

CITY COUNCIL MINUTES-Draft

March 6, 2017

b) Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Filter Building Repairs at the Troy Family Aquatic Center

Resolution #2017-03-036-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material, and labor to repair and restore the Filter Building at the Troy Family Aquatic Center to the low bidder meeting specifications, *Usztan, LLC of Auburn Hills, MI*, for an estimated total cost of \$58,600.00; as contained in the bid tabulation opened February 23, 2017, a copy of which shall be **ATTACHED** to the original Minutes of this meeting,

BE IT FINALLY RESOLVED, That the contract is **CONTINGENT** upon contractor's submission of properly executed bid and contract documents, including insurance certificates, and all other specified requirements.

Yes: Baker, Henderson, Hodorek, Pennington, Slater, Abraham

No: None

Absent: McCown

MOTION CARRIED

PURCHASE ORDER

No. 2017-00000578
DATE: 03/08/2017
PAGE: 1 of 1
FOB DESTINATION

Ship To

CITY OF TROY
Parks and Recreation
3179 LIVERNOIS
TROY, MI 48083

Bill To

CITY OF TROY
Parks and Recreation
3179 LIVERNOIS
TROY, MI 48083

COUNCIL RESOLUTION
2017-03-036-J-4b

VENDOR NO. 102011

Vendor

USZTAN CONSTRUCTION
261 COLLIER ROAD
AUBURN HILLS, MI 48326-1405

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1	Each	Filter Building - TFAC Provide and furnish all labor, materials, supervision, equipment and all necessary items for the furnishing and installing of Filter Building repairs and restoration as per all bid specifications and pricing of ITB-COT 17-01. Pricing detail is attached and shall include the Alternates for Exterior Re-Coating Repairs and Emergency Shower and Eye Wash Station System Replacement. Contact Steve Pallotta, Building Operations Director to coordinate work. 248 524 3503. PROJECT TO BE COMPLETED BY 5/1/2017.	58,600.0000	\$58,600.00
				\$58,600.00

Entered By: MaryBeth Murz

Special Instructions:

CITY COUNCIL AWARD DATE: 3/6/2017. CERTIFICATE OF INSURANCE & ENDORSMENT SHALL BE ON FILE FOR DURATION OF PROJECT.

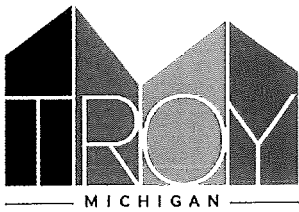
TERMS & CONDITIONS

- Purchases of Municipalities are exempt from State Sales and Federal Excise Taxes.
- Prior to acceptance, vendor agrees to provide City with information under the Right-to-Know Law, P.A. 1986, No. 80, and fully comply with all terms and conditions of the Michigan Occupational Safety and Health Act, MCL 408.1001, et seq. including vendor shall provide City with an "MSDS". Vendor also agrees to be responsible for all required labeling.
- In cases of emergency/disaster, the City can purchase up to six(6) times the order amount for a period of six(6) months at the price contained in the contract.
- Purchase Orders are signed electronically based upon computer generated "on-line" authorized approvals. Authentic signatures are on file in the City of Troy Purchasing Department.

NOTICE: The City could put the vendor on notice that vendors will be held financially responsible for any claims or awards made against the City as a result of the vendor's action. If the City has to defend the initial lawsuit, the City will bring in the vendor as a co-defendant or sue the vendor, either as the result of settling a claim or the conclusion of the lawsuit.

I HEREBY CERTIFY THAT THIS ORDER IS PROPERLY AUTHORIZED AND APPROVED.

MaryBeth Murz



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: March 2, 2017

To: Brian Kischnick, City Manager

From: Mark Miller, Director of Economic Development
Tom Darling, Director of Financial Services
MaryBeth Murz, Purchasing Manager *NBM*
Elaine Bo, Recreation Director *EB*
Steve Pallotta, Building Operations Director
Kelly Molinar, Recreation Supervisor *KM*

Subject: Standard Purchasing Resolution 2 – Award to Low Bidder Meeting Specifications – Filter Building Repairs at Troy Family Aquatic Center

History

- The Troy Family Aquatic Center is 25 years old and has only had minor repairs done to the filter building.
- The filter building at the Aquatic Center is in need of major repairs due to age and chemicals decomposing parts of the building.
- The roof is leaking and the electrical is failing which is creating a safety issue for staff and putting the pool equipment at risk.
- The building structurally is also failing due to the degradation of the structure from chemicals used for the pool.

Purchasing

On February 23, 2017, a bid opening was conducted as required by City Charter and Code to furnish all equipment, material and labor for the repairs and restoration of the Troy Family Aquatic Center filter Building. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info. Two (2) bid responses were received. Below is a detailed summary of potential vendors:

Companies notified via MITN	771
Troy Companies notified via MITN	28
Troy Companies - Active email Notification	26
Troy Companies - Active Free	2
Companies that viewed the bid	61
Troy Companies that viewed the bid	5

MITN provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.

Active MITN members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.

Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City.

Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

- After reviewing the bid proposals, *Usztan, LLC of Auburn Hills, MI* was the low bidder meeting all specifications and was also the company that successfully completed the TFAC slide repairs.
- The detailed Bid tabulation is attached.

\$58,600. -
Comp. by 5/1/2017



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

- A post bid meeting was held with Usztan to discuss and ensure a complete understanding of the scope of work and the project timeline.

Financial

Funds are available and budgeted in the Aquatic Center Capital Account. The Project# is 2017C0046.

Recommendation

City management recommends awarding a contract to furnish all equipment, material, and labor to make all necessary repairs and restoration at the Troy Family Aquatic Center Filter Building to the low bidder, *Usztan, LLC of Auburn Hills, MI* for an estimated total cost of \$58,600.00, at prices contained in the bid tabulation dated February 23, 2017.

Vendor Name:

Usztan, LLC

Auburn Hills, MI

Bid Deposit

#2011471010

PROPOSAL: Filter Building at the City of Troy Family Aquatic Center; furnishing all labor, materials, supervision, equipment and all necessary items for the furnishing and installing of all work as per the bid specifications for the filter building at the Troy Aquatic Center.

Work Item#	DESCRIPTION	UNITS	ESTIMATED QUANTITY	UNIT PRICES	EXTENSION
1.0	Mobilization	LS	LS		\$ 3,900.00
2.0	Interior - Structural Steel Support Repairs	LS	Two (2) Locations		\$ 1,850.00
3.0	Interior - Structural Steel Prep & Paint Repairs	LS	310 SF		\$ 3,090.00
4.0	Interior - Filter Tanks Support Legs Prep & Paint Repairs	LS	12 Legs Total (Two Tanks)		\$ 900.00
5.0	Interior - Electrical Conduit Replacement Repairs	LF	180 LF	\$ 13.33	\$ 2,400.00
6.0	Interior - Unit Heater Replacement Repairs	LS	One (1) Unit		\$ 4,920.00
7.0	Exterior - Roofing System Replacement Repairs	LS	480 SF		\$ 16,225.00
8.0	Exterior - Artificial Rock Crack Repairs	LF	100 LF	\$ 21.50	\$ 2,150.00
8.1	Exterior - Artificial Rock Surfaces Specialized Cleaning	LS	2200 SF		\$ 1,975.00
8.2	Exterior - Artificial Rock Surfaces Sealer Application	LS	10K SF		\$ 4,638.00
9.0	Exterior - Platform Curbing Cove Sealant Replacement Repairs	LS	160 LF		\$ 1,176.00
9.1	Exterior - Slab-On-Grade Cove Sealant Replacement Repairs	LS	250 LF		\$ 2,148.00
9.2	Exterior - Slide Flume Edge Sealant Replacement Repairs	LS	50 LF		\$ 768.00
10.0	Exterior - Concrete Walkway Crack Repairs	LS	10 LF		\$ 432.00
11.0	Exterior - Selective Traffic Coating Replacement Repairs	SF	175 SF	\$ 4.94	\$ 864.00
12.0	Exterior - Ground Surface Re-Profiling Repairs	LS	750 SF		\$ 2,400.00

TOTAL BASE BID, LUMP SUM QUOTE, WORK ITEMS 1.0 - 12.0:

\$ 49,836.00

ALTERNATES:

13.0	Exterior - Traffic Coating Comprehensive Re-coating Repairs	LS	1400 SF		\$ 6,904.00
14.0	Interior - Emergency Shower & Eye Wash Station System Replacement	LS	1 EA		\$ 1,860.00

TOTAL BID, LUMP SUM QUOTE W/ ALTERNATE:

\$ 58,600.00

Contact Information:

Hours

7am-4:30pm

Phone No

248-895-4106

Progress Payments

Per Specification

References

Y

Insurance

Y

Acknowledgements

Y

Forms

Y

Exceptions

N

ATTEST:

Sue Reisterer

Kelly Molinar

Enna Bachelor

Indicates low bidder meeting specifications.

MaryBeth Murz,
Purchasing Manager

CITY OF TROY
 BID TABULATION
 FILTER BUILDING - TROY AQUATIC CENTER

ITB-COT 17-01

Page 2 of 2

Vendor Name:

BNE SERVICES, LLC

Livonia, MI

Bid Deposit

1458764

PROPOSAL: Filter Building at the City of Troy Family Aquatic Center; furnishing all labor, materials, supervision, equipment and all necessary items

