

TOWN OF MALABAR

REQUEST FOR PROPOSAL (RFP) 11-01

Paving Overlay Services - LaCourt Lane

The Town of Malabar invites proposals from qualified road pavers, licensed and insured in the State of Florida, to provide **Paving Overlay Services for LaCourt Lane** in the Town of Malabar.

TIME AND DATE DUE: Five (5) signed copies of the proposal and one electronic copy must be received no later than 2:00 p.m., **May 9th, 2011**. Responses shall be labeled "Paving Overlay Services for La Court Lane RFP" and shall be delivered to the following address:

Town of Malabar
Town Clerk
2725 Malabar Road
Malabar, FL 32950

FOR INFORMATION, CONTACT:

Debby Franklin, Town Clerk/Treasurer
E-MAIL: townclerk@townofmalabar.org
or

Debby Franklin, Town Clerk/Treasurer
Town of Malabar
2725 Malabar Road
Malabar, FL 32950

Questions and comments must be received no later than close of business, **May 2, 2011**. Proposers, their agents, and associates shall not contact or solicit any Town Council, Town employee, or official regarding this RFP during any phase of this RFP. Failure to comply with this provision may result in disqualification of the Proposer, at the option of the Town. Only that individual listed, as the contact person listed above, shall be contacted.

Published on Demand Star: _____.

Posted on Town of Malabar Website:

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I. INSTRUCTIONS

PROPOSERS MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS TO BE CONSIDERED FOR SELECTION

A. Proposal Form Delivery Requirements

Proposals received after the stated time and date will not be considered. It shall be the sole responsibility of the Proposer to have their proposal delivered to the Town of Malabar, Town Clerk's office for receipt on or before the stated time and date.

If proposals are sent via U.S. Mail, the Proposer shall be responsible for its timely delivery to the Town of Malabar's Town Clerk. Proposals delayed by the U.S. mail shall not be considered, and arrangements shall be made for their return at the Proposer's request and expense.

B. Clarification & Addenda

Each Proposer shall examine all RFP documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions, or requests concerning interpretation, clarification, or additional information pertaining to the RFP shall be made through the Town Clerk. The Town shall not be responsible for oral interpretations given by any Town employee, representative, or others. The issuance of a written addendum is the only official method whereby interpretation, clarification, or additional information can be given.

If any addenda are issued to this RFP, the Town will attempt to notify all prospective Proposers who have secured same. However, it shall be the responsibility of each Proposer, prior to submitting their proposal, to contact the Town Clerk at townclerk@townofmalabar.org to determine if addenda were issued.

C. Sealed & Marked

Five (5) signed copies of your proposal and one electronic copy shall be submitted in one sealed package, clearly marked on the outside, "Paving Overlay Services for LaCourt Lane RFP", and addressed to:

**The Town of Malabar
Town Clerk
2725 Malabar Road
Malabar, FL 32950**

D. Legal Name

Proposals shall clearly indicate the legal name, address, and telephone number of the Proposer (company, firm, partnership, or individual). Proposals shall be signed above the typed or printed name and title of the signer. The signer shall have the authority to bind the Proposer to the submitted proposal.

E. Proposal Expenses

All expenses for making proposals to the Town are to be borne by the Proposer.

F. Disclosure

Upon receipt, responses become "Public Records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes.

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G. Reserved Rights

The Town reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response received by the first submission date may or may not be rejected by the Town, depending on available competition and timely needs of the Town. The Town reserves the right to award the contract to a responsible Proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of the Town. The Town shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final. Also, the Town reserves the right to make such investigation or to request clarifications, as it deems necessary to determine the ability of any Proposer to perform the work or service requested. The Proposer shall provide information the Town deems necessary to make this determination.

The Town of Malabar reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the Town of Malabar and the firm selected.

