

REDEVELOPMENT COMMISSION OF THE CITY OF HOBART
Resolution No. 2013-04

**A Resolution Determining the Lowest Responsible and Responsive Bidder
and Awarding Contract for the Construction of Festival Park Gateway
(Lakefront District Gateways—Phase I)**

WHEREAS, the Redevelopment Commission (“Commission”) of the City of Hobart, Indiana (“City”) previously authorized the preparation of plans and specifications for the construction of a Gateway at Festival Park, Phase I of the Commission’s intended program of establishing new City Gateway treatments at prominent locations within the City (“Project”); and

WHEREAS, design and related architectural services have been contracted by the Commission to RATIO Architects, Inc. of Indianapolis, Indiana (“Architect”) who have acted as consulting architects to the Commission for the Project; and

WHEREAS, the Commission, at its meeting of August 1, 2013 approved Notice and Solicitation to Bidders in the proper form and authorized the publication of same for the Project in the manner required by law in two newspapers of general circulation in Lake County and said Notice was duly published as required by I.C. 5-3-1 two times each in *The Times* and in the *Post-Tribune*, both on August 7 and 14, 2013; and

WHEREAS, Pursuant to said Notice and Solicitation for Bids, bids were due to be delivered to the Offices of the Clerk-Treasurer of the City of Hobart in City Hall not later than 10:00 a.m., August 28, 2013, and such bids were to be opened and read aloud by the Clerk-Treasurer at that time; and

WHEREAS, the bid documents called for nine (9) bid alternates for different components of the project to enable the Commission to choose appropriate and cost-effective additions or alternatives for the project based on reliable and binding bids by the bidding contractors. These alternates were designated as follows:

- Alternate 1: Mill and Resurface Asphalt Pavement
- Alternate 2: Boulevard Lighting and Electrical Service:
 - Alternate 2(a)--Dual Fixture Pole Lighting
 - Alternate 2(b)--Single Fixture Pole Lighting
- Alternate 3: Irrigation System
- Alternate 4: Festival Park Sign and Planter
- Alternate 5: Rain Gardens
- Alternate 6: Turf Sod
- Alternate 7: Thermoplastic Pavement Inlay
- Alternate 8: Additional Brick (material only); and

WHEREAS, four (4) bids were received and duly opened and read aloud by the Clerk-Treasurer at the appointed time. Such bids are detailed and summarized on the

attached certified tabulation which is attached hereto and made a part hereof as Exhibit "A;" and

WHEREAS, the Commission has received the recommendations of the Architect, the Mayor of the City, the City Director of Development, the City Attorney and others (collectively, the "development officials") as to those alternates which should be accepted and those rejected based on the bids received, the funds available to complete the Project, and related factors; and

WHEREAS, the Commission has received the recommendation of the Development Officials to accept Alternate Numbers 1, 2(a), 3, 5, 6, 7 and 8; to reject Alternate 4 at this time, but without prejudice to the Commission's reconsideration of said alternate within sixty (60) days of the bid opening. The Commission desires to accept and carry out said recommendation; and

WHEREAS, said bids were taken under advisement by the Commission for technical review by Architect. The putative low bidder, under the base bid and Alternates 1, 2(a), 3, 5, 6, 7 and 8 was Larson-Danielson Construction Company, Inc. of LaPorte, Indiana, with a total bid, including the selected alternates of \$565,596.00; and

WHEREAS, said bids were taken under advisement by the Commission and submitted to Anthony DeBonis, Jr., City Attorney, for legal review and the rendition of his official opinion as to the Commission's compliance with the bid process required by law and the award of the contract; and

WHEREAS, the Commission has received the report on the technical review of the bids by the Architect together with the written opinion of the City Attorney as to the award of the contracts and compliance of the Commission with the bid process required by law; and

WHEREAS, the Commission, in evaluating said bids, is required to determine the lowest responsible and responsive bidder as required by I.C. §36-1-12-4 (b)(8), and must do so taking those factors into account specified in I.C. §36-1-12-4 (b)(10) and (11); and

WHEREAS, the Commission, having reviewed the reports and opinion noted above, desires to make its findings as to the lowest responsible and responsive bidder, to award the project contract to such bidder, and to spread same upon the public record.

