

CONTRACT SUMMARY

CITY OF FORT LAUDERDALE
PROCUREMENT SERVICES DEPARTMENT

Period Covered: 6/21/11 – 6/20/12	Contract No.: 413-10789	Master Blanket:
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Awarded Vendor:

Florida Silica Sand Company
181 S. Bryan Road
Dania Beach, FL 33004

Delivery: 30 Days
Payment Terms: Net 30

Attn: Katie Payton
954-923-8280 phone
954-923-1094 fax

Email: kpayton@fsscompany.com

Insurance Coverage Required: Yes No
Authorized for Purchases: Under \$25,000 _ Over
City Commission Approval: 6/21/11 Pur-10 CAR 11-0859
Extension Options: Yes No _ Years: 3, 1 year extensions

Aggregates

¾" Wash Rock	\$ 23.48/ton
Pea Rock	\$ 22.73/ton
Chattahoochee Rock	\$ 60.06/ton
Tan River Rock	\$ 66.17/ton
Top Soil Mix 70/30	\$ 24.29/cubic yard
Top Soil Mix 50/50	\$ 15.05/cubic yard
Top Soil Mix 100%	\$ 15.05/cubic yard
Florida Lawn Sand	\$ 18.50/cubic yard
Clean Fill	\$ 18.50/cubic yard

Department Contract Co-Ordinator: Mark Darmanin, Public Works (954) 828-7809

Procurement Specialist: Robert McKenney, CPPB

THIS AGREEMENT, made and entered into this 18 day of July, 2011, is by and between the City of Fort Lauderdale, a Florida municipality, ("City"), whose address is 100 North Andrews Avenue, Fort Lauderdale, FL 33301-1016, and Florida Silica Sand Company, a Florida corporation ("Contractor"), whose address and phone are 181 S. Bryan Road, Dania Beach, FL 33004, Phone: 954-923-8280.

WHEREAS, the City issued Invitation to Bid Number 413-10789 ("ITB"), and the Contractor submitted a bid in response to the ITB; and

WHEREAS, on 6/21/11, the Procurement Services Director of the City of Fort Lauderdale, as designee of the City Manager, approved an agreement with Contractor for the goods or services described in the ITB pursuant to Section 2-182 of the Code of Ordinances of the City of Fort Lauderdale, Florida;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants set forth herein and other good and valuable consideration, the City and the Contractor covenant and agree as follows:

1. The Contractor agrees to provide to the City Aggregates in accordance with and in strict compliance with the specifications, terms, conditions, and requirements set forth in the ITB and any and all addenda thereto.

2. This contract form G-110 Rev. 01/10, the ITB, any and all addenda to the ITB, and the Contractor's proposal in response to the ITB are integral parts of this Contract, and are incorporated herein.

3. In the event of conflict between or among the contract documents, the order of priority shall be as follows:

- First, this contract form, G-110 Rev. 01/10;
- Second, any and all addenda to the City's ITB in reverse chronological order;
- Third, the ITB;
- Fourth, the Contractor's response to any addendum requiring a response;
- Fifth, the Contractor's response to the ITB.

4. The Company warrants that the goods and services supplied to the City pursuant to this Contract shall at all times fully conform to the specifications set forth in the ITB and be of the highest quality. In the event the City, in the City's sole discretion, determines that any product or service supplied pursuant to this Contract is defective or does not conform to the specifications set forth in the ITB the City reserves the right unilaterally to cancel an order or cancel this Contract upon written notice to the Contractor, and reduce commensurately any amount of money due the Contractor.

5. The Contractor shall not present any invoice to the City that includes sales tax (85-8012514506C-7) or federal excise tax (59-6000319).

6. Contractor shall direct all invoices in duplicate for payment to Finance Department, City of Fort Lauderdale, 100 N. Andrews Avenue, 6th Floor, Fort Lauderdale, FL 33301. Any applicable discount **MUST** appear on the invoice.

IN WITNESS WHEREOF, the City and the Contractor execute this Contract as follows:

CITY OF FORT LAUDERDALE
By: [Signature]
Director of Procurement Services

ATTEST
By: [Signature]
Print Name: Emily Herwig
Secretary

CONTRACTOR
By: [Signature] @ V.Pres
Print Name: AARON S. HERWIG V.PRES.
Title: V. President
(If not president of corporation please attach proof of authorization)

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 13th day of July, 2011, by Aaron Herwig as (title): V. President for Florida Silica Sand Company, a Florida corporation.