H. Applicable Laws

The Proposer must be authorized to transact business in the State of Florida. The Proposer must be a licensed Certified Electrician duly licensed with the State of Florida Department of Professional Regulations. All applicable laws and regulations of the State of Florida and ordinances and regulations of the Town of Malabar will apply to any resulting agreement. Any involvement with the Town of Malabar concerning procurement shall be in accordance with the Town of Malabar Procurement Ordinance. Any actual or prospective Proposer who is aggrieved in connection with the solicitation or award of a contract may protest to the Town Council of the Town of Malabar. A protest with respect to this RFP shall be submitted in writing prior to the scheduled opening date of this proposal, unless the aggrieved person did not know and could not have been reasonably expected to have knowledge of the facts giving rise to such protest prior to the scheduled opening date of this proposal. The verbal protest shall be submitted within three working days after publishing of the Notice of Proposal Action. A formal written protest must be filed within seven calendar days of the verbal protest.

I. Code Of Ethics

With respect to this proposal, if any Proposer violates or is a party to a violation of the State of Florida per Florida Statutes, Chapter 112, Part III, Code of Ethics for Public Officers and Employees, such Proposer may be disqualified from performing the work described in this proposal or from furnishing the goods or services for which the proposal is submitted and shall be further disqualified from submitting any future proposals for work or for goods or services for the Town of Malabar.

J. Collusion

By offering a submission to this RFP, the Proposer certifies that the Proposer has not divulged to, discussed, or compared his proposal with other Proposers and has not colluded with any other Proposer or parties to this proposal whatsoever. Also, the Proposer certifies, and in the case of a joint proposal, each party thereto certifies, as to their own organization that in connection with this proposal:

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Any data submitted has been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such data, with any other Proposer or with any competitor;

No attempt has been made or will be made by the Proposer to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition;

The only person or persons interested in this proposal as principal or principals is/are named therein and that no person other than therein mentioned has any interest in this proposal or in the contract to be entered into; and

No person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, accepting bona fide employees or established commercial agencies maintained by the Proposer for the purpose of doing business.

K. Subcontracting / Joint Proposals

If subcontracting or joint proposals are to be done, that fact, and the name of the proposed subcontracting firms, must be clearly identified in the proposal. Following the award of the audit contract, no additional subcontracting will be allowed without the express prior written consent of the Town of Malabar which consent may be withheld in the sole and absolute discretion of the Town.

L. Proposal Term

The Proposal shall remain in effect for term of this project.

M. Lobbying

Proposers, their agents, and associates shall not contact or solicit any Town Council, Town employee, or official regarding this RFP during any phase of this RFP. Failure to comply with this provision may result in disqualification of the Proposer, at the option of the Town. Only that individual listed as the contact person in the specifications shall be contacted.

N. Public Entity Crimes

In accordance with Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or vendor under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

O. Equal Employment Opportunity

The Town of Malabar, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 and the Regulations of the Department of Commerce (15 CFR, Part 8) issued pursuant to such Act, hereby notifies all prospective Proposers that they will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be

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discriminated against on the grounds of race, color, creed, sex, age or national origin in consideration for an award.

P. Americans With Disabilities Act

The Town Council of the Town of Malabar, Brevard County, Florida, does not discriminate upon the basis of any individual's disability status. This nondiscrimination policy involves every aspect of the Town's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for the public meetings specified herein (i.e. Information Conference or Proposal Opening), should contact the person named on the first page of this document at least twenty-four (24) hours in advance of the activity.

Q. Insurance Requirements

The successful vendor, prior to the signing of a contract and before starting any work on this project, must meet the following insurance requirements at the time of contract:

The vendor shall procure and maintain, and require each joint vendor and/or sub-vendor and/or subcontractor to procure and maintain, during the life of this project, the insurance coverage listed below. The policies of insurance shall be primary and written on forms acceptable to the Town and placed with insurance carriers approved and licensed by the Insurance Department in the State of Florida and meet a minimum financial A.M. Best & Company rating of no less than Excellent: VII.

