

AN ORDINANCE approving the awarding of ITB #8100821 - SERVICE AGREEMENT – TENNIS & PICKLEBALL COURT RESURFACING IMPROVEMENTS - (\$180,881.00) by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and K&M ASPHALT SEALING MAINT. INC. for the PARKS AND RECREATION DEPARTMENT in connection with the Board of Park Commissioners.

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

SECTION 1. That ITB #8100821 - SERVICE AGREEMENT – TENNIS & PICKLEBALL COURT RESURFACING IMPROVEMENTS - (\$180,881.00) - between the City of Fort Wayne, by and through its Department of Purchasing and K&M ASPHALT SEALING MAINT. INC. for the PARKS AND RECREATION DEPARTMENT in connection with the Board of Park Commissioners, respectfully for:

Work includes court renovations at Lakeside, Hamilton, Foster, Kettler, and Tillman tennis courts. Work shall include documenting existing court conditions including dimensions, repair, fill seal and make smooth cracks and imperfections in the playing surfaces. Remove selected tennis court net-posts and install new chain-link barrier fencing per drawings. Prep and install new pickle ball posts including nets per drawings, and prep all court areas to receive a 2-tone tennis & pickle ball court surface per drawings;

involving a total cost of ONE HUNDRED EIGHTY THOUSAND EIGHT HUNDRED EIGHTY-ONE AND 00/100 DOLLARS – (\$180,881.00) all as more particularly set forth in said ITB #8100821 - SERVICE AGREEMENT – TENNIS & PICKLEBALL COURT RESURFACING IMPROVEMENTS 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 Tabulation

Project Name: Tennis & Pickleball Court Resurfacing Improvements

Project No.: 2022002

Quest #8100821

Bids Due: 01/27/2022

CONTRACTOR:	AG Sport Surfaces	K&M Asphalt Sealing Maint. Inc.			
Base bid:	\$143,594.64	\$144,764.00			
Alternate 1: (Kettler Tennis court renovations)	\$35,347.51	\$32,117.00			
Alternate 2: (Tillman Pickleball court striping)	\$2,100.00	\$4,000.00			

Base +Alt-1+Alt-2	\$181,042.15	\$180,881.00
Base +Alt-1	\$178,942.15	\$176,881.00
Base +Alt-2	\$145,694.64	\$148,764.00

**SERVICE AGREEMENT:**

Tennis & Pickleball Court Resurfacing Improvements
Project #: 2022002, Quest vBid # 8100821 & Q#:0184

SUPPLIER NAME K&M Asphalt Sealing Maint. Inc.	CITY DEPARTMENT Parks and Recreation
STREET ADDRESS P.O. Box 342	STREET ADDRESS 705 E. State Blvd.
CITY, STATE, ZIP CODE Ossian, IN 46777	CITY, STATE, ZIP CODE Fort Wayne, IN 46805
ATTENTION/ PHONE Todd J. Mahnensmith 260-622-7156	ATTENTION Troy Bates

Service Description**Rates**

The restoration and conversion of selected existing tennis courts at various city parks to include new pickleball courts. Courts Improvements at Hamilton, Lakeside, Foster, Kettler, Tillman.

Base Bid	\$144,764.00
Alternate 1	\$32,117.00
Alternate 2	\$4,000.00

Aggregate Price	\$180,881.00
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The following is made a part of this Agreement:

Base Bid
Alternate 1
Alternate 2

This Agreement is entered into between Supplier and the City. 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:

For Independent Contractors: Will any individuals other than yourself perform work on this project? Yes ☐ No ☒
o If yes, see reverse side for Worker's Comp. requirement.

BOARD OF PARK COMMISSIONERS:

By (Signature):
Todd J. Mahnensmith

By (Signature):

Printed Name:

Printed Name:

Date:
02/07/22

Date:

Contractor: _____ Contractor: _____

K&M Asphalt Sealing Maint. Inc. _____

By: Todd J. Mahnensmith By: _____
Todd J. Mahnensmith, Pres. _____

Its: _____ Its: _____

The contract will be awarded to the lowest bidder who is responsive and responsible. E.B.E. commitment is not a part of the contract award. The successful bidder will be required to sign the E.B.E. Rider or the contract will not be signed by the Owner.

EBE/MBE/WBE WAIVER/REDUCTION APPLICATION

Type of Waiver Requested: X EBE X MBE X WBE
Project Resolution Number: #2022002
Project Name: Tennis & Pickleball court resurfacing Improvements
Submitted By: K&M Asphalt Sealing Maint. Inc.
Address: P.O. Box 342
City, State Zip Code: Ossian, IN 46777
Phone: 260-622-7156 Email: kmasphalt@frontier.com

Each of the following elements must be present in order to determine whether or not a reduction or waiver is appropriate. Please provide adequate documentation and information to show why a reduction or waiver of the goal is being sought. (If the space given is not sufficient, please attach additional pages as needed.)

