# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**AgendaTitle:**

**Action Requested:** Motion

**Parties to the Agreement:** Contractor and Gunnison County

**Term Begins:** 2/3/2015 **Term Ends:** 4/30/2015 **Grant Contract #:**

**Summary:**
Bids are not due until January 30, 2015, but we want to award on 2/3/2015 so contractor can begin by 02/14/2015 and finish mid April.

**Fiscal Impact:** Unknown

**Submitted by:** Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

**Finance Review:** (●) Required ( ) Not Required

Comments:

We have $382,500 in Improvements for the GOCO White Water Park project 2015 budget, and other costs (including surveying, engineering, materials and equipment usage, etc.) for a total of $580,980 in expenditures that will ultimately cover this agreement.

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 1/28/2015

**County Attorney Review:** (●) Required ( ) Not Required

Comments:

Reviewed by: GUNCOUNTY1\atrezise Discharge Date: 1/30/2015 Certificate of Insurance Required Yes (●) No ( )

**County Manager Review:**

Comments:

Reviewed by: Discharge Date: 1/30/2015

( ) Consent Agenda (●) Regular Agenda ( ) Worksession Time Allotted: DCM Reports

Agenda Date: 2/3/2015 Follow Up Agenda Date:

*Revised April 2013*

# *Gunnison County Public Works Department*

195 Basin Park Drive
Gunnison, CO 81230

**Phone**: 970-641-0044


**TO:** **Board of County Commissioners**
**Matthew Birnie, County Manager**

**FROM:** **Marlene Crosby** Marlene

**DATE:** **January 31, 2015**

**SUBJECT:** **Whitewater Park Repair Bid**

The results of the bid opening yesterday are attached to this memo. I had a call from Bill Lacy earlier in the week letting me know that he was not going to bid. He has snow plow routes and he was concerned if it snowed enough times he would not be able to finish the job before the water started coming up. He did express a willingness to work with another local contractor if manpower or equipment was needed.

I talked with Nick Spallone yesterday and he is eager to get the work and feels he has a good understanding of what is required after building the first feature. This structure is more complicated and I have advised the engineer that he would need to be on site more with a contractor that had not worked with MacLaughlin previously. I think that is particularly true as they put in the foundation layer.

Art Trezise reviewed the bid documents Friday afternoon and found them to be in order. I have not heard from Ben Nielsen, the Project Engineer, because he teaches at CSU all day on Fridays.

Based on the fact there are no other bids to be rated, and the fact that the bid submitted is within our budget, I recommend that the bid be awarded to Spallone Construction, Inc. Upon approval I will issue the Notice of Award on Tuesday, and the Notice to Proceed as soon as the Pay and Performance Bond is in place.

Thank you.

**White Water Park**
**2015 - Repair Bid Opening**
**Friday, January 30, 2015 - 1:00pm**

| VENDOR | DATE BID RECEIVED | PROPOSAL GUARANTY | RECEIPT OF ADDENDUMS | PROJECT EXPERIENCE | PROJECT TEAM | MITIGATION OF RISKS | BID TOTAL |
|---|---|---|---|---|---|---|---|
| Spallone Const. | 1/30/15 @ 11:08 am | Yes | Yes | Yes | Yes | Yes | 368,831.25 |
| Diggin' H River Works | 1/30/15 @ 12:56 pm | | | | | | No Bid |
| | | | | | | | |
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RECEIVED JAN 3 0 2015
@ 12:56 pm

**Marlene Crosby**

**From:** Brian Barackman <brian.barackman@yahoo.com>
**Sent:** Friday, January 30, 2015 12:52 PM
**To:** Marlene Crosby
**Subject:** Gunnison Whitewater Park Repair

Good after noon Marlene Crosby,
I regret to inform you that I will not be submitting a Bid Proposal. I really like the design and I think it would be a great project for Diggin It River Works Inc. I'm sure you will have great success with Mclaughlin Whitewater Design Group. At this time I am behind on submitting my finacials to my Surety Company yesterday they have informed that $350,000.00 would be my bonding limit until I have my Financials in. With the qauntities I feel It would be insufficient. I also would not be able to Mob/general conditions/overhead for 5%. I thank you for the opportunity and good luck with the project.

