



MANATEE COUNTY FLORIDA

October 13, 2010

TO: All Interested Bidders

SUBJECT: **Invitation for Bid # 10-3263-DS**
2010 Lift Station Emergency Generators – Group 2
(Project No. various)

ADDENDUM # 2

Bidders are hereby notified that this Addendum shall be acknowledged on pages 00300-1 of the Bid Form and made a part of the above named bidding and contract documents. Bids submitted without acknowledgement of the Addendum will be considered incomplete.

The following items are issued to add to, modify, and clarify the bid and contract documents. These items shall have the same force and effect as the original bidding and contract documents, and cost involved shall be included in the bid prices. Bids to be submitted on the specified bid date, shall conform to the additions and revisions listed herein.

The deadline for clarification of questions was **October 12, 2010 at 2:00 pm.** This deadline had been established to maintain fair treatment of all potential bidders, while maintaining the expedited nature of the Economic Stimulus that the contracting of this work may achieve. Questions received after this date and time shall not be considered.

The responses to the submitted questions have been provided by Mr. Shea Shoun, Project Engineer, Manatee County Government.

1. Attachment Memorandum from Mr. Shea Shoun, PE, dated October 13, 2010 (5 Total Pages).

Finance Management Department
Mailing Address: Purchasing Division: 1112 Manatee Avenue West, Suite 803, Bradenton, FL 34205
PHONE: 941-708-7528 * FAX: 941-708-7544
www.mymanatee.org

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Additional questions received from Bidders:

Question from WPCS International Incorporated, Sarasota Operations received September 29, 2010

We have always had this question, but never asked. Historically the County has asked for 2 bids for each project based on 2 completion periods, normally 300 days and 365 days. We have pondered how these periods of performance fit with the intent and purpose of liquidated damages (LD's) also tied to this project. LD's could be costs today that the County is incurring because the project has not been completed or LD's could be administrative and management costs the County incurs while the project is actually in work. Either way, I can't see how you can ask for two different performance periods and at the same time have LD's. As example: If the County considers awarding the work to company x based on a 365 day performance period bid, wouldn't the \$1,148.00 in LD's be considered? Either way the LD's were established by the County, it would seem that the County would have 65 additional days of costs associated with the project, 65 days x \$1,148 = \$74,620.00.

Response: As stated in Section 00030-1, General Terms and Conditions of the Contract, Article C-03 provides for two bids which the County may consider. In this instance, Bid "A" based on a 300 calendar day completion OR Bid "B" based on a 365 calendar day completion. The County has the sole authority to select the bid based on what is in the best interest to the County. The Liquidated Damages as stated in the document at the sum of \$1,148.00 is a fixed, agreed price for each calendar day of delay for any failure of the Contractor to complete the contract work within the contract time or within such contract time extensions as provided and agreed to by the County.

Question from Sunbelt Electric Inc. received October 5, 2010

Is this project prevailing wage?

Response: Unless the project is federally or FDOT funded, Manatee County does not have a structure for prevailing wage. Therefore, this project does not have prevailing wages.

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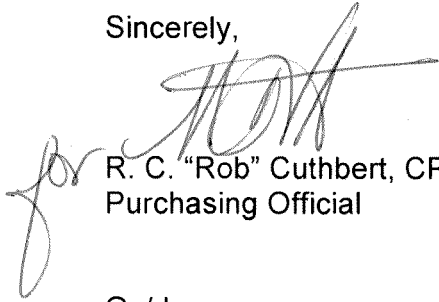
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If you have submitted a bid prior to receiving this addendum, you may request in writing that your original, sealed bid be returned to your firm. All sealed bids received will be opened on the date stated.

END OF ADDENDUM # 2

The deadline for submitting sealed Bids at the Manatee County Purchasing Division, 1112 Manatee Avenue West, Suite 803, Bradenton, Florida 34205 is until 3:00 pm on October 20, 2010.

Sincerely,



R. C. "Rob" Cuthbert, CPM, CPPO
Purchasing Official

Ov/ds

Attachment (5 Total Pages)

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Mailing Address: Purchasing Division: 1112 Manatee Avenue West, Suite 803, Bradenton, FL 34205
PHONE: 941-708-7528 * FAX: 941-708-7544
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MEMORANDUM



Public Works Department
1022 26th Avenue East
Bradenton, FL 34208

MANATEE COUNTY
FLORIDA

Phone: 941.708-7450
Fax: 941.708-7475
www.myanatee.org

To: Sal Bordonaro, Project Manager

From: J. Shea Shoun, PE

Date: October 13, 2010

Subject: IFB # 10-3263-DS 2010 Lift Station Emergency Generators - Group 2
Response to Bidders' Questions / Addendum No. 2

Responses to bidder questions regarding this project are as follows:

Questions received from Norris & Samon Pump Service - September 21, 2010

1. **Question:** Does this project require us to work with natural gas lines?

