

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers
FROM/PHONE: Bruce Bernard/797-1240 by Herb Hyman/797-1016
SUBJECT: Resolution
AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND ACCEPTING THE BID TO REPAIR THE ROOF AT IVANHOE FIRE STATION DAMAGED DURING HURRICANE WILMA.

REPORT IN BRIEF: The roof at the Ivanhoe Fire Station was severely damaged during Hurricane Wilma creating a threat to loss of public property and a possible interruption of essential government services. The acting Town Administrator brought this issue to the attention of the Town Council at the meeting of November 2, 2005. The repair to the roof was sure to exceed the \$25,000 threshold for formal bidding. Council approval to waive the normal formal bid procedure was requested so that we could move forward with emergency repairs necessitated by the hurricane damage. Council approved the waiving of the formal bid process as long as staff obtained informal bids and the Town Attorney agreed that there was no violation of the Charter by taking such action. Attached are three (3) informal bids and the Town Attorney's opinion. The lowest bid was submitted by Olen Waldrep & Sons Roofing, Inc.

PREVIOUS ACTIONS: Not applicable

CONCURRENCES: The recommended award has been reviewed by the Public Works/Capital Projects Director and the Procurement Manager who concur with the decision to award to Olen Waldrep & Sons Roofing, Inc. The Town Attorney's office concurs that waiving formal bidding for this emergency repair is in compliance with FSS and the Town's Charter.

FISCAL IMPACT:

Has request been budgeted? yes

If yes, expected cost: \$102,320.00

Account Name: Public Works- Building Maintenance Account

Number 054-0259-594-0430

Additional Comments: Not applicable

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s):

Three (3) informal bids

Town Attorney's opinion dated November 3, 2005

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND ACCEPTING THE BID TO REPAIR THE ROOF AT THE IVANHOE FIRE STATION DAMAGED DURING HURRICANE WILMA.

WHEREAS, the Ivanhoe Fire Station roof sustained significant damage during Hurricane Wilma; and

WHEREAS, the acting Town Administrator requested Council permission to waive formal bidding and proceed with emergency repairs to the roof at the November 2, 2005 Council meeting; and

WHEREAS, Council directed staff to obtain informal bids; and

WHEREAS, the Town Council waived formal bidding pending the Town Attorney's opinion regarding any violation of Charter by taking such action; and

WHEREAS, after review, the Town Council wishes to waive formal bidding and accept the bid of Olen Waldrep & Sons Roofing, Inc. to repair the roof at the Ivanhoe Fire Station

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council hereby waives formal bidding and accepts the bid of Olen Waldrep & Sons Roofing, Inc. to proceed with emergency repairs to the Ivanhoe Fire Station roof which was damaged by Hurricane Wilma in the amount of \$102,320.00.

SECTION 2. The Town Council hereby authorizes the expenditure from the Public Works-Building Maintenance Account Number 054-0259-594-0430.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2005

reg 33879

Olen Waldrep & Sons Roofing Inc.
5801 MAYO STREET, HOLLYWOOD, FL 33023

954-474-3333
954-981-4185
Fax 954-472-6754

ESTIMATE - CONTRACT

STATE LICENSE
CCCO14767
RCCO2162Z
BROWARD 78-372R / DADE 14281

BBE
NRCA
FHA
FRSA

New Roofs Re-Roofs Repairs

Town of Davie	11/07/2005
Dave Fire Department Building	
Starting Rd and Volunteer Rd.	
Dave	
FL 33331	FL

EMERGENCY REROOF ESTIMATE

Typical Specification

- Remove remaining existing roof down to wood decking, including all existing metals, vents and stacks.
- Replace all damaged wood as needed at \$85.00 per sheet of plywood and \$5.50 per foot for fascia and rafter splicing. NOTE: This work is to be done above contract price.
- Re-nail all existing decking to current code.