Work Item#	DESCRIPTION	UNITS	ESTIMATED QUANTITY	UNIT PRICES	EXTENSION
1.0	Mobilization	LS	LS		\$ 4,396.00
2.0	Interior - Structural Steel Support Repairs	LS	Two (2) Locations		\$ 4,277.00
3.0	Interior - Structural Steel Prep & Paint Repairs	LS	310 SF		\$ 6,724.00
4.0	Interior - Filter Tanks Support Legs Prep & Paint Repairs	LS	12 Legs Total (Two Tanks)		\$ 720.00
5.0	Interior - Electrical Conduit Replacement Repairs	LF	180 LF		\$ 5,146.00
6.0	Interior - Unit Heater Replacement Repairs	LS	One (1) Unit		\$ 5,232.00
7.0	Exterior - Roofing System Replacement Repairs	LS	480 SF		\$ 10,920.00
8.0	Exterior - Artificial Rock Crack Repairs	LF	100 LF		\$ 500.00
8.1	Exterior - Artificial Rock Surfaces Specialized Cleaning	LS	2200 SF		\$ 5,083.00
8.2	Exterior - Artificial Rock Surfaces Sealer Application	LS	10K SF		\$ 10,339.00
9.0	Exterior - Platform Curbing Cove Sealant Replacement Repairs	LS	160 LF		\$ 800.00
9.1	Exterior - Slab-On-Grade Cove Sealant Replacement Repairs	LS	250 LF		\$ 1,250.00
9.2	Exterior - Slide Flume Edge Sealant Replacement Repairs	LS	50 LF		\$ 384.00
10.0	Exterior - Concrete Walkway Crack Repairs	LS	10 LF		\$ 735.00
11.0	Exterior - Selective Traffic Coating Replacement Repairs	SF	175 SF		\$ 3,307.00
12.0	Exterior - Ground Surface Re-Profiling Repairs	LS	750 SF		\$ 4,147.00

TOTAL BASE BID, LUMP SUM QUOTE, WORK ITEMS 1.0 - 12.0:

\$ 63,960.00

ALTERNATES:

13.0	Exterior - Traffic Coating Comprehensive Re-coating Repairs	LS	1400 SF		\$ 4,581.00
14.0	Interior - Emergency Shower & Eye Wash Station System Replacement	LS	1 EA		\$ 1,959.00

TOTAL BID, LUMP SUM QUOTE W/ ALTERNATE:

\$ 70,500.00

Contact Information:

Hours
 Phone No
 Progress Payments
 References
 Insurance
 Acknowledgements
 Forms
 Exceptions

248-345-4277

Blank

Y

Y

Y

Y

N

STANDARD PURCHASING RESOLUTION 2 – Low Bidder Meeting Specifications

RESOLVED, That Troy City Council hereby AWARDS a contract to furnish all equipment, material, and labor to repair and restore the Filter Building at the Troy Family Aquatic Center to the low bidder meeting specifications, *Usztan, LLC of Auburn Hills, MI* for an estimated total cost of \$58,600.00; as contained in the bid tabulation opened February 23, 2017, a copy of which shall be ATTACHED to the original Minutes of this meeting,

BE IT FINALLY RESOLVED, that the contract is CONTINGENT upon contractor's submission of properly executed bid and contract documents, including insurance certificates, and all other specified requirements.



**CITY OF TROY
BID PROPOSAL**

ITB-COT 17-01
Page 1 of 8

The undersigned proposes to **PROVIDE REPAIRS AND RESTORATION AT THE CITY OF TROY AQUATIC CENTER FILTER BUILDING** in accordance with the attached specifications and diagrams that are to be considered an integral part of this proposal, at the following prices:

COMPANY NAME: _____

Usztan LLC

The bid document contains the following sections:

Instructions to Bidders (2 pages)	Statement of No Bid (1 page)
Bid Proposal (8 pages)	Specifications – Work Items (21 pages)
Forms (8 forms)	Pictures (19 pages)
Public Act 57 (2 pages)	Repair Plan Drawing (1 page)
Consent of Surety - sample (1 page)	
Sample Insurance Certificate (3 pages)	

PROPOSALS: The undersigned as bidder declares that he/she having examined the plans and specifications with the related documents and the sites of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, including availability of materials and labor, hereby proposes to furnish all labor, equipment materials, and supplies, to complete the program in accordance with the bid specifications, within the time set forth therein, and at the prices stated below. These prices are to cover all expenses incurred in performing the work required under the contract documents, of which this Proposal is part.

BID PROPOSAL: Provide all labor, materials, tools, equipment and supervision required for the furnishing and installing all work herein described and/or shown on the drawings.

BASE BID: Provide all labor, materials, tools, equipment, supervision and insurance and all other items required for miscellaneous steel support, concrete, waterproofing, HVAC and electrical systems related repairs and restoration at the City of Troy Aquatic Center Filter Building and other related "Work", as defined in the Construction Documents.

BASE BID PRICE: Forty Nine Thousand, Eight Hundred, Thirty Six

UNIT PRICES:

Unit prices prevail. The City of Troy Purchasing Department will correct all mathematical errors.

BASE BID LUMP SUM:

In submitting this bid, the Bidder acknowledges that all Work Item quantities are estimates and that the Owner may increase or decrease these quantities at the unit prices stated. Owner may also exclude or eliminate any Work Item(s).

**AQUATIC CENTER FILTER BUILDING
TROY, MICHIGAN**
**TEC PROJECT NO: 56286
FEBRUARY 2017**
**BASE BID FORM
(To be returned by Contractor)**
2. BASE BID LUMP SUM (cont'd)

In submitting this bid, the Bidder acknowledges that all Work Item quantities are estimates and that the Owner may increase or decrease these quantities at the unit prices stated. Owner may also exclude or eliminate any Work Item(s).