THEREFORE, BE IT RESOLVED by the Redevelopment Commission of the City of Hobart, Indiana that:

a. Choice of Alternates. The Commission finds that not all alternates should be included in the project contract at this time, that considerations of cost, utility and efficiency require that some alternates be accepted and others rejected. The Commission hereby accepts and authorizes the project to include Alternates Numbered 1 (Mill and Resurface Asphalt Pavement), 2(a) (Dual Fixture Pole Lighting), 3 (Irrigation System),

5 (Rain Gardens), 6 (Turf Sod), 7 (Thermoplastic Pavement Inlay), and 8 (Additional Brick (material only)). The Commission now specifically rejects Alternate 2(b) (Single-Fixture Pole Lighting). The Commission rejects Alternate No. 4 (Festival Park Sign and Planter) without prejudice to the Commission's right to accept that Alternate by further action taken within 60 (sixty) days of the opening of bids.

b. Contract Award. The Commission further finds that the low bid of Larson-Danielson Construction Company, Inc. conforms in all material respects to the specifications for the project, that the bid complies specifically with the Solicitation for Bids and the instructions to bidders, and that the bid complies with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of public contracts. Accordingly, the Commission finds that the bid of Larson-Danielson Construction Company, Inc. is the lowest responsive bid. The Commission further finds that Larson-Danielson has the ability and capacity to perform the work, and that said bidder also possesses the integrity, character, reputation, competence and experience to support the award of the Project contract. Accordingly, the Commission concludes that Larson-Danielson is also the lowest responsible bidder. Based upon said findings, and having determined that it is the lowest responsible and responsive bidder for the Project, the Commission now awards the contract for the performance of the work to Larson-Danielson Construction Company, Inc. of LaPorte, Indiana. The Project contract shall include the bid documents submitted by the successful bidder, together with and including the plans, specifications, and solicitation and instructions to bidders and those documents referenced in the form of Agreement made part of the bid documents.

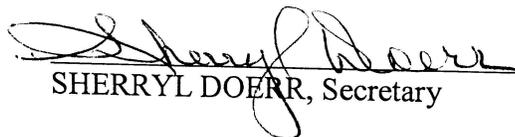
c. Return of Bid Bonds and Security to Unsuccessful Bidders. The Clerk-Treasurer is requested to notify all bidders of the Commission's action, to return the bid bonds or other bid security posted by the unsuccessful bidders, and to thank them for their participation in the bid process.

ALL OF WHICH is adopted as the Resolution of the Redevelopment Commission of the City of Hobart, Indiana on this 6th day of September, 2013.



SHEILA M. DeBONIS, Presiding Officer

ATTEST:



SHERRYL DOERR, Secretary



Anthony DeBonis, Jr. & Associates
ATTORNEYS AT LAW, LLC

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www.DeBonisLaw.pro

Anthony DeBonis, Jr.* **
Heather A. McCarthy, JD, MPA, MA

* Also Licensed in Illinois
** Registered Civil Mediator

Marisa D. Turner
Office Manager

September 4, 2013

Sheila M. DeBonis
President, Redevelopment Commission
of the City of Hobart
414 Main Street
Hobart, Indiana 46342

RE: OPINION NO. 2013-06
Festival Park Gateway (Lakefront District Gateway—Phase I)
(Project)
Bids received August 28, 2013
Opinion and Recommendation for Award of Contract

Dear Madam President:

On August 28, 2013 the Clerk-Treasurer of the City of Hobart (City) acting on behalf of the Redevelopment Commission (Commission) of the City received, opened and read aloud sealed bids for the above-referenced project. By prior order of the Commission, the bids were submitted for technical review to RATIO Architects, Inc. of Indianapolis, Indiana (Architect) who has acted as consulting architects to the Commission for the Project. The putative low bid together with the Architect's recommendations were forwarded to me for legal review and the rendition of my opinion as City Attorney as to the Commission's compliance with the bid process required by law and the award of the contract.