Flat Roof Specifications

- Install 1 ply of base sheet mechanically fastened to code.
- Install 1 ply of ply 4 fiberglass felt with hot asphalt.
- Install 24 gauge galvanized perimeter metal to match metal roof system.
- Install new lead flashings and metal vents.
- Install 1 ply of Modified Bitumen mineral surface cap sheet with hot asphalt.

Sloped Roof Specifications

- Install 1 ply of ASTM # 30lb felt tagged to code.
- Install 1 ply of class A fire rated felt over entire roof prior to metal installation.
- Install Engler 1300 series 24 gauge galvalume Standing Seam (standard color) metal 16" c.c 1.5" rib single lock roof system, including matching eavestrip, flashing hip and ridge according to manufacturers specifications.
- Install new lead flashings and metal vents.

GENERAL

- Remove all trash upon completion.
- Price includes material, labor, permits and taxes.
- Provide a 5-year labor and material warranty upon completion.

One Hundred Thousand Three Hundred Twenty dollars and no/100
\$103,320.00
15% upon contract signing, 35% upon start of project, 25% upon single metal delivery, balance upon completion.

- All work to be done or guaranteed shall be set forth in specifications. No promises, verbal or otherwise, will be valid.
- In the event payment is not made as stated in specifications, all fees incurred in collection, such as attorney fees, court costs, collection agencies are to be paid by signer or owner.
- Any interruption in the work signed upon in this contract which is not the fault of Olen Waldrep & Sons Roofing Inc. or beyond the control of same, will be billed according to time and material cost.
- This warranty is not assignable and is not subject to alterations, except by written agreement executed by an officer of the contractor.
- Work done, or attempted to be done, on this roof by other than Olen Waldrep & Sons Roofing Inc. or their authorized agents relieves the contractor from any further obligation hereunder.
- Olen Waldrep & Sons Roofing, Inc. will not be held responsible for leaks that may occur in any other area of roof as a result of rafter, reroofing or on roof additions.
- Olen Waldrep & Sons Roofing, Inc. will not be held responsible for any structural damage to rafters, trusses, fascia and/or decking or anything above or below the roofing deck possibly caused by a storm or hurricane.
- Olen Waldrep & Sons Roofing, Inc. will not be held responsible for hidden damages such as water intrusion, mold, insect infestation, etc.
- Olen Waldrep & Sons Roofing, Inc. will obtain all permits, licenses, and insurance.

To: Elewa

req 33879

DAVIE: 864-792-ROOF (7663)
 N. BROW: 864-588-ROOF (7663)
 S. BROW: 864-981-ROOF (7663)
 DADE: 868-881-ROOF (7663)
 FAX: 864-984-ROOF (7663)
 1-877-981-ROOF (7663)

Paul Barge Roofing Inc.
 Proposal

STATE CERT. OC C053691
 LICENSED AND INSURED
 7000 S.W. 21ST PLACE
 DAVIE, FLORIDA 33317
 Member of
 Better Business Bureau

PROPOSAL SUBMITTED TO		DATE	PHONE
NAME <u>Dan</u>		<u>11/30/15</u>	
STREET		JOB NAME	
		<u>TOWN OF DAVIE</u>	
CITY		STREET	
		<u>FIRE DEPT. BLDG</u>	
STATE	ZIP	CITY	STATE
		<u>DAVIE</u>	

We hereby submit specification and estimate for

PREP. WORK

Remove existing roof to a clean workable surface and dispose of debris.

Replace rotten sheathing at \$ _____ per lineal foot includes carpentry.

Install new lead flashing to all plumbing vent stacks.

Install new 26 gauge 16" galvanized metal to all valleys and eaves.

Exposed Not Exposed

Type of roof to be removed: FELT

SHINGLES

Install # _____ base sheet.

Install _____ in. eave drip metal.

Install _____ fiberglass fungus resistant shingles.

Mfg. _____ Color _____

Repair

FIBERGLASS / MODIFIED

Install # 43 base sheet as per code.

