

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

November 16, 2009

CALL TO PODIUM:

Peter Geiling

RESPONSIBLE STAFF:

Peter Geiling
James D. Arnoult

AGENDA ITEM:

(please check one)

| | |
|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Presentation |
| <input type="checkbox"/> | Proclamation/Certificate |
| <input type="checkbox"/> | Appointment |
| <input type="checkbox"/> | Public Hearing |
| <input type="checkbox"/> | Historic District |
| <input type="checkbox"/> | Consent Item |
| <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Policy Discussion |
| <input type="checkbox"/> | Work Session Discussion Item |
| <input type="checkbox"/> | Other: |

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

| | |
|-------------------|--|
| Introduced | |
| Advertised | |
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| | |
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| | |
| | |
| Hearing Date | |
| Record Held Open | |
| Policy Discussion | |

TITLE:

Resolution of the Mayor and City Council Authorizing the City Manager to Extend the Contract for the Public Work Facility Water Penetration Repair Project, Phase II

SUPPORTING BACKGROUND:

Background: On October 6, 2008, the City Council approved a resolution authorizing the City Manager to enter into a contract with Standard Restoration and Waterproofing Company, Inc. to complete repairs to the Public Works Facility below grade walls to resolve issues with water penetration into the building work spaces. The contract authorized work for Phase I, which was completed in February 2009. However, the contract required further authorization by the City Council to proceed to the next Phase.

Standard Restoration and Waterproofing performed their Phase I obligations in a professional and diligent manner, working through severe weather conditions including snow, ice, and rain completing the project on time and on budget.

City staff worked with the engineer and contractor to revise the drawings to address the areas most likely responsible for the water infiltration, reducing the original Phase II work scope and estimate from \$579,000 to \$151,300. Staff recommends a twenty percent contingency or \$30,260 bringing the total requested funds to \$181,560. Staff thinks a twenty percent contingency is required due to unforeseen conditions related to the below grade work.

Fiscal Impact: There are sufficient funds budgeted in the Capital Improvement Program for this project.

DESIRED OUTCOME:

Vote on Resolution

Resolution Request Form

**REQUEST FORM FOR RESOLUTIONS PERTAINING
TO EXPENDITURES FROM THE CITY BUDGET
(CONTRACTS/PURCHASES, TRANSFER FUNDS)**

(Please attach the Mayor and Council Agenda Cover Sheet to this Form. For contracts/purchases, the Cover Sheet MUST include a list of all bidders and bid amounts.)

Requested by: Peter Geiling Date of City Council Meeting: November 16, 2009

AUTHORIZING

Purchase _____ Award Contract X Transfer Funds _____ Negotiate / Execute a Contract _____

RFP INFORMATION:

Advertisement Date July 9, 2008

Newspaper(s) Washington Post

Bids Received (date) August 25, 2008

DESCRIPTION OF ITEM(S):

(Be specific; include quantity, item name, model number, etc.)

Extend the contract for the Public Works Water Penetration Repairs Project to complete phase II, ITB #2009-004.

CONTRACTED/PURCHASE FROM:

Company Name: Standard Restoration and Waterproofing Company

Street Address: 4749-A Clifton Road

P. O. Box Number: _____

City/State/Zip: Temple Hills, Maryland 20748

CONTRACT/PURCHASE AMOUNT: \$151,300 plus \$30,260 contingency

Check One: In the Estimated Amount of X Not to Exceed _____

FUNDS TO BE EXPENDED FROM: Operating Budget _____ Capital Improvements Budget ✓

Acct. No. 3149 – 591100 – 98-1 (\$181,560)

594000

(For Finance Department use only; not to be included in the Resolution)

VERIFICATION OF AVAILABILITY OF FUNDS

Available ✓ Not available _____

[Signature]
Finance Dept.

11.09.09
Date

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXTEND THE CONTRACT FOR THE
PUBLIC WORKS FACILITY WATER PENETRATION REPAIR PROJECT, PHASE II

WHEREAS, an Invitation For Bid (IFB) for Construction Services for the Public Works Water Penetration Project was duly advertised in the July 9, 2008 issue of the *Washington Post*, and bids were received on August 25, 2008; and

WHEREAS, the Mayor and City Council approved Resolution R-102-08 authoring the City Manager to negotiate and execute a contract with the lowest responsive and responsible bidder; and

WHEREAS the City Manager executed a contract with Standard Restoration and Waterproofing Company, Inc on October 30, 2008; and

WHEREAS, Standard Restoration and Waterproofing Company, Inc. completed Phase I of the work in accordance with the general terms and special conditions of the contract; and

WHEREAS, the contract provides the option to award Phase II of the contract in calendar year 2009 under the terms and conditions included in the contract:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that the City Manager be and is hereby authorized to extend the contract for Construction Services for the Public Works Water Penetration Repair Project with Standard Restoration & Waterproofing Company, Inc, 4749-A Clifton Road, Temple Hills, Maryland 20748, in the estimated amount of One Hundred Fifty Thousand Three Hundred Dollars (\$151,300), with a Thirty Thousand Two Hundred Sixty Dollars (\$30,260), construction contingency for a total of One Hundred Eighty-One Thousand Two Hundred Dollars (\$181,560); said funds to be expended from the Capital Improvements Budget.

ADOPTED by the Mayor and City Council this 16th day of November, 2009.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 16th day
of November, 2009.