I have reviewed the entire record of bid proceedings in this matter. The Commission authorized the Project and, on August 1, 2013, approved Solicitation to Bidders in the proper form. Said Solicitation was published as required by I.C. 5-3-1 in two (2) newspapers of general circulation in Lake County, Indiana as follows: *The Times* and *The Post-Tribune* on August 14 and 21, 2013. Bids were due to be delivered to the Office of the Clerk-Treasurer by not later than 10:00 a.m., August 28, 2013. The bids received were then opened and read aloud at that time by the Clerk-Treasurer and taken under advisement as noted above.

The bid documents called for nine (9) bid alternates for different components of the project to enable the Commission to choose appropriate and cost-effective additions or alternatives for the project based on reliable and binding bids by the bidding contractors. These alternates were designated as follows:

- Alternate 1: Mill and Resurface Asphalt Pavement
- Alternate 2: Boulevard Lighting and Electrical Service:



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- Alternate 2(a)--Dual Fixture Pole Lighting
- Alternate 2(b)--Single Fixture Pole Lighting
- Alternate 3: Irrigation System
- Alternate 4: Festival Park Sign and Planter
- Alternate 5: Rain Gardens
- Alternate 6: Turf Sod
- Alternate 7: Thermoplastic Pavement Inlay
- Alternate 8: Additional Brick (material only); requested that an Alternate

I have been informed that the Commission has been advised by the Architect and the City's professional staff to accept Alternate Numbers 1, 2(a), 3, 5, 6, 7 and 8, and to reject Alternate 4 at this time, but without prejudice to the Commission's reconsideration of said alternate within sixty (60) days of the bid opening.

Four bids were timely received for the Project as follows (in ascending order of base bid):

<u>Bidder</u>	<u>Base Bid</u>
Larson-Danielson Construction Company, Inc.	\$ 426,636.00
Hasse Construction Company, Inc.	451,500.00
Gough, Inc.	458,150.00
Gariup Construction Company, Inc.	467,800.00

(Note: With the choice of the recommended alternates, Larson Danielson remains the putative low bidder with a total bid of \$565,596.00.)

I have reviewed these bids to determine the lowest responsible and responsive bidder as required by I.C. §36-1-12-4 (b) (8). In determining whether a bidder is responsive, the Board may consider the following factors: whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications, whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders, and whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract. (I.C. §36-1-12-4 (b) (10)) In determining whether a bidder is a responsible bidder, the Board may consider the following factors: the



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ability and capacity of the bidder to perform the work; the integrity, character, and reputation of the bidder, and the competence and experience of the bidder. (I.C. §36-1-12-4 (b) (11)).

By Summary Report dated September 3, 2013, RATIO Architects, Inc., by and through its Project Director, Craig G. Glazier, ASLA advised me that, after technical review, the bid of the putative low bidder, Larson-Danielson Construction Company, Inc., was found to conform to the technical specifications and requirements of the plans, specifications and bid instructions including the solicitation for bids. I have inspected and evaluated the documents submitted with this bid and find that the required Form 96 including affidavit of non-collusion, bid bond in the required form and amount, experience questionnaire, financial statement and other documents required by law have been duly submitted with the bid and are in good order.

Based on my review of these documents and the statutory requirements cited above, it is my considered opinion that Larson-Danielson Construction Company, Inc. is the lowest responsible and responsive bidder, and that the contract for this project in the amount of \$565,596.00 and consisting of the bid documents including the form of agreement, plans, specifications, and instructions to bidders be awarded to Larson-Danielson Construction Company, Inc. of LaPorte, Indiana. I have taken the liberty of preparing a resolution of the Commission (Number 2013-04) to this effect for your consideration which you will find attached.

Thank you for allowing me to review this important matter. I stand ready to respond to your questions.

Yours very truly,

ANTHONY DeBONIS, JR. & ASSOCIATES,
ATTORNEYS AT LAW, LLC

A handwritten signature in black ink, appearing to read 'Anthony DeBonis, Jr.', written over a large, stylized flourish.

ANTHONY DeBONIS, JR.
Hobart City Attorney

AD/hs
Enclosure



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City of Hobart Redevelopment Commission
September 4, 2013
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pc: Members of the Hobart Redevelopment Commission
Hon. Brian K. Snedecor, Mayor
Denarie Kane, Director of Development
Deborah A. Longer, Clerk-Treasurer
Craig G. Glazier, ASLA, RATIO Architects, Inc.



