

BILL NO. S-20-02-18

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of PURCHASE OF PRECAST 9'X9' CONCRETE BOX CULVERT - WORK ORDER #76599 between MIDWEST TILE & CONCRETE PRODUCTS and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the PURCHASE OF PRECAST 9'X9' CONCRETE BOX CULVERT - WORK ORDER #76599 by and between MIDWEST TILE & CONCRETE PRODUCTS and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

CSO 54 Equalization Facility: Purchase of a Precast 9'x9' Concrete Box Culvert;

involving a total cost of ONE HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED TWENTY AND 00/100 DOLLARS - (\$131,120.00) – all as more particularly set forth in said PURCHASE OF PRECAST 9'X9' CONCRETE BOX CULVERT - WORK ORDER #76599 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

CITY OF FORT WAYNE, INDIANA

Midwest Tile & Concrete Products

(Vendor Name)

VENDOR DISCLOSURE STATEMENT RELATING TO:

1. FINANCIAL INTERESTS;
2. POTENTIAL CONFLICTS OF INTEREST;
3. CURRENT AND PENDING CONTRACTS OR PROCUREMENTS

Vendors desiring to enter into certain contracts with the City of Fort Wayne, Indiana (the "City") shall disclose their financial interests, potential conflicts of interest and current and pending contract or procurement information as set forth below.

The following disclosures by Vendors are required for all contracts with annual payments by the City in the amount of \$50,000 or more. Vendors shall disclose their financial interests, potential conflicts of interest and other contract and procurement information identified in Sections 1, 2 and 3 below as a prerequisite for consideration for a contract awarded by the City. This Disclosure Statement must be completed and submitted together with the Vendor's contract, bid, proposal or offer.

A publicly traded entity may submit its current 10K disclosure filing in satisfaction of the disclosure requirements set forth in Sections 1 and 2 below.

Section 1: Disclosure of Financial Interest in Vendor

- a. If any individuals have either of the following financial interests in Vendor (or its parent), please check all that apply and provide their names and addresses (attach additional pages as necessary):

(i) Equity ownership exceeding 5% ☒

(ii) Distributable income share exceeding 5% ☐

(iii) Not Applicable (If N/A, go to Section 2) ☐

Name: Alice M. Minnick

Name: Mark R. Minnick

Address: 10920 Birkdale Ct. Fort Wayne, IN. 46814

Address: 10920 Birkdale Ct. Fort Wayne, IN. 46814

- b. For each individual listed in Section 1a. show his/her type of equity ownership:

sole proprietorship ☐ stock ☐
partnership interest ☐ units (LLC) ☒
other (explain) _____

- c. For each individual listed in Section 1a. show the percentage of ownership interest in Vendor (or its parent): ownership interest:

Name: Alice M. Minnick 60 %

Name: Mark R. Minnick 40 %

Section 2: Disclosure of Potential Conflicts of Interest (not applicable for vendors who file a 10K)

For each individual listed in Section 1a, check "Yes" or "No" to indicate which, if any, of the following potential conflict of interest relationships apply. If "Yes", please describe using space under applicable subsection (attach additional pages as necessary):

- a. City employment, currently or in the previous 3 years, including contractual employment for services:
Yes _____ No X

- b. City employment of "Member of Immediate Family" (defined herein as: Spouse, Child, Step Child, Parent or Step Parent, Father-in-law or Mother-in-law, Brother or Sister, Step Brother or Step Sister, Half Brother or Half Sister, Brother-in-law or Sister-in-law, Son-in-law or Daughter-in-law, Grandparent or Step Grandparent, Grandparent or Step Grandparent of Spouse, Grandchild)

Including contractual employment for services in the previous 3 years:

Yes _____ No X

- c. Relationship to Member of Immediate Family holding elective City office currently or in the previous 3 years: Yes _____ No X

Section 3: DISCLOSURE OF OTHER CONTRACT AND PROCUREMENT RELATED INFORMATION

- a. Does Vendor have current contracts (including leases) with the City? Yes X No _____

If "Yes", identify each current contract with descriptive information including purchase order or contract reference number, contract date and City contact below (attach additional pages as necessary).

ITB - #4528 Annual Requirements For Sewer Construction Materials. (No PO has been received as of 2.14.20)

- b. Does Vendor have pending contracts (including leases), bids, proposals, or other pending procurement relationship with the City? Yes _____ No X

If "Yes", identify each pending matter with descriptive information including bid or project number, contract date and City contact using space below (attach additional pages as necessary).

- c. Does vendor have any existing employees that are also employed by the City of Fort Wayne?

Yes _____ No X

If "Yes", provide the employee's name, current position held at vendor, and employment payment terms (hourly, salaried, commissioned, etc.).

Name / Position / Payment Terms:

Name / Position / Payment Terms:

Name / Position / Payment Terms:

- d. Does vendor's representative, agent, broker, dealer or distributor (if applicable) have any existing employees that are also employed by the City of Fort Wayne? For each instance, please provide the name of the representative, agent, broker, dealer or distributor; the name of the City employee, and the payment terms (hourly, salaried, commissioned, etc.).

