Emerging Business Enterprise, he/she will be required to submit a completed Request for Waiver form on which he/she will provide a written description of the efforts taken to comply with the participation goals."

NOW, THEREFORE, in consideration of the foregoing and of the mutual agreements hereinafter contained, the sufficiency of which consideration is hereby acknowledged, the parties hereto agree as follows:

1. **Conditional Award** - Subject to approval by the Common Council of the City of Fort Wayne as stipulated in the construction contract to which this Rider is attached, **OWNER** awards the construction contract to the **CONTRACTOR**.
2. **E.B.E. Retainage requirements** - If the contractor is in compliance with the provisions of the construction contract to which this Rider is attached, the Owner will make payments for such work performed and completed. However, in any such case, the Owner will retain five percent (5%) of the total amount owing to insure compliance with this E.B.E. Rider. Upon final inspection and acceptance of the work, and determination by the Fort Wayne Board of Public Works that the contractor has made a good faith effort to subcontract 10% of the contract amount to emerging business enterprises, the contractor will be paid in full.

In the event there is a determination that good faith compliance with this E.B.E. Rider has not occurred, appropriate reduction in the final payment pursuant to paragraph 6 of this E.B.E. Rider will be made.

If the contract is in excess of \$100,000, the contract will be subject to the standard Board of Public Works escrow agreement. However, payments to the **CONTRACTOR** are not to exceed 95% of the total contract amount until the **OWNER** has verified that the **CONTRACTOR** has made good faith efforts to attain the E.B.E. goal stipulated in this E.B.E. Rider. Payment of the final 5% of the total contract amount will be dependent upon good faith efforts to comply with this E.B.E. Rider, and subject to reduction in the event of non-compliance as provided in paragraph 6 of this E.B.E. Rider.

COUNCIL DIGEST SHEET

Enclosed with this introduction form is a tab sheet and related material from the vendor(s) who submitted bid(s). Purchasing Department is providing this information to Council as an overview of this award.

RFPs & BIDS

Bid/ITB #	4381
Awarded To	CMS Roofing
Amount	\$131,350.00
Conflict of interest on file?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number of Registrants	7
Number of Bidders	4
Required Attachments	ITB – attached; Bids – attach Tab Sheet

EXTENSIONS

Date Last Bid Out	0
# Extensions Granted To Date	0

SPECIAL PROCUREMENT

Contract #/ID (State, Federal, Piggyback--Authority)	n/a
Sole Source/ Compatibility Justification	

BID CRITERIA *(Take Buy Indiana requirements into consideration.)*

Most Responsible, Responsive Lowest	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If no, explain below</i>
If not lowest, explain	

COUNCIL DIGEST SHEET

COST COMPARISON

<i>Increase/decrease amount from prior years For annual purchase (if available).</i>	n/a
--	-----

DESCRIPTION OF PROJECT / NEED

<i>Identify need for project & describe project; attach supporting documents as necessary.</i>	The Fort Wayne Parks and Recreation Department is requesting approval for a contract with CMS Roofing. The contract is for the removal of the existing stone build up roof and the installation of a new rubber roofing system.
--	---

REQUEST FOR PRIOR APPROVAL

<i>Provide justification if prior approval is being requested.</i>	

FUNDING SOURCE

<i>Account Information.</i>	Parks Cumulative Improvement Projects - Project # 218034

MEMORANDUM

To: City Council Members, City of Fort Wayne
From: Mike Gore
CC: File
Subject: Council Approval of Weisser Roof Replacement
Date: February 6, 2019

The Fort Wayne Parks and Recreation Department is requesting approval for a contract with CMS Roofing. The contract is for the removal of the existing stone build up roof at Weisser Recreation Center and the installation of a new rubber roofing system on the lower level of the building. Alternate 1 for this project consists of reroofing the upper level of the building with the same roof system as the lower area. Alternate 2 for this project consists of cleaning and resealing all the joints on lower level metal roof. This project comes with a 20 year manufactures warranty. The base bid for this project is \$77,680.00 with the Alternate 1 bid coming in at \$49,770.00 and Alternate 2 bid coming in at \$3,900.00 bringing the total of this project to \$131,350.00. The total bid for this project, (under a publicly bid price agreement), will exceed \$100,000.00 for 2019, requiring Councils approval for this project.

Funding Source: Parks Cumulative Capital Funds

I will be available at the Council meetings to answer any questions you may have and I may also be reached at 427-6406.

Thank you for your consideration on this project.

We respectfully request your approval of this contract so that we may proceed with the work. If you have any questions, please feel free to contact me at 427-6406 or Steve Schuhmacher at 427-6401.

Thank you in advance.

Mike Gore