1. Please give detailed statement of efforts to identify and select portions of the project to sub contract.

2. Please provide a list of your contact with EBE/M/WBE firms.

- ☐ Name of firm contacted: _____
Address: _____
Phone: _____
Contact Date & Time: _____
Method: ☐ Phone ☐ Fax ☐ Written ☐ Other (explain): _____
- ☐ Name of firm contacted: _____
Address: _____
Phone: _____
Contact Date & Time: _____
Method: ☐ Phone ☐ Fax ☐ Written ☐ Other (explain): _____
- ☐ Name of firm contacted: _____
Address: _____
Phone: _____
Contact Date & Time: _____
Method: ☐ Phone ☐ Fax ☐ Written ☐ Other (explain): _____

[If more contacts were attempted, please attach additional pages of documentation]
COPIES OF ALL WRITTEN OR FAX SOLITIFICATIONS MUST BE ATTACHED

SECTION 004583
E.B.E. DECLARATION FORM

3. If a reduction or waiver is being sought because of reasons other than prices, the contractor must provide the following information:

a. Detailed statement of WHY no EBE/M/WBE firm was subcontracted:

All work done in house.

4. If a reduction or waiver is being sought because prices quoted by EBE/M/WBE firms were higher than non-EBE/M/WBE firms, the contractor must provide the following information:

a. Price Quoted:

<u>Contractor</u>	<u>Price Quoted</u>
1.	1.
2.	2.
3.	3.
4.	4.

b. Detailed statement of the work identified for EBE/M/WBE participation for which the contractor asserts the EBE/M/WBE quote(s) was higher than non-EBE/M/WBE firms. Please summarize direct negotiations with EBE/M/WBE firms for specific portions of the work (and document the dates and time when negotiations occurred), and please indicate why negotiations were unsuccessful:

c. Please include other documentations that demonstrate that the EBE/M/WBE quotes were higher than non-EBE/M/WBE firms.

5. Summary:

Todd J. Mahnensmith of K&M Asphalt Sealing Maint. Inc.
I, _____ (company) hereby

request a reduction of 100 % from the EBE/M/WBE participation goal. This request is being sought for the reason explained above.

(If the contractor desires to state further reason why the waiver should be accepted, please attach additional pages.)

Signed: Todd J. Mahnensmith, Pres. Date: 01/26/22

Title: _____

END OF SECTION 004583

CITY OF FORT WAYNE, INDIANA

K&M Asphalt Sealing Maint. Inc.
(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% ☒ (X)

(ii) Distributable income share exceeding 5% ☐

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

Name: Todd J. Mahnensmith Name: _____

Address: P.O. Box 342 Ossian, IN 46777 Address: _____

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

sole proprietorship ☐ stock ☒ (X)

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: Todd J. Mahnensmith, Pres. 100 %

Name: _____ %

SECTION 004586
CONFLICT OF INTEREST

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 _____ No X

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).

- 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).

SECTION 004586
CONFLICT OF INTEREST

- 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.

SECTION 004586
CONFLICT OF INTEREST

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

(Name of Vendor)

Address

()

Telephone

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) Todd J. Mahnensmith Title Pres.

Signature

Date 01/26/22

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

END OF SECTION 004586

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

Quest vBid #	8100821
Awarded To	K&M Asphalt Sealing Maintenance Inc
Amount	\$180,881.00
Conflict of interest on file?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number of Registrants	2
Number of Bidders	2
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
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DESCRIPTION OF PROJECT / NEED

<i>Identify need for project & describe project; attach supporting documents as necessary.</i>	Work includes court renovations at Lakeside, Hamilton, Foster, Kettler, and Tillman tennis courts. Work shall include documenting existing court conditions including dimensions, repair, fill seal and make smooth cracks and imperfections in the playing surfaces. Remove selected tennis court net-posts and install new chain-link barrier fencing per drawings. Prep and install new pickle ball posts including nets per drawings, and prep all court areas to receive a 2-tone tennis & pickle ball court surface per drawings.
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REQUEST FOR PRIOR APPROVAL

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

FUNDING SOURCE

<i>Account Information.</i>	Funding source comes out of the Parks Cumulative Capital Funds. This project number is 2022002

MEMORANDUM

To: City Council Members, City of Fort Wayne
From: Mike Gore
CC: File
Subject: Council Approval for Parks Department Tennis and Pickle Ball Court Resurfacing Improvements
Date: February 28, 2022

Work includes court renovations at Lakeside, Hamilton, Foster, Kettler, and Tillman tennis courts. Work shall include documenting existing court conditions including dimensions, repair, fill seal and make smooth cracks and imperfections in the playing surfaces. Remove selected tennis court net-posts and install new chain-link barrier fencing per drawings. Prep and install new pickle ball posts including nets per drawings, and prep all court areas to receive a 2-tone tennis & pickle ball court surface per drawings provided by the Parks Department projects team.

Funding Source: Parks Cumulative Capital Funds

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. I will also be available at the Council meeting to answer any questions you may have.

Thank you in advance.

Mike Gore