Install 2 plys of ply IV fiberglass felt.

Install 2 1/2 in. eave drip metal.

Install mineral surface FIBERGLASS cap sheet.

GRAVEL

Install # _____ base sheet as per code.

Install _____ plys of ply IV fiberglass felt.

Install _____ in. gravel stop metal.

Embed gravel w/ a flood coat of hot asphalt.

TILE

Install # _____ base sheet.

Install _____ in. eave drip metal.

Install #90 tile underlayment with hot asphalt.

Install _____ tile set in _____

SCOPE ROOFS - INSTALL 30# FELT
- INSTALL STANDING SEAM METAL ROOF

PRICE INCLUDES PERMIT FEES, DUMP FEES, ETC

We hereby propose to furnish labor and materials complete in accordance with the above specifications for the sum of
ONE HUNDRED SEVEN THOUSAND (circle) 107,000.00

Payment to be made as follows: 10% DOWN - 50% AT START

METHOD OF PAYMENT: 50% TO BE PAID DAY OF COMPLETION

NOTE TO BUYER, GENERAL CONTRACTOR OR OWNER: Paul Barge Roofing Inc. hereby proposes to furnish the above labor and material in accordance with the above specifications & details at a fixed price of _____ a fixed price upon completion to and the balance as work progresses in detail. 10% to work completed. Payment to be made upon completion of the job.

WARRANTY TO ORIGINAL OWNER: Paul Barge Roofing Inc. warrants workmanship for a period of FIVE years and retains the right to supervise or inspect all work subsequently performed by other parties to the job, for a reasonable fee. Without the cooperation or inspection, all work done by any other party is not covered. Warranty is transferable to a new owner within 90 days of completion. Subject to payment and payment of 10% of contract price. All materials furnished will be as specified and work as to be complete in a workmanlike manner according to our best practices. Any work on or outside from above specifications will become an extra charge over and above the estimate of labor and material costs of our agreement.

Paul Barge Roofing Inc. will accept the reasonable cost when performing the work, but cannot be held responsible for any material or damage to sidewalks, gutters, shrubbery, swimming pools, decks, patios or exterior areas or below ground. The contractor is held responsible for water damage to the interior or exterior of the premises. CUSTOMER IS URGED TO COVER PLUMBING AND ELECTRICAL PRIOR TO THEIR PROPERTY. We cannot assume responsibility for any damage done to the roof by other contractors or parties. Paul Barge Roofing, Inc. cannot be held responsible for damage done to any property by third party contractors or any other work being done. Such work will be detailed on an additional change.

THIS CONTRACT IS SUBJECT TO OFFICE APPROVAL

Accepted Signature: [Signature]

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and the work is accepted. Paul Barge Roofing, Inc. is authorized to do the work as specified. Payment will be made as called for above. This proposal for the purpose of a contract upon signed and accepted. I have read and agree to the above conditions or stated on the front and back of this contract.

ACCEPTED: _____ Date _____

DATE _____



2640 S.W. 155th Lane, Davie, FL 33331
(954) 472-0741 • Fax (954) 472-6149

seq 33879

AGREEMENT

Date 11-14-05

To TOWN OF DAVIE
6591 Orange Drive
Davie, FL 33314

PROJECT NAME <u>Davie Fire Dept. Bldg.</u>	
ADDRESS <u>Sterling Rd + Volunteer Rd</u>	
<u>Davie</u>	PHONE
ARCHITECT'S NAME	
ADDRESS	
	PHONE
CONSTRUCTION LENDER'S NAME	
ADDRESS	
	PHONE

Schedule for Completion of Work:

Approximate Starting Date _____

Approximate Completion Date _____

The Contractor and Owner have determined that a definite completion date

is of the essence is not of the essence

Description of Work: Contractor will furnish all materials and perform all labor in a good, workmanlike and substantial manner for the following described project upon the following described property:

Description of Project: See pg. 2, attached.