W.I. NO.	DESCRIPTION	UNITS	ESTIMATED QUANTITY	UNIT PRICES	EXTENSION
1.0	Mobilization	LS	LS	----	\$3,900. ⁰⁰
2.0	Interior - Structural Steel Support Repairs	LS	Two (2) Locations	----	\$1,850. ⁰⁰
3.0	Interior - Structural Steel Prep & Paint Repairs	LS	310 SF	----	\$3,090. ⁰⁰
4.0	Interior - Filter Tanks Support Legs Prep & Paint Repairs	LS	12 Legs Total (Two Tanks)	----	\$900. ⁰⁰
5.0	Interior - Electrical Conduit Replacement Repairs	LF	180 LF	\$13.33	\$2,400. ⁰⁰
6.0	Interior - Unit Heater Replacement Repairs	LS	One (1) Unit	----	\$4,920. ⁰⁰
7.0	Exterior - Roofing System Replacement Repairs	LS	480 SF	----	\$16,225. ⁰⁰
8.0	Exterior - Artificial Rock Crack Repairs	LF	100 LF	\$21. ⁵⁰	\$2,150. ⁰⁰
8.1	Exterior - Artificial Rock Surfaces Specialized Cleaning	LS	2200 SF	----	\$1,975. ⁰⁰
8.2	Exterior - Artificial Rock Surfaces Sealer Application	LS	10K SF	----	\$4,638. ⁰⁰
9.0	Exterior - Platform Curbing Cove Sealant Replacement REPAIRS	LS	160 LF	----	\$1,176. ⁰⁰
9.1	Exterior - Slab-On-Grade Cove Sealant Replacement Repairs	LS	250 LF	----	\$2,148. ⁰⁰
9.2	Exterior - Slide Flume Edge Sealant Replacement REPAIRS	LS	50 LF	----	\$768. ⁰⁰
10.0	Exterior - Concrete Walkway Crack Repairs	LS	10 LF	----	\$432. ⁰⁰
11.0	Exterior - Selective Traffic Coating Replacement Repairs	SF	175 SF	\$4.94	\$864. ⁰⁰
12.0	Exterior - Ground Surface Re-Profiling Repairs	LS	750 SF	----	\$2,400. ⁰⁰

TOTAL BASE BID, LUMP SUM QUOTE, WORK ITEMS 1.0 THROUGH 12.0\$49,836.⁰⁰

ALTERNATES:

13.0	Exterior - Traffic Coating Comprehensive Re-Coating	LS	1400 SF	----	\$6,904. ⁰⁰
14.0	Interior - Emergency Shower & Eye Wash Station System Repl.	LS	1 EA	----	\$1,860. ⁰⁰

TOTAL BID, LUMP SUM QUOTE W/ALTERNATES\$58,600.⁰⁰

MANDATORY PRE-BID MEETING:

A Mandatory Pre-Bid Meeting will be held on Thursday February 9, 2017 at 2:00pm at the Troy Aquatic Center Building 3425 Civic Center Drive, Troy, Michigan 48084. The meeting will be held with prospective bidders to answer and/or clarify questions regarding bid specifications and site plans.

ADDITIONAL INFORMATION:

For additional information or questions concerning this project, please contact Mr. Steve Pallotta, Building Operations Director at (248) 524-3503 or PallotaSA@troymi.gov between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday.

SITE INSPECTIONS:

All bidders should examine the site to determine the amount and scope of work to be performed as per the bid specifications. Bidders are required to field verify exact service points with the utility company prior to submitting bid proposal. If the bidder does not make a site inspection, that bidder accepts full responsibility and risk for any errors or omissions in his/her bid proposal.

PERMITS:

All work performed must meet City and State Code. The Contractor shall obtain all applicable and required permits and arrange for inspections. All fees for said permits will be waived.

BID DEPOSIT AND FORFEITURE:

The bid deposit of the lowest bidder shall be forfeit if, after bid opening, a change in the bid price or other provision of the bid is required by the bidder that is prejudicial to the interest of the City of Troy or fair competition.

AWARD:

The evaluation and award of this bid shall be a combination of factors, including but not limited to: cost, professional competence, equipment, references, and the correlation of the bid proposal submitted to the needs of the City of Troy.

The City of Troy reserves the right to award this bid to the lowest responsible bidder meeting specifications for each proposal; to combine proposals if deemed in the City's best interest to do so; to reject low bids which have major deviations from specifications; to accept a higher bid which has only minor deviations, whatever is deemed to be in the City of Troy's best interest

DOWNPAYMENTS AND PREPAYMENTS:

Any bid submitted which requires a down payment or prepayment of any kind prior to delivery of material and acceptance, as being in conformance with specifications will not be considered for award.

DELIVERY:

All materials are to be F.O.B. delivered, freight paid, to the Troy Community Center work site.