(SEAL)  Stephany Chandran
COMMISSION #DD784472
EXPIRES: APR. 30, 2012
WWW.AARONNOTARY.COM

Stephany Chandran
Notary Public, State of Florida
(Signature of Notary Public)
Stephany Chandran
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification _____
Type of Identification Produced _____

CONTRACT COPY

Florida Silica Sand Company

Bid Contact **Katie Payton**
kpayton@fsscompany.com
Ph 954-923-8280
Fax 954-923-1094

Address **4491 S ST RD 7**
Fort Lauderdale, FL 33314

Supplier Code 00004280

Qualifications **WBE**

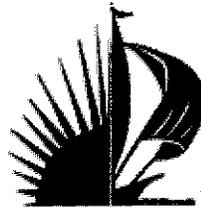
Item #	Line Item	Notes	Unit Price	Qty/Unit	Total Price	Attch. Docs
413-10789--01-01	3/4 " Wash Rock	Supplier Product Code: 10241 Supplier Notes: The price is quoted by the ton, but we actually sell by the cubic yard. The cubic yard price equivelant to \$23.48 is \$27.00 per cyd.	First Offer - \$23.48	500 / ton	\$11,740.00	Y
413-10789--01-02	Pea Rock	Supplier Product Code: 10231 Supplier Notes: The price is quoted by the ton, but we actually sell by the cubic yard. The cubic yard price equivelant to \$22.73 is \$25.00 per cyd.	First Offer - \$22.73	50 / ton	\$1,136.50	Y
413-10789--01-03	Chattahoochee Rock	Supplier Product Code: 10141 Supplier Notes: The price is quoted by the ton, but we actually sell by the cubic yard. The cubic yard price equivelant to \$60.06 is \$79.88 per cyd.	First Offer - \$60.06	25 / ton	\$1,501.50	Y

413-10789--01-04	Tan River Rock	Supplier Product Code: 10133	First Offer - \$66.17	25 / ton	\$1,654.25	Y
		Supplier Notes: The price is quoted by the ton, but we actually sell by the cubic yard. The cubic yard price equivelant to \$66.17 is \$88.00 per cyd.				
413-10789--01-05	Top Soil Mix 70/30	Supplier Product Code: 10011	First Offer - \$24.19	850 / cubic yard	\$20,561.50	Y
		Supplier Notes: Pricing is per cuyd				
413-10789--01-06	Top Soil Mix 50/50	Supplier Product Code: 10021	First Offer - \$15.05	25 / cubic yard	\$376.25	Y
413-10789--01-07	Top Soil Mix 100%	Supplier Product Code: 10021	First Offer - \$15.05	25 / cubic yard	\$376.25	Y
413-10789--01-08	Florida Lawn Sand	Supplier Product Code: 306500	First Offer - \$18.50	25 / cubic yard	\$462.50	Y
413-10789--01-09	Clean Fill	Supplier Product Code: 306500	First Offer - \$18.50	50 / cubic yard	\$925.00	Y
					Supplier Total \$38,733.75	

***CITY OF FORT LAUDERDALE
SPECIFICATIONS PACKAGE***

413-10789

Aggregates, Local



CITY OF FORT LAUDERDALE

Bob McKenney

954-828-5139

Questionnaire

To be eligible to bid on this contract, the Contractor must have a storage location within 10 miles of the corporate City of Fort Lauderdale limits. This storage location must stock each of the nine items listed in this invitation to bid. The Contractor must have the staff and equipment on site to load the materials into City trucks during normal business hours, Monday thru Friday.

1. What is the address of your firm's storage facility?

**181 S Bryan Road
Dania Beach, FL 33004**

2. Is this address located within ten miles of the City of Fort Lauderdale's corporate City limits?

YES NO

3. Does your firm stock all of the nine items listed in this invitation to bid at this location?

YES NO

4. Does your firm have the required staff and equipment available to load the items into City trucks?

YES NO

NON-COLLUSION STATEMENT:

By signing this offer, the vendor/contractor certifies that this offer is made independently and *free* from collusion. Vendor shall disclose below any City of Fort Lauderdale, FL officer or employee, or any relative of any such officer or employee who is an officer or director of, or has a material interest in, the vendor's business, who is in a position to influence this procurement.