RATIO

Architecture Preservation Interior Design Landscape Architecture Urban Design & Planning Graphic Design

September 3, 2013

Ms. Denarie Kane, Development Director
City of Hobart Redevelopment Commission
414 Main Street
Hobart, IN 46342

Re: FESTIVAL PARK GATEWAY
Lakefront District Gateways – Phase 1
Construction Contract Award Recommendation

Dear Denarie,

We are very pleased to provide this recommendation for construction of the Festival Park Gateway. As you know, four (4) bids were received on August 28, 2013. Please refer to the attached bid tabulation for a summary of the bids received.

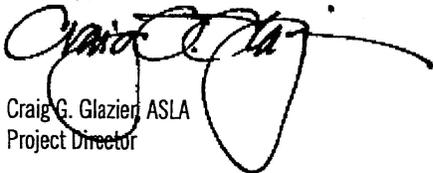
The low bidder was Larson-Danielson Construction Co., Inc., with a Base Bid of **\$426,636.00**. Their total bid, including Alternates, was also the lowest by a significant margin. We have reviewed the bid documents submitted, and find all to be in order. At my request, Larson-Danielson Construction provided a complete Subcontractor and Material List, also attached, within the required timeframe.

As discussed in our conference call on August 30, the City would like to accept several Alternate Bids, as follows:

Alternate 1	Mill & Resurface Asphalt Pavement - Old Ridge Road	\$16,866.00
Alternate 2A	Decorative Boulevard Lighting and Electrical (dual-fixture poles)	\$67,571.00
Alternate 3	Automated Irrigation System (median and Base Bid planting areas)	\$8,487.00
Alternate 5	Rain Gardens (adjacent to the west crosswalk)	\$7,809.00
Alternate 6	Turf Sod (within the boulevard median only)	\$859.00
Alternate 7	Thermoplastic Pavement Inlay (wave pattern at both crosswalks)	\$34,923.00
Alternate 8	Additional Brick (material only, for three future district markers)	\$2,445.00

The above Alternate Bids total \$138,960 in addition to the Base Bid noted above. Hence, we recommend a total contract award of **\$565,596.00** to Larson-Danielson Construction Co., Inc. for construction of the Festival Park Gateway. If you have any questions, please contact me. We look forward to seeing this first step toward our shared vision for Hobart's Lakefront District become reality.

Sincerely,



Craig G. Glazier ASLA
Project Director

Copy: Anthony DeBonis, Jr., Hobart City Attorney
Phillip Gralik, P.E., Hobart City Engineer
file



SUBCONTRACTOR AND MATERIAL LIST

Submitted By: Timothy Larson of Larson Danielson Construction Company, Inc.

Authorized Signature: Timothy J. Larson

Date submitted: 8/30/13

Section	Item	Subcontractor	Manufacturer
033000	Cast-in-Place Concrete	<u>Self Perform</u>	<u>Ozinga</u>
042113	Brick Masonry	<u>Self Perform</u>	<u>Bowerston</u>
044300	Stone Masonry	<u>Self Perform</u>	<u>Indiana Cut Stone</u>
079200	Joint Sealants	<u>Self Perform</u>	<u>Pecora/Sida/Tremco</u>
265600	Exterior Lighting	<u>Circle R</u>	<u>Spring City</u>
311000	Site Clearing	<u>Illiana</u>	<u>N/A</u>
312000	Earth Moving	<u>Illiana</u>	<u>N/A</u>
321216	Asphalt Paving	<u>Walsh & Kelly</u>	<u>Walsh & Kelly</u>
321313	Concrete Paving	<u>Self Perform</u>	<u>Ozinga</u>
321400	Unit Paving	<u>T & J</u>	<u>Reading Rock</u>
321723	Decorative Pavement Markings	<u>Gallagher Asphalt</u>	<u>Duratherm by Flint</u>
328400	Landscape Irrigation	<u>T & J</u>	<u>Rainbird</u>
329219	Seeding	<u>T & J</u>	<u>John Deere</u>
329223	Sodding	<u>T & J</u>	<u>Payne</u>
329300	Plants	<u>T & J</u>	<u>John Deere</u>

PART 2 PRODUCTS (Not Used)

PART 3 EXECUTION (Not Used)

END OF SECTION 004330