CONTACT INFORMATION:

Hours of operation: 7 a.m. to 4:30 p.m. 24 Hr. Contact Phone No. 248-895-4106

LOCAL PREFERENCE:

The City of Troy reserves the right to award a contract to a local business, one that pays City of Troy taxes (real and/or personal), if the bid of a local vendor is within 5% of the lowest responsive and responsible non-local bidder, then the local vendor is given one chance to match the low bid.

PURCHASE ORDER:

After the Troy City Council has approved the award, the City of Troy Purchasing Department will send an award letter to the successful bidder(s). The successful bidder(s) once notified, will be required to submit the specified bonds. A purchase order will be issued in approximately one-week and released, once acceptable bonds and insurance are received. A purchase order issued in conjunction with the Contract Form (provided in the Forms Section) from the City of Troy will create a bilateral contract between the parties, and the successful bidder(s) shall commit to perform the contract in accordance with specifications.

COMPANY NAME: Usztan LLC

CONTRACT FORMS:

Bidders should complete the Legal Status of Bidder, Non-Collusion Affidavit, Certification regarding Debarment and the Certification regarding Iran linked Business forms and return with your bid proposal.

CONTRACT TERMINATION: The City of Troy shall reserve the right to terminate the contract upon written notice due to poor performance. The City of Troy designated representative will be solely responsible for determining acceptable performance levels. His/her decision will be deemed in the City of Troy's best interest and will be final. The City of Troy reserves the right to re-award the contract to the next low bidder or re-bid the contract.

TERMINATION FOR CONVENIENCE:

The City may cancel the contract for its convenience, in whole or in part, by giving the contractor written notice 30 days prior to the date of cancellation. If the City chooses to cancel this contract in part, the charges payable under this contract shall be equitably adjusted to reflect those services that are cancelled.

PROGRESS PAYMENTS:

The City of Troy will consider a progress payment schedule for work as completed in accordance with specifications. (See Supplemental General Conditions, page 1 of 2 and General Conditions, Section 7; page 6 of 10). The Project Construction Manager will have final approval of the schedule as presented. No payments for work will be made until the designated City representative approves the work as complete in accordance with specifications. Prior to release of the final payment, consent of surety document (A1A Document G707) will be required and signed by the surety Company. The City of Troy reserves the right to reject the payment schedule if deemed necessary, and determine the final schedule.

Proposed Payment

Schedule Per specification

(Please submit an attachment identified as _____ if more space is necessary.)

REFERENCES:

The City of Troy requires that your company list at least three (3) clients who have recently had similar work performed by your company during the past three years.

COMPANY: City of Troy
ADDRESS: 500 W. Big Beaver Troy, MI 48064
PHONE: 248-680-7291 CONTACT: Mary Beth Muir
EMAIL: M.MUIR@Troymi.gov

COMPANY: City of Pleasant Ridge
ADDRESS: 23925 Woodward Avenue
PHONE: 248-541-2901 CONTACT: Scott Pietrzak
EMAIL: recreation@cityofpleasantridge.com

COMPANY: City of Sterling Heights
ADDRESS: 40555 Utica Rd.
PHONE: 586-446-2489 CONTACT: Denise Gerstenberg
EMAIL: dgerstenberg@sterling-heights.net

MICHIGAN CONSTRUCTION LIEN ACT:

The bidder agrees that, if awarded the Contract he/she will abide by all requirements of the Michigan Construction Lien Act (P.A. 1980, No. 497) as amended and effective March 1, 1982, and to provide full and complete Sworn Statements on Owner-approved forms.

COMPANY NAME: Usztan LLC

PUBLIC ACT 57:

Public Act 57 requires contractors to provide certain notices to governmental entities concerning improvements on real property; to allow for modifications of contracts for improvement of real property; to provide for remedies; and to repeal acts and parts of acts. This contract shall comply with all applicable provisions of Public Act 57 [a copy of the act is attached for reference (2 pages)].

BOND SUBMITTAL:

Subsequently, upon notice of award to the successful bidder, the Contractor shall qualify for, sign, and deliver to the City of Troy an executed Performance Bond, an executed Labor and Materials Payment Bond, and an executed one-year Maintenance Bond secured by a surety company, acceptable to the City of Troy by being licensed to do business in Michigan, and be included on the U. S. Treasury Department Surety List and/or have a rating of A (-) or better by A. M. Best, and/or Standard and Poor, on standard AIA forms, each in the amount of one hundred percent (100%) of the contract sum. Attorneys-in-fact who sign such bonds must attach a certified copy of their Power of Attorney when the bonds are submitted.

SUBCONTRACTORS:

The undersigned agrees to submit a list of proposed subcontractors, if applicable, for approval by the designated City representative within 72 hours after notification of being the low qualified bidder. The Contractor shall list the name and address of the proposed Subcontractors and sub-subcontractors when required by the City. Approval of a Subcontractor or sub-subcontractors will not be given unless and until it is determined by the City that he/she is qualified to perform the type and magnitude of work proposed and shall have executed a Subcontract or sub-subcontract in a form acceptable to the City. It will be understood that this may occur prior to bid award, but the bidder's status will not be final until approved by the Troy City Council.

