

RESOLUTION NO. _____

WHEREAS, the City of Dothan received bids on February 11, 2014, for the 2218 Ross Clark Circle Sanitary Sewer Project; and,

WHEREAS, Majestic Homes and Chatham Construction, LLC, was awarded the bid; and, has been deemed unresponsive by not providing required documents on a timely basis; and,

WHEREAS, the 2218 Ross Clark Circle Sanitary Sewer Project must be completed in a timely basis; and,

WHEREAS, the Public Works Department recommends rescinding Resolution 2014-52, which awarded the bid to Majestic Homes and Chatham Construction, LLC, and awarding the 2218 Ross Clark Circle Sanitary Sewer Project in the amount of \$81,645.00 to the second lowest bidder, Hilton Cooper Contracting, of Clayton, Alabama.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Dothan, Alabama, as follows:

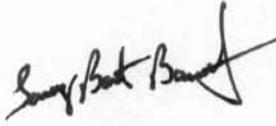
Section 1. That the City of Dothan does hereby rescind Resolution No. 2014-52 awarding the bid and entering into contract with Majestic Homes and Chatham Construction, LLC, of Dothan, Alabama in the amount of \$74,470.00 for the 2218 Ross Clark Circle Sanitary Sewer Project, including the appropriation of funds.

Section 2. That the City of Dothan does hereby awards the bid and enters into contract with the second lowest qualified bidder, Hilton Cooper Contracting, of Clayton, Alabama, in the amount of \$81,645.00 for the 2218 Ross Clark Circle Sanitary Sewer Project, which said contract follows:

**CITY OF DOTHAN
PUBLIC WORKS DEPARTMENT
ENGINEERING SERVICES**

MEMORANDUM

TO: Charlotte Langford

FROM: Larry Bart Barefoot, P.E., Civil Engineer 

DATE: May 27, 2014

SUBJECT: Majestic Homes and Chatham Construction 2218 Ross Clark Circle Sanitary Sewer Project Bid 14-026

The above referenced project was bid on February 11, 2014. The low bidder, Majestic Homes and Chatham Construction, LLC, was provided a notice of bid award and 5 sets of contract documents for execution and bond preparations on March 4, 2014. After three weeks or so with no response I contacted Kim Chatham with Majestic Homes and Chatham Construction by telephone and inquired about when the documents would be completed and returned. I was told that she would have them back to me within the next week. This was approximately the last week in March.

Over the next few weeks I contacted Mrs. Chatham on several occasions and was told they had to acquire workmen's compensation insurance and they never had it before and she would have everything completed approximately by the end of the second week in April. Her son passed away in a car accident sometime during this process and I did not contact her for a couple of weeks due to this. This now would have been near the end of April.

Over the next couple of weeks Mr. Jerry Corbin contacted her and she did bring the signed contract books to the Public Works Department on May 9, 2014. However, the performance and payment bonds were not included as well as workmen's compensation. The liability insurance was provided but the limits of liability were incorrect.

Mrs. Chatham said that she was getting the bonds and would have them to us Monday, May 12. Wednesday, May 14th, Mrs. Chatham called and left a message with the Eng. Services secretary Anja Davis and said she was having the bonds Fed-ex today. Monday, May 19th, Mr. Jerry Corbin called Mrs. Chatham and inquired about the documents and she said that she had all the documents and would bring them in before lunch that day.

The bonds from AimPoint Re SA from Montevideo, Uruguay through FedEx were brought Tuesday, May 20, 2014 between lunch and 2:00. There were still not any Workmens' Compensation documents provided. There are numerous errors with all of the documents. The owner's signature on the contract was never attested by anyone. The bonds state that they are

both a Payment and Performance Bond in one form. However, one document states Payment Bond and the other doesn't reference anything. They both show the same Bond #.