Response: Yes, The Gardens @ Palm-aire lift station will have a natural gas generator and requires the installation of a natural gas fuel line.

2. **Question:** Would we be supplying the generators as well or is this quote for installation only?

Response: Yes, the awarded bidder is responsible for supplying and installing a working generator at each lift station location.

Questions received from Acting Solar, Inc. - September 21, 2010

1. **Question:** Please advise when site visits may be performed for this IFB?

Response: Site visits are mandatory and shall be performed prior to bid submission. Most lift stations are easily accessible or can be viewed through the existing fencing. Rosedale, Palm-aire 3 and Bashaw Elementary School are fenced. If you require access to the fenced lift station, please contact Jim Marble (941-755-1853 x 5277) to arrange a date & time for inspection.

Questions received from WPCS International Incorporated - Sarasota Operations - September 29, 2010

1. **Question:** Within the IFB there are no generator manufacture exclusions. Will the County allow bidders to use "multiple" generator manufactures within this project? It is possible that generator pricing provided by the manufactures could be lower for generators at some sites and the County could get a "mixed bag" of generators. Is this what you want or do you want the lowest overall best value from one selected product line?

Response: The awarded bidder may use multiple generator manufacturers within the project.

2. **Question:** During the pre-bid meeting it was suggested that either an EC or GC could bid and contract this project prime. We have opinion that this project should be contracted by a GC. It is clear within 2010 Florida Statutes, chapter 489 that contractors can't engage in business of contracting who do not hold the required certification or registration for the work being performed. Since this project has structural

Questions received from WPCS International Incorporated - Sarasota Operations - September 29, 2010
(Question 2 Continued)

requirements, we don't see how an EC can engage or enter into contract for this project. Seemingly the intent of Chapter 489 is for general contractors to hire other disciplines to perform work, not the other way around. We have argued this successfully on several occasions as we are attempting to win contracts in a very tough economy. We are seeing EC's bidding on projects and entering into contracts for work they hold no license for. Please note our company hold both GC and EC licenses.

Response: The Division Manger of Manatee County Public Works Utility Engineering has discussed this topic with G.W. Harrell, Executive Director of Construction Industry Licensing Board, Department of Business and Professional Regulations and has indicated that an electrical contractor license does allow the contractor to perform the incidental work needed to accomplish his primary project.

Furthermore, per F.S. Chapter 489.113 Qualifications for Practice; restrictions, it states in 489.113(4)(9)(a), "This part does not prevent any contractor from acting as a prime contractor where the majority of the work to be performed under the contract is within the scope of his or her license or from subcontracting to other licensed contractors that remaining work which is part of the project contracted".

Since, the primary focus of this project is the installation of an emergency generator, it is our position that an electrical contractor may act as the prime contractor on this project per F.S. Chapter 489.113.

3. **Question:** We have always had this question, but never asked. Historically the County has asked for 2 bids for each project based on 2 completion periods, normally 300 days and 365 days. We have pondered how these periods of performance fit with the intent and purpose of liquidated damages (LD's)also tied to this project. LD's could be costs today that the County is incurring because the project has not been completed or LD's could be administrative and management costs the County incurs while the project is actually in work. Either way, I can't see how you can ask for two different performance periods and at the same time have LD's. As example: If the County considers awarding the work to company x based on a 365 day performance period bid, wouldn't the \$1,148.00 in LD's be considered? Either way the LD's where established by the County, it would seem that the County would have 65 additional days of costs associated with the project, 65 days x \$1,148 = \$74,620.00.

Response: SEE REPLY IN THIS ADDENDUM #2.

Questions received from Sunbelt Electric Inc. - October 1, 2010

1. **Question:** Where is the RTU located at on the job?

Response: The RTU (Remote Telemetry Unit) is located inside the control panel.

2. **Question:** In general can the ATS be moved closer to the existing meter can and disconnect?

Response: The ATS is to be pole mounted and the general locations are illustrated on the plan sheets. The awarded bidder shall conduct a site visit with Jim Marble or his representative to have the exact location marked in the field for the placement of the ATS and generator.

Questions received from Sunbelt Electric Inc. - October 1, 2010 (Continued)

3. **Question:** At LWR Town Center we saw a few items not to code. Are we responsible for these items?