The Contractor shall abide by the provisions set forth therein. Any item of work performed by other than the Contractor or approved Subcontractors will be considered as unauthorized and shall not be paid for under the provision of the Contract.

COMPLETION SCHEDULE:

The work shall commence upon City Council Approval. It is intended to make a recommendation to City Council at the March 6, 2017 meeting. A work schedule shall be provided to Mr. Steve Pallota, Director of Building Operations. The designated City representative shall approve the work schedule prior to the start of the project. His/her decision as to acceptability shall be deemed in the City of Troy's best interest. The City of Troy is the only party to this contract that may authorize amendment of this schedule. The contractor is required to start the project within 10 working days after notification to proceed. Project Completion Date: May 1, 2017.

IMPORTANT INFORMATION:

The City shall have the right to require by written order, changes in, additions to, or deductions from the work required by the Contract Documents provided that if changes, additions, or deductions are made, the general character of the work as a whole is not changed thereby. Adjustments in the Contract price, if any, because of any change, addition, or deduction in the work, shall be determined as hereinafter provided, and any claim for extension of time for completion shall be adjusted at the time of ordering the change, addition, or deduction. No claim for change, addition, or deduction, or adjusting of price, or extension of time for completion thereof, shall be made or allowed unless done in pursuance of written order from the City specifically authorizing such change, addition, or deduction. Drawings without a written order shall not be considered such authority. Written notice of such claims shall be made to the designated City representative before the commencement of the work. Where the written order diminishes the quality of work to be done, this shall not constitute a basis for a claim for damages or anticipated profits on the work that may be dispensed with.

COMPANY NAME: Usztan LLC

Insurance requirements shall be in accordance with the attached **SAMPLE INSURANCE CERTIFICATE** and **ENDORSEMENT**. The required Insurance Certificate and Endorsement must be submitted to the city within 5 days of the verbal/ electronic request after the bid award. The Insurance Certificate and Endorsement may be faxed to the Purchasing Office at (248) 619-7608, and is the only bid document accepted in this format.

The contractor, or any of their subcontractors, shall not commence work under this contract until they have obtained the insurance required, and shall keep such insurance in force during the entire life of this contract. All coverage shall be with insurance companies licensed and admitted to business in the State of Michigan and acceptable to the City of Troy. The requirements below should not be interpreted to limit the liability of the Contractor. All deductibles and self-insured retentions (SIR's) are the responsibility of the Contractor.

- ☒ We can meet the specified insurance requirements.
- ☐ We cannot meet the specified insurance requirements.
- ☐ We do not carry the specified limits but can obtain the additional insurance coverage of \$ _____, at the cost of \$ _____.
NOTE: Please note the amendments on a sample insurance certificate and attach it to your bid proposal.
- ☐ Our proposal is reduced by \$ _____ if we lower the requirement to \$ _____.
NOTE: Please note the amendments on a sample insurance certificate and attach it to your bid proposal.

IMPORTANT: A Certificate of Insurance on an ACORD Form showing present coverage as well as the required endorsements SHALL be attached to the proposal document at the time of submission of the proposal to the Office of the City Clerk.

NOTE: Failure on the part of any bidder to contact his/her insurance carrier to verify that the insurance carried by the bidder meets City of Troy specifications may result in this proposal being completed incorrectly.

OTHER: Sole proprietors must execute a certificate of exemption from Worker's Compensation requirements or provide proof of Worker's Compensation Insurance. All coverage shall be with insurance carriers licensed and admitted to do business in Michigan in accordance with all applicable statutes of the State of Michigan and acceptable to the City of Troy.

INSURANCE VERIFICATION:

A bidder shall complete the above portion, which details additional costs that may be incurred for specified coverage without purchasing the additional coverage prior to bid submission.

WORKERS' COMPENSATION INSURANCE, including Employers' Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

COMMERCIAL GENERAL LIABILITY INSURANCE on an "Occurrence Basis" with limits of liability not less than \$1,000,000.00 per occurrence and aggregate. Coverage shall include the following extensions: (A) Contractual liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent, if not already included; (E) Deletion of all Explosion, Collapse, and Underground (XCU) Exclusions, if applicable.

AUTOMOBILE LIABILITY, including Michigan No-Fault Coverages, with limits of liability not less than \$1,000,000.00 per occurrence combined single limit for Bodily Injury, and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

COMPANY NAME: Usztan LLC

ADDITIONAL INSURED:

Commercial General Liability and Automobile Liability, as described in the attached SAMPLE shall include an Additional Insured Endorsement stating the following shall be ***Additional Insureds***: The City of Troy including all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and council members, including employees and volunteers thereof. It is understood and agreed by naming the City of Troy as additional insured, coverage afforded is considered to be primary and any other insurance the City of Troy may have in effect shall be considered secondary and/or excess.