The first error with the bond documents seems to be the date on the first page 01/04/2014 (Not earlier than Construction Contract Date) which is in fact earlier than the Contract date of 03/04/2014. I don't positively know that Mark Kapatoes Attorney in Fact for AimPoint Re SA is a resident agent of Alabama out of Florida. The Date of Power of Attorney (February 6, 2014) shall be the same date as Bond (01/04/ 2014 and 04/01/2014) and is not. There is an Irrevocable Reserved Holding Letter (Irrevocable Letter of Credit) which is referenced to have a Contract dated April 1, 2014 with the actual contract dated March 4, 2014. The amount is shown to be USD 74,470.00 and US Dollars (One Hundred Thousand and 00/100).

Considering the poor cooperation, correspondence, and incomplete and inaccurate bonds and insurance documents, I am recommending that the City of Dothan reject and rescind the current bid award and contract with Majestic Homes and Chatham Construction, LLC. I recommend we move to the next lowest qualified bidder, Hilton Cooper Contracting, Inc., for awarding this project. I am also recommending that Majestic Homes and Chatham Construction, LLC be placed on a no bid list for all future City of Dothan projects.

The current bid amount awarded to Majestic Homes and Chatham Construction, LLC is \$74,470.00. The bid amount for Hilton Cooper Contracting, Inc. is \$81,645.00 for a price increase of \$7,175.00 for the 2218 Ross Clark Circle Sanitary Sewer Project.

CONTRACT FORM

THIS AGREEMENT, made this _____ day of _____, 2014, by
and between City of Dothan, Alabama, herein called "Owner", acting herein through
(Corporate Name of Owner)
its Mayor, and Hilton Cooper Contracting, Inc. (Title of
Authorized Official) (a corporation)
of Dothan County of Houston, State of Alabama,
herein called "Contractor".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the OWNER, the CONTRACTOR hereby agrees with the OWNER to commence and complete the construction described as follows:

2218 Ross Clark Circle Sanitary Sewer Project
In Dothan, Alabama

hereinafter called the "Project", for the sum of eighty-one thousand six hundred forty-five Dollars (\$ 81,645.00), and all extra work in connection therewith, under the terms as stated in the General and Special Conditions of the Contract; and at his (its or their) own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the said project in accordance with the conditions and prices stated in the Proposal, the General Conditions, Supplemental General Conditions, and Special Conditions of the Contract, the plans, which include all maps, plats, blueprints, and other drawings and printed or written explanatory matter thereof, the specifications and contract documents therefore as prepared by City of Dothan Public Works Department herein entitled the Architect/Engineer.

The Contractor hereby agrees to commence work under this contract on or before a date to be specified in a written "Notice to Proceed" of the Owner and to fully complete the project within 45 consecutive calendar days thereafter. The Contractor further agrees to pay, as liquidated damages, the sum of \$500.00 for each consecutive calendar day thereafter as hereinafter provided in the General Conditions.

The Owner agrees to pay the CONTRACTOR in current funds for the performance of the contract, subject to additions and deductions, as provided in the General Conditions of the Contract, and to make payments on account thereof as provided in "Payments to Contractor", of the General Conditions.

IN WITNESS WHEREOF, the parties of these presents have executed this contract in five

(5) counterparts, each of which shall be deemed an original, in the year and day first above mentioned.

(Seal)
ATTEST:

City of Dothan, Alabama
(Owner)

(Secretary)

By: _____

(Witness)

(Title)

(Contractor)

(Seal)

(Secretary)

By: _____

(Witness)

(Title)

(Address)

(City, State, Zip Code)

NOTE: Secretary of the Owner should attest. If Contractor is a Corporation, Secretary should attest.