Response: No. The awarded bidder is only responsible to provide and install a working emergency generator and any required accessories for each lift station site. Lift station upgrades are to be handled under a separate bid proposal when deemed necessary.

4. **Question:** What is the flood zone level at 350 Magellan DR.(site #7, LS 2-A,RTU # 439)?

Response: As stated in note #9 on the left side of the LS 2-A plan sheet, "L.S. 2-A is located in a flood zone with a base flood elevation of 12.5 NGVD.

Questions received from Sunbelt Electric Inc. - October 5, 2010

1. **Question:** Will the contractor be responsible for replanting any trees or shrubs that may be killed by root damage during excavation?

Response: Yes, the awarded bidder shall be responsible for replanting any trees or shrubs that may be damaged or/and killed as per the Specification, pg 98, Section 02480 Landscaping, Part 3, 3.03.F

2. **Question:** Section 01380 part 1.04 Video Recordings. The description appears to allude to a road construction project, would still photographs of pre construction, construction and completion be sufficient for this project?

Response: No, per the specifications a video recording on digital video disks (DVD) will be required for preconstruction records. It is in the best interest of the awarded bidder to have well documented evidence of existing conditions in case the awarded bidder is accused of damages, i.e. cracked sidewalks, etc. Digital photographs are acceptable for construction progress and completion.

3. **Question:** Is this project prevailing wage?

Response: SEE REPLY IN THIS ADDENDUM #2.

Questions received from WPCS International Incorporated - Sarasota Operations - October 6, 2010

1. **Question:** Did you get any clarification on the Electrical vs. General Contractor issue?

Couple areas in the Statutes:
489.516

Qualifications to practice; restrictions; prerequisites.

- (1) Any person who desires to engage in electrical or alarm system contracting on a statewide basis shall, as a prerequisite thereto, establish his or her competency and qualifications to be certified pursuant to this part. To establish competency, a person shall pass the appropriate examination administered by the department. Any person who desires to engage in contracting on other than a

Questions received from WPCS International Incorporated - Sarasota Operations - October 6, 2010
(Continued)

statewide basis shall, as a prerequisite thereto, be registered pursuant to this part, unless exempted by this part.

- (2) No person who is not certified or registered shall engage in the business of contracting in this state. To enforce this subsection:
- (a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.
 - (b) A county or municipality may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part.

489.537

Application of this part.

- (1) This part applies to any contractor performing work for the state or any county or municipality.
- (2)(a) The scope of electrical contracting shall apply to private and public property and shall include any excavation, paving, and other related work incidental thereto and shall include the work of all specialty electrical contractors. However, such electrical contractor shall subcontract the work of any other craft for which an examination for a certificate of competency or registration or a license is required, unless such contractor is certified or registered or holds a license for the respective trade category as required by the appropriate local authority.

Response: As stated in, 489.516 (3) When a certificate holder desires to engage in contracting in any area of the state, as a prerequisite therefore, he or she shall only be required to exhibit to the local building official, tax collector, or other authorized person in charge of the issuance of licenses and building or electrical permits in the area evidence of holding a current certificate, and to pay the fee for the occupational license and permit required of other persons.

Per discussion with the Manatee County Building Department, it is the Building Department's position that electrical and general contractors alike can obtain a permit to install the generators.

Questions received from Bill Bhame - October 6, 2010

1. **Question:** There are no fence dimensions on the 2 new legs extending out from the fence enclosed area. There is no gate either. Is there a gate and how far out do the legs go?

Response: A new fence shall be installed on/within the existing lift station easement boundary with overall dimensions of 50'x50', excluding the access easement portion. A gate is required and shall be 14 ft wide with double leaf swing gates located on/within the existing easement boundary. The north leg shall be approx. 15 LF and the south leg shall be approx. 21 LF. The existing easement corners will be staked by the Manatee County Survey Department prior to the installation of the new fence.

Questions received from Sunbelt Electric Inc. - October 7, 2010

1. **Question:** Are door flyers and signs necessary for the project?

Response: Yes, per Section 01580. Please note, Section 01580 has a misprint and has been revised. See following Specification modifications.

SPECIFICATIONS:

SECTION 01580 PROJECT IDENTIFICATION AND SIGNS

1. Page 61 of 170, Subpart 1.05.A

DELETE THE FOLLOWING:

1.05 PUBLIC NOTIFICATION

A. Door Hangers: Manatee County Project Management shall generate and the General Contractor shall distribute door hangers to all residents who will be impacted by project construction.

REPLACE WITH:

1.05 PUBLIC NOTIFICATION

A. Door Hangers: The Contractor shall generate and distribute door hangers to all residents who will be impacted by project construction.

End of Question Responses