Description / Location of Property: _____

ALTERNATE ROOF SYSTEM - STANDING SEAM ON SLOPED AREA Add 29,550

Payment Schedule: Owner will pay the Contractor the sum of \$ 78,750.30 (Additional Price 103,300.30) in installments as follows:

<u>50%</u>	<u>Upon start of project.</u>	<u>39,375.16</u>
<u>25%</u>	<u>Upon shingle/metal delivery</u>	<u>19,687.58</u>
<u>25%</u>	<u>Balance upon completion</u>	<u>19,687.56</u>

Terms and Conditions: The terms and conditions on the reverse side of this document are expressly incorporated into this Agreement, with the exception of the following noted paragraphs:

See pg. 3, attached. UA

Special Provisions:

See pg. 3, attached. UA

Acceptance of Agreement

<u>[Signature]</u> AUTHORIZED SIGNATURE	<u>11/15/05</u> DATE	<u>[Signature]</u> OWNER SIGNATURE	<u>11-17-05</u> DATE
<u>CG0031494</u> CONTRACTOR LICENSE NO.		<u>[Signature]</u> SIGNATURE	DATE

Additional Agreement Provisions on reverse

MONROE D. KIAR
TOWN ATTORNEY
TOWN OF DAVIE
6191 SW 45th Street, Suite 6151A
Davie, Florida 33314
(954) 584-9770

MEMORANDUM

DATE: November 3, 2005
TO: Ken Cohen, Assistant Town Administrator
CC: Mayor and Councilmembers
FROM: Monroe D. Kiar, Town Attorney 
RE: Public Construction Project / emergency
Control Number:

Pursuant to the request of the Town Council at the November 2, 2005 meeting of the Town Council, this office has conducted legal research regarding the ability of the Town to forego a formal competitive bidding process in completing repairs to several Town owned buildings damaged by Hurricane Wilma. As this office previously indicated at the Town Council meeting, the construction or repair of public buildings is regulated under the auspices of Chapter 255, F.S. Specifically, the construction or repair of publicly owned buildings is governed by Section 255.20, F.S. It should be noted that this Section also provides that under specific circumstances, a municipality may utilize procedures expressly set forth in the municipality's charter, ordinance or resolution.

Upon review of Section 255.20, F.S., it is indicated within Subsection (a) that the provisions requiring a municipality to utilize a competitive bidding process does not apply when the project is undertaken to repair an existing facility damaged or destroyed by a sudden unexpected turn of events, "such as an act of God...or other urgent circumstances, and such damage or destruction creates: a. an immediate danger to the public health or safety; b. Other loss to public or private property which requires emergency government action; or c. an interruption of an essential governmental services." It is clear that the damages caused by Hurricane Wilma can be described as resulting from an "act of God". However, it must be determined that the damages to the buildings create either an immediate danger to the public health, requires emergency government action or will cause an interruption to essential governmental service. It is the opinion of this office that such a declaration would require a resolution of the Town Council referencing Section 255.20 (a) (1) and indicating that this provision is applicable to the situation at bar.

With respect to the provisions of the Code of Ordinances that the Town must comply with, Section 2-318 defines contracts awarded for construction within the definition of purchases. Additionally, in accordance with Ordinance 88-70 and Section 2-325 of the Town Code entitled "Emergency purchases", the Town may, "upon proper showing, authorize emergency expenditures and dispense with the formal requirements for bidding therein." Accordingly, within the resolution cited above, the Town should reference Section 2-325 of the Town Code and deem the purchase to be an emergency.

Finally, this office reviewed the Florida Statutes and the Town Code of Ordinances with respect to any alternative procedures that the Town would be required to utilize in place of formal competitive bidding. This office found no alternative procedures within either authority. However, with regard to professional services or any applicable provision of Chapter 287, the Town must comply with these provisions. Additionally, Section 2-316 of the Town Code provides some guidance for a procedure to utilize for purchase without utilizing a formal competitive bidding process.

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