1. Worker's Compensation

Provide Worker's Compensation Insurance on behalf of all employees who are to provide a service for this project, as required under Florida Laws Chapter 440 and Employers Liability of limits no less than:

\$500,000 each accident
\$500,000 disease – policy limit
\$100,000 – each employee

2. Commercial General Liability

This includes but is not limited to bodily injury, property damage and personal injury with limits of not less than:

\$1,000,000 combined single limit per occurrence
\$1,000,000 per location aggregate covering all work performed for this project.

3. Automobile Liability

This is to include bodily injury, property damage liability for all vehicles owned, hired, leased and non-owned with limits of not less than \$1,000,000 combined single limit covering all work performed for this project.

4. Umbrella Liability

This is to include the Employers Liability, General Liability and Automobile Liability in underlying policy schedule, with limits of not less than \$2,000,000.

5. Professional Liability

This is to include limits of not less than \$1,000,000 for professional services rendered in accordance with this project. The vendor shall maintain such insurance for at least two (2) years from the termination of this project.

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R. Indemnification

The Vendor shall pay on behalf of or indemnify and hold harmless the Town, its employees, officers, agents and volunteers from and against any and all claims, actions, damages, fees, fines, penalties, defense costs (including attorneys fees and court costs, whether such fees and costs are incurred in negotiations, collection of attorneys' fees or at the trial level or on appeal), suits or liabilities which may arise out of any actual or alleged negligent act, error, omission, or default of the Vendor (or Vendor's officers, employees, agents, volunteers and subcontractors, if any) performance or failure to perform under the terms of this contract. This indemnification and hold harmless agreement shall survive the termination or expiration of this agreement.

II. NATURE OF SERVICES REQUIRED

A. General

The Town of Malabar is soliciting the services of qualified paving companies to provide **Paving Overlay Services for LaCourt Lane** in the Town of Malabar.

B. Scope Of Work To Be Performed

To provide paving overlay services for LaCourt Lane in the Malabar as detailed in Exhibit "A".

III. DESCRIPTION OF THE GOVERNMENT

A. Contact Persons

The successful vendor's principal contact with the Town of Malabar will be Bonilyn Wilbanks, Town Administrator, or a designated representative, who will coordinate the assistance to be provided by the Town of Malabar to the contractor.

B. Background Information

The Town of Malabar is a political subdivision of the State of Florida. It is a chartered Town governed by an elected Mayor and a five-member elected Town Council.

IV. TIME REQUIREMENTS

A. Notification And Contract Dates

Bid opening (Open to the public)
Tentative contract date

May 9, 2011 @ 2:01 PM
May 20, 2011

B. Schedule For The Proposed Work

Week of

Provide schedule of mowing services for each park.
(Permit and inspections required – fee is waived)

Upon Contract Award

Begin Contractual Services

May 23rd, 2011

V. PROPOSAL REQUIREMENTS

A. Overall Content of Proposal

The following material is required to be included within the proposal package:

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Cover Letter - showing the RFP subject, the legal name, address, email, fax and telephone number of the Proposer (company, firm, partnership, individual). The cover letter shall contain the name, address, email, fax and telephone number of a contact person. The cover letter must be signed and dated by the person who has authority to bind the proposing firm to the submitted proposal.

Table of Contents – The table of contents of the proposal should include a clear and complete identification of the materials submitted by section and page number.

Cost – include the rate for each item identified in Exhibit “A”.

B. Price Proposal

The Proposer should submit a signed, fixed fee performance-based cost proposal for the completion of services in accordance with your proposal including any materials or out-of-pocket expenses for the Town of Malabar and the Proposer.

C. Manner of Payment

Payments will be based on a schedule of payments to be developed within the contract upon award of the contract.

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VI. Exhibit A

SCOPE OF WORK

The Town of Malabar is requesting paving overlay services for La Court Lane in the Town of Malabar.