Any City of Fort Lauderdale, FL officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement.

For purposes hereof, a person has a material interest if they directly or indirectly own more than 5 percent of the total assets or capital stock of any business entity, or if they otherwise stand to personally gain if the contract is awarded to this vendor.

In accordance with City of Fort Lauderdale, FL Policy and Standards Manual, 6.10.8.3,

3.3. City employees may not contract with the City through any corporation or business entity in which they or their immediate family members hold a controlling financial interest (e.g. ownership of five (5) percent or more).

3.4. Immediate family members (spouse, parents and children) are also prohibited from contracting with the City subject to the same general rules.

Failure of a vendor to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the City Procurement Code.

NAME

RELATIONSHIPS

In the event the vendor does not indicate any names, the City shall interpret this to mean that the vendor has indicated that no such relationships exist.

BID/PROPOSAL SIGNATURE PAGE

How to submit bids/proposals: It is preferred that bids/proposals be submitted electronically at www.bidsync.com, unless otherwise stated in the bid packet. If mailing a hard copy, it will be the sole responsibility of the Bidder to ensure that the bid reaches the City of Fort Lauderdale, City Hall, Procurement Department, Suite 619, 100 N. Andrews Avenue, Fort Lauderdale, FL 33301, prior to the bid opening date and time listed. Bids/proposals submitted by fax or email will NOT be accepted.

The below signed hereby agrees to furnish the following article(s) or services at the price(s) and terms stated subject to all instructions, conditions, specifications addenda, legal advertisement, and conditions contained in the bid. I have read all attachments including the specifications and fully understand what is required. By submitting this signed proposal I will accept a contract if approved by the CITY and such acceptance covers all terms, conditions, and specifications of this bid/proposal.

Please Note: If responding to this solicitation through BidSync, the electronic version of the bid response will prevail, unless a paper version is clearly marked **by the bidder** in some manner to indicate that it will supplant the electronic version. All fields below **must** be completed. If the field does not apply to you, please note N/A in that field.

Submitted by: **Katie Payton**

(signature)

5/23/11

(date)

Name (printed) **Katie Payton**Title: **Business Support Specialist**Company: (Legal Registration) **Florida Silica Sand Company**

CONTRACTOR, IF FOREIGN CORPORATION, MAY BE REQUIRED TO OBTAIN A CERTIFICATE OF AUTHORITY FROM THE DEPARTMENT OF STATE, IN ACCORDANCE WITH FLORIDA STATUTE §607.1501 (visit <http://www.dos.state.fl.us/>).

Address: **181 S Bryan Road**City **Dania Beach**State **FL**Zip **33004**Telephone No. **954-923-8280**FAX No. **954-923-1094**Email: **kpayton@fsscompany.com**Delivery: Calendar days after receipt of Purchase Order (section 1.02 of General Conditions): **1**Payment Terms (section 1.04): **NET 30** Total Bid Discount (section 1.05): **N/A**

Does your firm qualify for MBE or WBD status (section 1.09):

MBD WBE

ADDENDUM ACKNOWLEDGEMENT - Proposer acknowledges that the following addenda have been received and are included in the proposal:

Addendum No.Date Issued

VARIANCES: State any variations to specifications, terms and conditions in the space provided below or reference in the space provided below all variances contained on other pages of bid, attachments or bid pages. No variations or exceptions by the Proposer will be deemed to be part of the bid submitted unless such variation or exception is listed and contained within the bid documents and referenced in the space provided below. If no statement is contained in the below space, it is hereby implied that your bid/proposal complies with the full scope of this solicitation. **HAVE YOU STATED ANY VARIANCES OR EXCEPTIONS BELOW? BIDDER MUST CLICK THE EXCEPTION LINK IF ANY VARIATION OR EXCEPTION IS TAKEN TO THE SPECIFICATIONS, TERMS AND CONDITIONS.** If this section does not apply to your bid, simply mark N/A in the section below.

Variances:
revised 4-28-11

Austin Tupler Trucking, Inc.