CANCELLATION NOTICE:

All policies, as described above, shall include an endorsement stating that it is understood and agreed that Thirty (30) days, Ten (10) days for non-payment of premium, Advance Written Notice of Cancellation, Non-Renewal, Reduction, and/or Material Change shall be mailed to:

City of Troy
Purchasing Manager
500 West Big Beaver
Troy, MI 48084

PROOF OF INSURANCE COVERAGE:

The Contractor shall provide the City of Troy, at the time that the contracts are returned by him/her for execution, a Certificate of Insurance as well as the required endorsements. In lieu of required endorsements, if applicable, a copy of the policy sections where coverage is provided for additional insured and cancellation notice would be acceptable. Copies or certified copies of all policies mentioned above all shall be furnished, if so requested.

If any of the applicable coverages expire during the term of this contract, the Contractor shall deliver renewal certificates and endorsements to the City of Troy at least ten (10) days prior to the expiration date.

LETTER VERIFICATION:

The recommended bidder will be notified to submit a letter from the *insurance agent or carrier* that the insurance to be supplied will meet specifications. As an alternative, the recommended bidder may submit the certificate of insurance meeting specifications at this time at his/her option. ***The City must receive this letter or certificate within 5 business days after verbal / electronic notification has been delivered to the recommended bidder or the bidder will be considered non-responsive and the bid un-awardable.*** This process will occur before presentation of the award recommendation to the Troy City Council.

FINAL INSURANCE CERTIFICATE SUBMISSION:

After approval by Troy City Council, the City's Purchasing Manager will review the insurance certificates and endorsements to ensure all acceptable documents have been received and allow (5) business additional days after verbal / electronic notification to submit final insurance certificate(s) in accordance with specifications. The City of Troy reserves the right to WITHHOLD AND KEEP any bid surety for failure to comply. The company will be considered in default of contract and will be barred from doing business with the City of Troy for a minimum of three (3) years for failing to meet insurance requirements.

COMPANY NAME: _____

Ustan LLC

SIGNATURE PAGE

PRICES:

Prices shall remain firm for 60 days or bid award, whichever comes first, except the successful bidder(s) whose prices shall remain firm through project completion and final acceptance in accordance with the bid specifications.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: _____

NOTE: The undersigned has checked carefully the bid figures and understands that he/she shall be responsible for any error or omission in this bid offer and is in receipt of all addenda as issued.

TAX ID: 43-2078744

COMPANY: Usztan LLC

ADDRESS: 261 Collier Street CITY: Albion Hills STATE: MI ZIP: 48326

PHONE: (248) 332-7448 FAX NUMBER: (248) 332-7452

REPRESENTATIVE NAME: Boris Usztan

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: _____

PAYMENT TERMS: yes WARRANTY: yes

CHECK INCLUDED: yes COMPLETION: _____

EMAIL: bosztan @ usztan .com

EXCEPTIONS:

Any exceptions, substitutions, deviations, etc. from the City of Troy specifications and this bid proposal must be stated below. The reason for the exception(s), deviation(s), substitution(s), are an integral part of this bid offer.

ACKNOWLEDGEMENT:

I, Boris Usztan, certify that I have read the **Instructions to Bidders** (2 Pages) and that the bid proposal documents contained herein were obtained directly from the City's Purchasing Department or the MITN website, www.mitn.info and is an official copy of the Authorized Version.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: _____

IMPORTANT: All City of Troy purchases require a **MATERIAL SAFETY DATA SHEET**, where applicable, in compliance with the MIOSHA "Right to Know" Law. Please include a copy of any relevant MSDS at the time of bid submission.

NOTE: The City of Troy, at their discretion, may require the bidder(s) to supply a Financial Report from an impartial Financial Credit Reporting Service before award of contract.

US FUNDS: All prices are to be quoted in U. S. Currency.



Legal Status of Bidder:

The Bidder shall fill out the appropriate form and strike out the other two:

~~A corporation duly organized and doing business under the laws of the State of _____ for
whom _____, bearing the office title of _____,
whose signature is affixed to this proposal, is duly authorized to execute contracts.~~

A partnership, all members of which, with addresses, is: Usztan, LLC

Boris Usztan

261 Collier Rd, Auburn Hills, MI 48326

Andrij Usztan

261 Collier Rd, Auburn Hills, MI 48326

~~AN INDIVIDUAL, WHOSE SIGNATURE IS AFFIXED TO THE PROPOSAL:~~



CITY OF TROY
OAKLAND COUNTY, MICHIGAN
NON-COLLUSION AFFIDAVIT

TO WHOM IT MAY CONCERN:

Boris Usztan, being duly sworn deposed, says that he/she
(Print Full Name)

is Vice President. The party making the foregoing proposal or bid,
(State Official Capacity in Firm)

that such bid is genuine and not collusion or sham; that said bidder has not colluded, conspired, connived, or agree, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding and has not in any manner directly or indirectly sought by agreement or collusion, or communication or conference, with any person to fix the bid price or affiant or any other bidder, or to fix any overhead, profit, or cost element of said bid price, or that of any other bidder, or to secure the advantage against the City of Troy or any person interested in the proposed contract; and that all statements contained in said proposal or bid are true.