Company / Name / Payment Terms: _____

Company / Name / Payment Terms: _____

Section 4: CERTIFICATION OF DISCLOSURES

In connection with the disclosures contained in Sections 1, 2 and 3 Vendor hereby certifies that, except as described in attached Schedule A:

- a. Vendor (or its parent) has not, within the five (5) year period preceding the date of this Disclosure Statement, been debarred, suspended, proposed for debarment declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
- b. No officer or director of Vendor (or its parent) or individual listed in Section 1a. is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offense;
- c. Vendor (or its parent) has not, within the five (5) year period preceding the date of this Disclosure Statement, had one or more public transactions (federal, state or local) terminated for cause or default;
- d. No officer or director of Vendor (or its parent) or individual listed in Section 1a. has, within the five (5) year period preceding the date of this Disclosure Statement, been convicted, adjudged guilty, or found liable in any criminal or civil action instituted by the City, the federal or state government or any other unit of local government; and
- e. Neither Vendor, nor its parent, nor any affiliated entity of Vendor, or any of their respective officers, directors, or individuals listed in Section 1a. is barred from contracting with any unit of any federal, state or local government as a result of engaging in or being convicted of: (i) bid-rigging; (ii) bid-rotating; or (iii) any similar federal or state offense that contains the same

elements as the offense of bid-rigging or bid-rotating

- f. Pursuant to IC 5-22-16.5, Vendor hereby certifies they do NOT provide \$20 million dollars or more in goods or services to the energy sector of Iran. Vendor also certifies it is not a financial institution that extends \$20 million dollars or more in credit that will provide goods or services to the energy sector of Iran or extends \$20 million dollars or more in credit to a person identified on the list as a person engaging in investment activities in Iran.

The disclosures contained Sections 1, 2 and 3 and the foregoing Certifications are submitted by

Midwest Tile & Concrete Products

4309 Webster Road Woodburn IN 46797

(Name of Vendor)

Address

(260) 749-5173

Telephone

chad@midwesttile.net

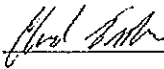
E-Mail Address

The individual authorized to sign on behalf of Vendor represents that he/she: (a) is fully informed regarding the matters pertaining to Vendor and its business; (b) has adequate knowledge to make the above representations and disclosures concerning Vendor; and (c) certifies that the foregoing representations and disclosures are true and accurate to the best of his/her knowledge and belief.

Name (Printed) Chad Tudor

Title Sales

Signature



Date

2.14.20

NOTE: FAILURE TO COMPLETE AND RETURN THIS FORM WITH YOUR DOCUMENTATION MAY RESULT IN YOUR CONTRACT, OFFER, BID OR PROPOSAL BEING DISQUALIFIED FROM CONSIDERATION.

General Terms of Purchase

PART 1 GENERAL

1.1 DESCRIPTION

A. Base Bid

1. Base Bid shall be considered the Basis of Bid
2. A bidder including terms in their bid which conflict with the specifications for this purchase may be grounds for identifying a bidder as nonresponsive.

1.2 MEASUREMENT AND PAYMENT

A. Base Bid

1. Base Bid is the owner provided quantity times the bidder's unit price for the item.
2. The Base Bid includes all costs to the bidder in compliance with the applicable Specifications for the following:
 - A. Reinforced Precast 9' x 9' Concrete Box Culvert
 - B. All Concrete Box Culvert Joint Sealing Systems
 - C. Delivery cost of the 9' x 9' Box Culvert to the job site in coordination with the schedule of the Prime Contractor and the owner. No Box Culverts shall be stored on the job site.
3. Payment terms shall be net 30 after delivery to the job site and valid invoicing of items.

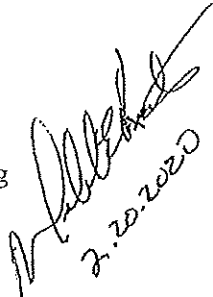
PART 2 PRODUCTS (NOT USED)

PART 3 EXECUTION (NOT USED)

++ END OF SECTION ++

Interoffice Memo

Date: February 20, 2020
To: Common Council Members
From: Michael Kiester, Manager, City Utilities Engineering
RE: CSO 54 Equalization Facility
W.O. # 76599



Council District #6

This is a purchase agreement for the CSO 54 Equalization Facility project. This agreement is for the purchase of a Precast 9' x 9' Box Culvert. This agreement amount will not exceed \$131,120.00.

The contractor shall furnish all labor, insurance, equipment, materials and power for the completion of the project: CSO 54 Equalization Facility; Purchase of a Precast 9' x 9' Concrete Box Culvert.

Implications of not being approved: There is a long lead time for this structure so the Utility is ordering it in advance in order to eliminate the delay in the start of construction while the contractor is waiting on the structure to be built.

If Prior Approval is being Requested, Justify: N/A

This project was advertised to contractors on 1/31/2020, and 2/7/2020 in the Journal Gazette.

Selection and Approval Process: The vendor was selected through an Invitation to Bid (ITB) process handled by the City's Purchasing Department. Midwest Tile & Concrete Products was the lowest bidder of the three bidders.

The cost of said project funded by Sewer Utility Bond.

Council Introduction Date: 02/25/2020

CC: Matthew Wirtz
Diane Brown
File