Bid Contact **Glen Tupler**
TUPLER@BELLSOUTH.NET
Ph 954-583-0801

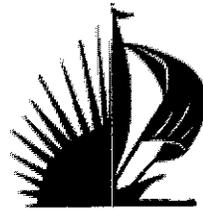
Address **6570 SW 47 Court**
David, FL 33314

Item #	Line Item	Notes	Unit Price	Qty/Unit	Total Price	Attch. Docs
413-10789--01-01	3/4 " Wash Rock	Supplier Product Code:	First Offer - \$25.10	500 / ton	\$12,550.00	Y
413-10789--01-02	Pea Rock	Supplier Product Code:	First Offer - \$24.00	50 / ton	\$1,200.00	Y
413-10789--01-03	Chattahoochee Rock	Supplier Product Code:	First Offer - \$75.00	25 / ton	\$1,875.00	Y
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413-10789--01-05	Top Soil Mix 70/30	Supplier Product Code:	First Offer - \$29.50	850 / cubic yard	\$25,075.00	Y
413-10789--01-06	Top Soil Mix 50/50	Supplier Product Code:	First Offer - \$18.25	25 / cubic yard	\$456.25	Y
413-10789--01-07	Top Soil Mix 100%	Supplier Product Code:	First Offer - \$18.25	25 / cubic yard	\$456.25	Y
413-10789--01-08	Florida Lawn Sand	Supplier Product Code:	First Offer - \$22.25	25 / cubic yard	\$556.25	Y
413-10789--01-09	Clean Fill	Supplier Product Code:	First Offer - \$22.25	50 / cubic yard	\$1,112.50	Y
Supplier Total					\$45,268.75	

***CITY OF FORT LAUDERDALE
SPECIFICATIONS PACKAGE***

413-10789

Aggregates, Local



CITY OF FORT LAUDERDALE

Bob McKenney

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YES NO

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YES NO

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The below signed hereby agrees to furnish the following article(s) or services at the price(s) and terms stated subject to all instructions, conditions, specifications addenda, legal advertisement, and conditions contained in the bid. I have read all attachments including the specifications and fully understand what is required. By submitting this signed proposal I will accept a contract if approved by the CITY and such acceptance covers all terms, conditions, and specifications of this bid/proposal.

Please Note: If responding to this solicitation through BidSync, the electronic version of the bid response will prevail, unless a paper version is clearly marked **by the bidder** in some manner to indicate that it will supplant the electronic version. All fields below **must** be completed. If the field does not apply to you, please note N/A in that field.

Submitted by: **Glen Tupler** (signature) **5-26-2011** (date)

Name (printed) **Glen Tupler** Title: **President**

Company: (Legal Registration) **Austin TuplerTrucking Inc.**

CONTRACTOR, IF FOREIGN CORPORATION, MAY BE REQUIRED TO OBTAIN A CERTIFICATE OF AUTHORITY FROM THE DEPARTMENT OF STATE, IN ACCORDANCE WITH FLORIDA STATUTE §607.1501 (visit <http://www.dos.state.fl.us/>).

Address: **6570 SW 47 Ct.**

City **Davie** State **FL** Zip **33314**

Telephone No. **9545830801** FAX No. **9545830844** Email: **tupler@bellsouth.net**

Delivery: Calendar days after receipt of Purchase Order (section 1.02 of General Conditions): **2**

Payment Terms (section 1.04): **net 30** Total Bid Discount (section 1.05): **0**

Does your firm qualify for MBE or WBD status (section 1.09): MBD WBE

ADDENDUM ACKNOWLEDGEMENT - Proposer acknowledges that the following addenda have been received and are included in the proposal:

<u>Addendum No.</u>	<u>Date Issued</u>
n/a	

VARIANCES: State any variations to specifications, terms and conditions in the space provided below or reference in the space provided below all variances contained on other pages of bid, attachments or bid pages. No variations or exceptions by the Proposer will be deemed to be part of the bid submitted unless such variation or exception is listed and contained within the bid documents and referenced in the space provided below. If no statement is contained in the below space, it is hereby implied that your bid/proposal complies with the full scope of this solicitation. **HAVE YOU STATED ANY VARIANCES OR EXCEPTIONS BELOW? BIDDER MUST CLICK THE EXCEPTION LINK IF ANY VARIATION OR EXCEPTION IS TAKEN TO THE SPECIFICATIONS, TERMS AND CONDITIONS.** If this section does not apply to your bid, simply mark N/A in the section below.

Variances:
revised 4-28-11