Best Regards

Brian Barackman
president/Owner Operator
Diggin' It River Works Inc.
(970)306-2288
*DigginItRiverworks.com*

**00400**

**GUNNISON WHITEWATER PARK REPAIR**

**PROPOSAL**

**TO:** Gunnison County Public Works
c/o Marlene Crosby
195 Basin Park Drive
Gunnison, Colorado 81230

**PROJECT:** **GUNNISON WHITEWATER PARK REPAIR**

Receipt of Addendum №s. 1 are hereby acknowledged.

A. **PROPOSAL:** The undersigned Bidder for the above named project, and being familiar with all contractual requirements, hereby proposes to furnish all labor, furnish and install materials, tools, supplies, equipment, plant, transportation, services, permits and all other things necessary for the completion of the contractual work and pay all taxes, and perform the work in accordance with the requirements and intent of the Contract Documents, including Drawings and Specifications, within the time of completion set forth herein, for and in consideration of the following unit and lump sum prices:

| No. | Item | Quantity | Unit | Unit Price | Extended |
|---|---|---|---|---|---|
| 1 | Mobilization/General Conditions/ Overheads | 1 | LS | $34,550.00 | $34,550.00 |
| 2 | Water Control and Dewatering | 1 | LS | 52,850.00 | 52,850.00 |
| 3 | Demolition, Harvesting & Stockpiling of Existing River Structures | 1 | LS | 21,000.00 | 21,000.00 |
| 4 | Surface Boulders to be Grouted | 9575 | SF | 5.75 | 55,056.25 |
| 5 | Non-Grouted Surface Boulders | 3000 | SF | 5.75 | 17,250.00 |
| 6 | Core Rock to be Grouted | 1000 | SF | 7.00 | 7,000.00 |
| 7 | Feature Boulders to be Grouted | 60 | EA | 200.00 | 12,000.00 |
| 8 | Grout | 380 | CY | 325.00 | 123,500.00 |
| 9 | Reinforced Concrete | 25 | CY | 925.00 | 23,125.00 |
| 10 | Tuning Blocks | 6 | EA | 250.00 | 1,500.00 |
| 11 | Type M Exposed Riprap | 500 | CY | 25.50 | 12,750.00 |
| 12 | Subsurface Cutoff Liner | 3300 | SF | 2.00 | 6,600.00 |
| 13 | Erosion Control Blanket | 330 | SY | 5.00 | 1,650.00 |
| Total (Bid Items 1-13) | | | | | $368,831.25 |





01/30/2014 10:43AM FAX 5207993712 TUCSON KOA FAX 0001/0001

FIRM NAME SPAZZONE CONSTRUCTION, INC.

BY Nick SPAZZONE (NICK SPAZZONE) TITLE PRESIDENT

STATE OF INCORPORATIONS COLORADO

FIRM'S ADDRESS P.O.B. 1145

GUNNISON, CO.

PHONE 970-641-9033 FAX 970-641-3179

DATES THIS 30TH DAY OF JANUARY, 2015 ~~2003~~

ATTEST: Brenda S Spatlen
Corporation Secretary

(CORPORATION SEAL)

# BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, Spallone Construction, Inc.

PO Box 1145, Gunnison, CO 81230 as Principal, and

Washington International Insurance Company as Surety, are hereby

held and firmly bound unto Gunnison County Public Works Department as OWNER

in the penal sum of Five Percent (5%) of Total Amount Bid

for the payment of which, well and truly to be

made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed, this 30th day of January, 2015.

The Condition of the above obligation is such that whereas the Principal has submitted to

Gunnison County Public Works Department a certain BID, attached hereto

and hereby made a part hereof to enter into a contract in writing, for the

Gunnison Whitewater Park Repair

NOW, THEREFORE,

(a) If said BID shall be rejected, or

(b) If said BID shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said BID) and shall furnish a BOND for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said BID,

then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.