CITY OF DOTHAN BID TABULATION SHEET

BID # 14-026

Bid Opening Date: 2/11/14 Department: Public Works Commodity Codes: 968-69	BID BOND TYPE Description 2218 Ross Clark Circle Sanitary Sewer Project	Blankenship Construction Dothan, AL	Centerline Contracting Inc Northport, AL	Hilton Cooper Contracting Clayton, AL	L & K Contracting Dothan, AL	Majestic Homes & Chatham Dothan, AL	YES/NO YES/NO YES/NO YES/NO YES/NO YES/NO
	A. Mobilization, Quantity 1, Unit LS	\$ 8,000.00	\$ 6,120.00	\$ 7,900.00	\$ 15,000.00	\$ 12,500.00	
	Unit Price:	\$ 8,000.00	\$ 6,120.00	\$ 7,900.00	\$ 15,000.00	\$ 12,500.00	
	Amount:	\$ 8,000.00	\$ 6,120.00	\$ 7,900.00	\$ 15,000.00	\$ 12,500.00	
	B. Demolition/Sanitary Sewer Pipe Removal, Quantity 1, Unit LS	\$ 6,000.00	\$ 5,400.00	\$ 5,700.00	\$ 5,000.00	\$ 2,500.00	
	Unit Price:	\$ 6,000.00	\$ 5,400.00	\$ 5,700.00	\$ 5,000.00	\$ 2,500.00	
	Amount:	\$ 6,000.00	\$ 5,400.00	\$ 5,700.00	\$ 5,000.00	\$ 2,500.00	
	C. Sanitary Sewer Manholes, Quantity 2, Unit EA	\$ 4,000.00	\$ 3,162.00	\$ 2,600.00	\$ 2,500.00	\$ 3,000.00	
	Unit Price:	\$ 4,000.00	\$ 3,162.00	\$ 2,600.00	\$ 2,500.00	\$ 3,000.00	
	Amount:	\$ 8,000.00	\$ 6,324.00	\$ 5,200.00	\$ 5,000.00	\$ 6,000.00	
	D. Centipede Sod, Quantity 1,000, Unit SY	\$ 7.00	\$ 6.00	\$ 5.00	\$ 6.00	\$ 3.50	
	Unit Price:	\$ 7.00	\$ 6.00	\$ 5.00	\$ 6.00	\$ 3.50	
	Amount:	\$ 7,000.00	\$ 6,000.00	\$ 5,000.00	\$ 6,000.00	\$ 3,500.00	
	E. Site Grading, Grassing & Mulching, Quantity 1, Unit LS	\$ 3,500.00	\$ 1,200.00	\$ 5,400.00	\$ 4,000.00	\$ 1,500.00	
	Unit Price:	\$ 3,500.00	\$ 1,200.00	\$ 5,400.00	\$ 4,000.00	\$ 1,500.00	
	Amount:	\$ 3,500.00	\$ 1,200.00	\$ 5,400.00	\$ 4,000.00	\$ 1,500.00	
	F. 16" Steel Bore & Case (including ductile iron carrier pipe), Quantity 156, LF	\$ 260.00	\$ 281.87	\$ 290.00	\$ 320.00	\$ 265.00	
	Unit Price:	\$ 260.00	\$ 281.87	\$ 290.00	\$ 320.00	\$ 265.00	
	Amount:	\$ 40,560.00	\$ 43,971.72	\$ 45,240.00	\$ 49,920.00	\$ 41,340.00	
	G. 8" PVC Sanitary Sewer Main, Quantity 26, LF	\$ 100.00	\$ 268.36	\$ 50.00	\$ 75.00	\$ 25.00	
	Unit Price:	\$ 100.00	\$ 268.36	\$ 50.00	\$ 75.00	\$ 25.00	
	Amount:	\$ 2,600.00	\$ 6,977.36	\$ 1,300.00	\$ 1,955.00	\$ 650.00	
	Amount:	\$ 2,600.00	\$ 6,977.36	\$ 1,300.00	\$ 1,950.00	\$ 650.00	

DESCRIPTION:

Removal of existing sanitary sewer pipe, including jack & boring of steel casing, bore of iron pipe, removal of old pipe and installation of new pipe and manholes.