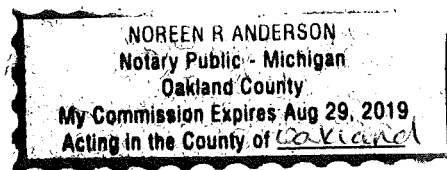
[Signature]
SIGNATURE OF PERSON SUBMITTING BID

Noreen R Anderson
NOTARY'S SIGNATURE

Subscribed and sworn to before me this 23rd day of February, 2017 in and for
Oakland County.

My commission expires:

8-29-2019





**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies, to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, and declared ineligible, or voluntarily excluded from participation in transactions under any non-procurement programs by any federal, state or local agency.
2. Have not, within the three year period preceding, had one or more public transactions (federal, state, or local) terminated for cause or default; and
3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) and have not, within the three year period preceding the proposal, been convicted of or had a civil judgment rendered against it:
 - a. For the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction (federal, state, or local), or a procurement contract under such a public transaction;
 - b. For the violation of federal, or state antitrust statutes, including those proscribing price fixing between competitors, the allocation of customers between competitors, or bid rigging; or
 - c. For the commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

I understand that a false statement on this certification may be grounds for the rejection of this proposal or the termination of the award. In addition, the general grant of this authority exists within the City's Charter, Chapter 12, Section 12.2- Contracts.

☒ I am able to certify to the above statements.

Usztan LLC

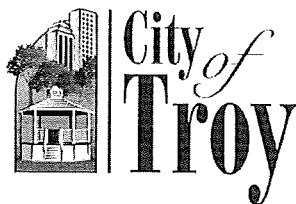
Name of Agency/Company/Firm (Please Print)

Boris Usztan, Vice President

Name and title of authorized representative (Please Print)

[Signature]
Signature of authorized representative
Date

☐ I am unable to certify to the above statements. Attached is my explanation.



**VENDOR CERTIFICATION
THAT IT IS NOT AN
"IRAN LINKED BUSINESS"**

Pursuant to Michigan law, (the Iran Economic Sanctions Act, 2012 PA 517, MCL 129.311 et seq.), before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must first certify that it is not an "IRAN LINKED BUSINESS", as defined by law.

Vendor	
Legal Name	Usztan LLC
Street Address	261 Collier Rd.
City	Auburn Hills
State, Zip	MI 48326
Corporate I.D. Number/State	B 6079L
Taxpayer I.D. #	43-2078744

The undersigned, with: 1.)full knowledge of all of Vendors business activities, 2.)full knowledge of the requirements and possible penalties under the law MCL 129.311 et seq. and 3.) the full and complete authority to make this certification on behalf of the Vendor, by his/her signature below, certifies that: the Vendor is NOT an "IRAN LINKED BUSINESS" as require by MCL 129.311 et seq., and as such that Vendor is legally eligible to submit a bid and be considered for a possible contract to supply goods and/or services to the City of Troy.

Signature of Vendor's Authorized Agent:

Printed Name of Vendor's Authorized Agent:

Boris Usztan

Witness Signature:

Noreen Anderson

Printed Name of Witness:

Noreen Anderson

ADDITIONAL INFORMATION: For additional information, questions concerning this project, or to schedule another site visit please contact Steve Pallotta, Director of Building Operations at (248) 524-3503 or pallottaSA@troymt.gov between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday.

PERMITS: All work performed must meet City and State code. The contractor shall obtain all applicable and required permits and arrange for inspections. All fees for permits will be waived.

PREVAILING WAGES: This is not a prevailing wage project.

Scope of Work Clarifications: Paul Stutsman from TEC reviewed the Scope of Work and has additionally provided clarifications and changes to the Scope of Work which shall now be incorporated into the Bid specifications; which is attached and identified as TEC Report #56286-004 ENM.

Attachments include:

TEC Report #56286-004 ENM (3 Pages)
REVISED Base Bid Form (1 Page)
Additional Pictures Detail 3A, 3B, and 22 (3 Pages)

MaryBeth Murz gave everyone an additional opportunity to ask any other questions; which there were none. She also reminded attendees that further questions should be emailed directly to the Purchasing Manager; which if required would necessitate an additional Addendum and would include the QUESTION(S) and the ANSWER(S).

Prior to the issuance of this Addendum no other additional questions have been received from prospective bidders.

I, the undersigned bidder, have read this Addendum 1 and have integrated the clarification(s) and or change(s) into the *Bid Proposal* and *Specifications* for ITB-COT 17-01, FILTER BUILDING - TFAC at 3425 Civic Center Drive. All other items in the original bid proposal remain the same. This Addendum 1 should be attached to the top of the Bid Proposal packet and the REVISED Base Bid Form shall be submitted at the time of submission, on or before **Thursday, February 23, 2017 at 10:00 AM EDT** in the office of the City Clerk.

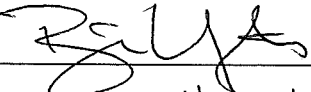
COMPANY:

USZTAN LLC

NAME OF AUTHORIZED COMPANY REPRESENTATIVE:

BORIS USZTAN.

SIGNATURE:



ADDRESS:

261 Collier Rd.

Auburn Hills, Mi 48326.

DATE:

2/22/2017.