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Town of Malabar – LaCourt Lane Overlay Project

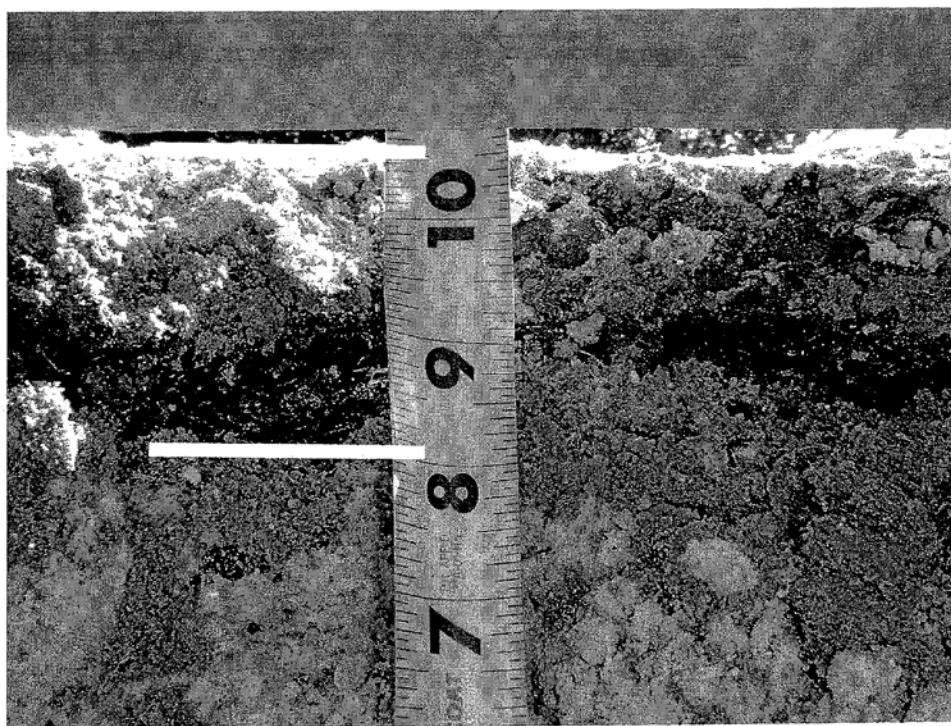
LaCourt Lane: Roadway Specifications:

Length =	2,600 Lineal Feet
Average Width = $(20' + 19' + 21') / 3 =$	20 Feet
2.5" Overlay = $2,600' \times 20' \times 2.5/12 =$	10,833.3 Cubic Feet say 10,850 cu.ft.
10,850 cu.ft. / 27 cu.ft. per cu.yd. =	401 cubic yards

Project Description:

LaCourt Lane is located in the eastern portion of the Town of Malabar, FL. The project is located between the eastern terminus of Atz Road and approximately 650 feet west of the east terminus of Hall Road. LaCourt Lane is oriented in a North/South configuration.

The existing roadway is a 2½" inch thick gravel surface with a bituminous binder, over a 4" thick base. (See Photographs that follow.)