REMARKS:

Amounts in red are corrected math extensions.

APPROVED: _____ **Purchasing Agent**

Resolution # _____
 Dated _____
 Returned to Department _____



CITY OF DOTHAN BID TABULATION SHEET

BID # 14-026

Bid Opening Date:	2/11/14	Blankenship Construction Dothan, AL		Centerline Contracting Inc Northport, AL	Hilton Cooper Contracting Clayton, AL	L & K Contracting Dothan, AL	Majestic Homes & Chatham Dothan, AL	BID BOND TYPE
Department:	Public Works	Dothan, AL		Northport, AL	Clayton, AL	Dothan, AL	Dothan, AL	
Commodity Codes:	968-69	Dothan, AL		Northport, AL	Clayton, AL	Dothan, AL	Dothan, AL	
Description	2218 Ross Clark Circle Sanitary Sewer Project							
H. 8" Ductile Iron Sanitary Sewer Main, Quantity 37, Unit LF	\$ 120.00	\$ 290.59	\$ 65.00	\$ 120.00	\$ 40.00			
Amount:	\$ 4,440.00	\$ 10,751.83	\$ 2,405.00	\$ 4,440.00	\$ 1,480.00			
I. Traffic Control, Quantity 1, Unit LS	\$ 3,000.00	\$ 3,000.00	\$ 1,000.00	\$ 4,000.00	\$ 3,000.00			
Amount:	\$ 3,000.00	\$ 3,000.00	\$ 1,000.00	\$ 4,000.00	\$ 3,000.00			
J. Erosion Control, Quantity 1, Unit LS	\$ 3,500.00	\$ 4,014.00	\$ 2,500.00	\$ 5,000.00	\$ 2,000.00			
Unit Price:	\$ 3,500.00	\$ 4,014.00	\$ 2,500.00	\$ 5,000.00	\$ 2,000.00			
Amount:	\$ 86,600.00	\$ 93,758.91	\$ 81,645.00	\$ 100,315.00	\$ 74,470.00			
Subtotal:	\$ 86,600.00	\$ 93,758.91	\$ 81,645.00	\$ 100,315.00	\$ 74,470.00			
Total Bid:								

DESCRIPTION:

Removal of existing sanitary sewer pipe, including jack & boring of steel casing, bore of iron pipe, removal of old pipe and installation of new pipe and manholes.

REMARKS:

Amounts in red are corrected math extensions.

Recommend award to lowest responsive bidder as shown. Low bidder failed to deliver required project documents in timely manner. They were also incomplete

*Wing Corbin
5-29-14*

APPROVED: _____

Purchasing Agent

Resolution # _____
Dated _____
Returned to Department _____

Res. No. _____ rescinding Res. No. 2014-52, awarding bid and entering into a contract with Hilton Cooper, continued.

Section 3. That the sum of \$81,645.00 be appropriated in FY 2014 to the Utility Fund/Dothan Utilities/Wastewater Collection/Capital Outlay/Additions & Improvements Other than Buildings, Account no. 401-8460-584.60-63 for the purpose of extending the sanitary sewage system. This appropriation is to be funded by increasing the Utility Fund/Non-Revenue Resources/Utilization of Fund Balance, Account Number 401-0000-391.01-00 by the sum of \$81,645.00 in Fiscal Year 2014.

Section 4. That Mike Schmitz, Mayor of the City of Dothan, is hereby authorized and directed to sign said contract, attached hereto and made a part of this Resolution, for and in the name of the City of Dothan, which shall be attested by the City Clerk.

PASSED, ADOPTED AND APPROVED on _____.

ATTEST:

City Clerk

Mayor

Associate Commissioner District 1

Associate Commissioner District 2

Associate Commissioner District 3

Associate Commissioner District 4

Associate Commissioner District 5

Associate Commissioner District 6
BOARD OF CITY COMMISSIONERS