Angel L. Jones, City Manager

RESOLUTION NO. R-102-08

RESOLUTION OF THE MAYOR AND CITY COUNCIL REJECTING ALL BIDS FOR THE PUBLIC WORKS WATER PENETRATION REPAIR PROJECT, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE LOWEST REPONSIVE AND RESPONSIBLE BIDDER

WHEREAS, an Invitation For Bid (IFB) for Construction Services for the Public Works Water Penetration Project was duly advertised in the July 9, 2008 issue of the *Washington Post*, and bids were received on August 25, 2008 from two companies; and

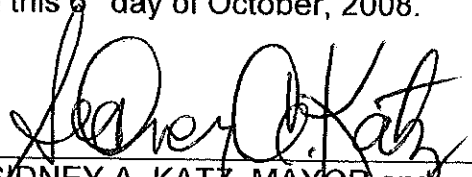
WHEREAS, one of the two bids was deemed non-responsive; and

WHEREAS all bids were substantially above the City's construction budget; and

WHEREAS, the Mayor and Council has rejected all bids and authorize the City Manager to negotiate and execute a contract with the lowest responsive and responsible bidder:

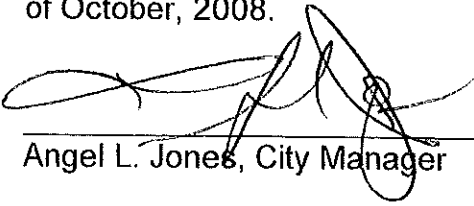
NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that the City Council hereby rejects all bids and hereby authorizes the City Manager to negotiate and execute a contract for Construction Services for the Public Works Water Penetration Project with Standard Restoration & Waterproofing Company, Inc, 4749-A Clifton Road, Temple Hills, Maryland 20748, in the estimated amount of Two Hundred Nine Thousand Eight Hundred Dollars (\$209,800), with a Twenty Thousand Two Hundred Dollars (\$20,200) construction contingency for a total amount of Two Hundred Thirty Thousand Two Hundred Dollars (\$230,000); said funds to be expended from the Capital Improvements Budget.

ADOPTED by the Mayor and City Council this 6th day of October, 2008.



SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in public meeting assembled on the 6th day of October, 2008.



Angel L. Jones, City Manager

**CONTRACT FOR: PUBLIC WORKS FACILITY MOISTURE
PROTECTION REPAIR PROJECT
IFB 2009-004 / CIP 98-1**

THIS CONTRACT, made this 16th day of October, 2008, by and between the City of Gaithersburg, a municipal corporation of the State of Maryland, hereinafter called the "City", and

Standard Restoration & Waterproofing Co., Inc., 4749-A Clifton Rd., Temple Hills, MD
(Name and Address of the Contractor) 20748

Hereinafter called the "Contractor" for the PUBLIC WORKS FACILITY MOISTURE PROTECTION REPAIR PROJECT.

The Contractor hereby covenants and agrees with the City that the Contractor will well and faithfully construct the project in accordance with each and every one of the conditions, covenants, stipulations, terms and provisions contained in the specifications, drawings, bidder information and general conditions relating to the project at the prices stated in the bid heretofore submitted to the City by the Contractor, and will well and faithfully comply with and perform each and every obligation imposed upon Contractor by said documents.

The Contractor further agrees that the City shall have the option to award Alternate #2 of the Public Works Facility Moisture Protection Repair Project to Contractor in calendar year 2009 upon the terms, conditions, and prices included in the Contractor's bid heretofore submitted to the City by the Contractor, and Contractor agrees, if so awarded, to well and faithfully comply with and perform each and every obligation imposed upon Contractor by said documents.

The City hereby covenants and agrees with the Contractor that it will pay to the Contractor, when due and payable under the terms of said documents, such sums as are provided for in said documents and it will well and faithfully comply with and perform each and every obligation imposed upon it by said documents.

The Contractor at all times shall observe and comply with all Federal and State laws, and local laws, ordinances and regulations in any manner affecting the public contracting bid and award procedures, conduct of the work, and all such order or decrees as exist at present and those which may be enacted later, of bodies or tribunals having any jurisdiction or authority over the work.

The Contractor shall indemnify against and save harmless the City and its officers, agents and employees from and against all losses and all liabilities, expenses, and other detriments of every nature and description (including attorney's fees) to which the City and its officers, agents, and employees may be subjected by reason or any act of omission of the Contractor or of any of the Contractor's subcontractors, employees,

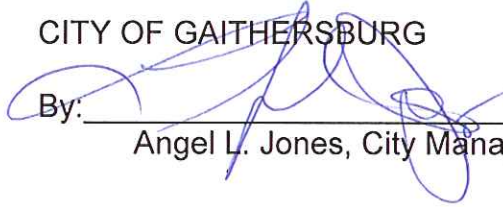
IFB #2009-004
Public Works Facility Moisture Protection Repair Project

agents, invitees or licensees, where such loss, liability, expense or other detriments arise out of or in connection with the performance of work under this Contract, including, but not limited to, personal injury and loss of or damage to property of the City or others.

The Contractor hereby covenants that Contractor will pay to the City the sum of **\$300 per day** for each working day required for the completion of the contract in addition to the time specified in the General Conditions.

IN WITNESS WHEREOF, the City and the Contractor have caused this Contract to be executed as of the dates set forth below.

CITY OF GAITHERSBURG

By:  10/30/08
Angel L. Jones, City Manager

City Seal

10.30.08
DATE

By: , President
(Duly Authorized Signature) TITLE

CONTRACTOR (if sole proprietor or partnership) :

10/16/08
Date

_____(Seal)
_____(Seal)
_____(Seal)
_____(Seal)

TRADING AS: _____

APPROVED FOR
LEGAL SUFFICIENCY