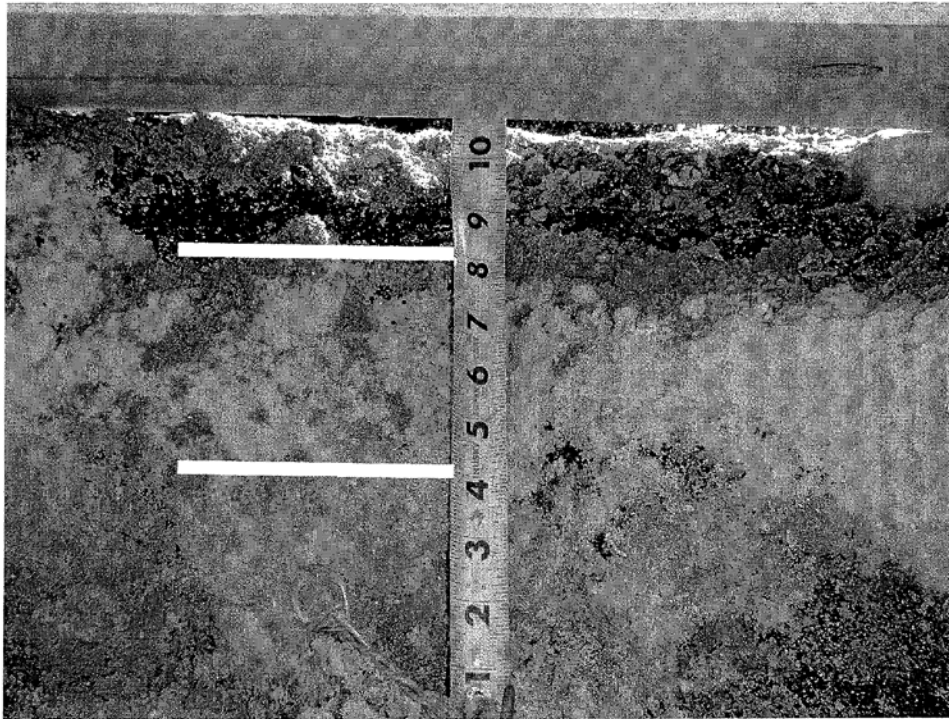


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Town of Malabar – LaCourt Lane Overlay Project



Several areas of LaCourt Lane have moderate to severe “pothole” failures. There are no apparent longitudinal or transverse cracking that demonstrate any major roadway base failure.

Scope of Services for this Project:

The entire length of LaCourt Lane is to receive a centerline crowned, two and one-half (2½) inch overlay of Florida Department of Transportation Super Pave 9.5 (SP 9.5) Asphaltic Concrete surface. The southern limit of the project is the north edge of pavement for Atz Road. The northern limit of the project is the south edge of pavement of Hall Road. A centerline crown shall be established which provides a 2% cross slope for the new roadway surface. The edge of the new overlay surface shall be approximately two (2) to two and one-half (2½) inches below the centerline crown elevation.

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Surface Preparation:

LaCourt Lane is approximately 2,600 feet long and has an average width of 20 feet. Each surface treatment failure, "pothole", shall be cleaned out to a depth of eight (8) inches and receive a minimum six (6) inch depth of compacted base rock and two (2) inches of SP 9.5 Asphaltic Concrete prior to the beginning the overlay work. Once all potholes have been repaired the complete surface area of the roadway surface shall receive a light power broom brushing to remove dirt and loose rocks on the surface. Surface preparation shall be controlled by Florida Department of Transportation (FDOT) Section 330-8 Preparation of Application Surfaces of the FDOT's Standard Specifications for Road and Bridge Construction 2010. More particularly Section 330-8.1 "Cleaning."

Tack Coat:

Prior to applying the Leveling Course the entire roadway shall receive a Tack Coat per Surface preparation shall be controlled by Florida Department of Transportation (FDOT) Section 330-8 Preparation of Application Surfaces of the FDOT's Standard Specifications for Road and Bridge Construction 2010. More particularly Section 330-8.5 "Tack Coat."

Leveling Course:

Once the roadway surface has been power broomed string line controls shall be established to create a crown in the centerline of roadway. The leveling course shall be a minimum compacted depth of one and one-quarter (1¼) inch thick. Leveling Course shall be controlled by Florida Department of Transportation (FDOT) Section 330-8 Preparation of Application Surfaces of the FDOT's Standard Specifications for Road and Bridge Construction 2010. More particularly Section 330-8.2 "Patching and Leveling Courses."

Tack Coat:

Prior to applying the final Surface Course the entire roadway shall receive a Tack Coat per Surface preparation shall be controlled by Florida Department of Transportation (FDOT) Section 330-8 Preparation of Application Surfaces of the FDOT's Standard Specifications for Road and Bridge Construction 2010. More particularly Section 330-8.5 "Tack Coat."

Surface Course:

Once the leveling course has been completed string line controls shall be checked and re-set, if necessary, to guide the paving machine to continue to apply the final 1¼" asphaltic concrete

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surface overly with a centerline crown and a two (2%) percent cross slope for the final wearing surface course.

Pavement Markings:

There are no pavement markings proposed for this project.

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