XDP

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its BOND shall be in no way impaired or affected by any extension of the time within which the OWNER may accept such BID; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Spallone Construction, Inc. (L.S.)
Principal

By: _____

Washington International Insurance Company
Surety

By: _____
Ashley K. Anderson Attorney-in-Fact

IMPORTANT - Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

## NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY

## GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Schaumburg, Illinois, each does hereby make, constitute and appoint:

TIMOTHY J. BLANCHARD, ANITA C. KELLER, ASHLEY K. ANDERSON, BROOKE DIANA LEE BECK, TERRI L. REESE, VICKIE GOLOBIC, ROBERT CHARLES TORREZ, JONATHAN B. LAND and BRIAN MAYER

JOINTLY OR SEVERALLY

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

FIFTY MILLION ($50,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 9th of May, 2012:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."

NORTH AMERICAN SPECIALTY INSURANCE COMPANY CORPORATE SEAL 1973 NEW HAMPSHIRE

By _____
Steven P. Anderson, Senior Vice President of Washington International Insurance Company & Senior Vice President of North American Specialty Insurance Company

By _____
David M. Layman, Vice President of Washington International Insurance Company & Vice President of North American Specialty Insurance Company

WASHINGTON INTERNATIONAL INSURANCE COMPANY CORPORATE SEAL NEW HAMPSHIRE

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 27th day of February, 2014.

**North American Specialty Insurance Company**
**Washington International Insurance Company**

State of Illinois
County of Cook ss:

On this 27th day of February, 2014, before me, a Notary Public personally appeared Steven P. Anderson, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and David M. Layman, Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.

"OFFICIAL SEAL"
DONNA D. SKLENS
Notary Public, State of Illinois
My Commission Expires 10/06/2015

Donna D. Sklens, Notary Public

I, Jeffrey Goldberg, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 30th day of January, 2015.

Jeffrey Goldberg, Vice President & Assistant Secretary of
Washington International Insurance Company & North American Specialty Insurance Company

Capability of Contractor to Perform Work

*Fill out the table on next page. Provide photos of (3) three relevant projects including loose and grouted boulder work. Describe construction method/process for boulder placement and grouting of boulders. Reference project photos to chart.*

Previous Project Experience Chart

| No. | Project Name | Owner | Owner's Contact | Cost | Major Work Elements (see key below) | Alternative Delivery Approach Used (y/n) |
|---|---|---|---|---|---|---|
| 1 | GUNNISON WATERPARK STRUCT. #1 | GUNNISON COUNTY | MARLENE CROSBY | $45,000.00 | 2, 5, 6, 9, 10 | |
| 2 | ESTESS RANCH E. RIVER | HENRY ESTESS | HENRY ESTESS 214-415-8758 | $200,000.00 PLUS | 1, 4, 5, 6, 9, 10 | |
| 3 | SLATE RIVER BANK STABIL | C.B. LAND TRUST | DANELLE BEAMER | $20,000.00 | 5, 6, 9 | |
| 4 | RIPRAP, SHEET PILE, DIVERSION PIPE | SYNDER RANCHES | STEVE SYNDER 970-708-8016 | 40,000.00 | 1, 5, 6, 9 10 | |
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Major Work Element Key (use for column 6)

1. Pipe or Box Culvert Installation
2. Grouted Boulders
3. Sculpted Concrete
4. Structural Concrete
5. Bank Protection
6. Stream Stabilization
7. Concrete Flat Work
8. Bridge
9. Water Control
10. Environmental Treatment

Experience and Qualifications of Proposed Construction Team

*Fill out the table below. Additional information such as resumes may be attached.*

Proposed Project Team

| Name | Position | Years with Company | Projects Worked on (use project no. above) |
|---|---|---|---|
| BEN COMMERFORD | FOREMAN | 16 | 1, 2, 3 |
| RANDY RAYMOND | FOREMAN | 14 | 1, 2, 4 |
| SEAN CASPER | FOREMAN | 6 | 1, 2, 4 |
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