

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20030219

1. REQUESTED MOTION:

ACTION REQUESTED: Approve waiving of the formal bid process and accept the "informal" bid process for BW-03-03 for the South Groin Rehabilitation on Bonita Beach and award to Kelly Brothers Inc., for a total lump sum amount of \$54,850.00.

WHY ACTION IS NECESSARY: Pursuant to the Lee County Contract Manual, approved by the Board on September 25, 2001, bid waivers with expenditures in excess of \$50,000.00 require Board approval.

WHAT ACTION ACCOMPLISHES: Allows for Natural Resources to complete the South Groin Rehabilitation on Bonita Beach.

2. DEPARTMENTAL CATEGORY:

8. Solid Waste - Natural Resources
COMMISSION DISTRICT #:

C8A

3. MEETING DATE:

03-11-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE *AC-4-4*
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT *Public Works*
- C. DIVISION *Natural Resources*
- BY: *Roland Ottolini, Director*

7. BACKGROUND:

Approve the informal bid process by the Board of County Commissioners requiring acceptance of the sole bidder and waiving of the formal bid level. The Natural Resources Division estimated the cost of this project under formal level of \$50,000.00 and proceeded to solicit informal bids from interested bidders. Approximately sixty (6) invitations to bids were sent out. Natural Resources received five (5) requests for bid documents: Coastal Marine Construction, Stemic Marine Construction, McCulley Marine Service, Misener Marine Construction and Kelly Brothers. By the deadline time for submittal of informal bids on January 16, 2003, Natural Resources only received one bid from Kelly Brothers Inc., in the amount of \$54,850.00.

Natural Resources contacted the other document holders to inquire why they submitted "NO BID". Reasons: relatively small size project and cost of mobilization as well as currently workloads made the job unattractive.

The groin rehabilitation is being processed as part of the Bonita Beach Renourishment project with funding participation from Florida Department of Environmental Protection, Lee County and the City of Bonita Springs. The State has authorized Natural Resources to proceed with the award of the sole bidder, Kelly Brothers, based on the bid amount. The contractor will still be required to post the required insurance limits as part of this process. The public construction bond will be waived for this project.

Funds are available in Account #22303930100.503490 in the amount of \$18,596.89 (State)
20303930101.503490 in the amount of \$20,158.47 (County)
20303930107.503490 in the amount of \$16,094.64 (City)

Attachment: Kelly Brothers Bid

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>CPM 2/20/03</i>				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i> 2-18-03	<i>[Signature]</i>	N/A	<i>SAD</i> 2-18-03	<i>[Signature]</i> 2/19/03	<i>[Signature]</i> 2-19-03	<i>[Signature]</i> 2/20/03	<i>[Signature]</i> 2/19/03	<i>[Signature]</i> 2-17-03	<i>[Signature]</i> 2-18-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *2/19/03*
Time: *11:45 AM*
Forwarded To:
[Signature]
2/19/03

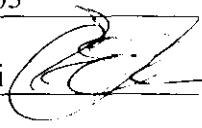
RECEIVED BY
COUNTY ADMIN. *EW*
2-19-03
2:20
COUNTY ADMIN.
FORWARDED TO:
[Signature]
2/20/03

20030219

**MEMORANDUM
FROM
THE DEPARTMENT OF
PUBLIC WORKS
Division of Natural Resources**

Date: January 27, 2003

TO: Cindy Logan
Contracts

From: Roland Ottolini 

SUBJECT: South Groin Rehabilitation on Bonita Beach

Please accept this memorandum as my request to process the attached informal bid for approval by the Board of County Commissioners requiring acceptance of the sole bidder and waiving of the formal bid level. We estimated the cost of this project to be under \$50,000.00 and proceeded to informally bid the project. Approximately sixty invitations to bid were mailed. We received five requests for bid documents: Coastal Marine Construction, Stemic Marine Construction, McCulley Marine Service, Misener Marine Construction and Kelly Brothers. By the deadline of January 16, 2003, only one bid had been received. Kelly Brothers bid \$54,850.00.

We contacted the other contractors requesting documents and were advised the relatively small size of the project and cost of mobilization as well as current workloads made the job unattractive. The groin rehabilitation is being processed as part of the Bonita Beach Renourishment project with funding participation from Florida Department of Environmental Protection, Lee County and the City of Bonita Springs. The State has authorized us to proceed with the bid from Kelly Brothers. Based on the bid amount, we request to waive the bond requirement as well.

Thank you for your time and consideration.

Attachment

COMPETITIVE BID SOLICITATION (Informal)

**OFFICIAL BID FORM
FOR
SOUTH GROIN (G-1) REHABILITATION ON BONITA BEACH**

JAN 16 2003

**BIDS ARE TO BE SUBMITTED BY
3:30 PM, JANUARY 16, 2003**

MAIL BID TO:

LEE COUNTY DIVISION OF NATURAL RESOURCES
P O BOX 398
FT. MYERS, FL. 33902
Attention: Anura Karuna-Muni

BID OPENING:
LEE COUNTY DIVISION OF NATURAL RESOURCES
THIRD FLOOR
1500 MONROE STREET
FT. MYERS, FL. 33901

3:30 PM, JANUARY 16, 2003

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BIDDER: KELLY BROTHERS, INC.
INDIVIDUAL OR FIRM NAME

OFFICIAL BID FORM

Division of Natural Resources
P.O. Box 398
Fort Myers, FL 33902-0398

Attention: Anura Karuna-Muni, Project Manager

1. The undersigned, hereinafter called the Bidder, having visited the site of the proposed project and having become familiar with the local conditions, nature and extent of the work, and having examined carefully the Plans, Technical Specifications, and other Contract Documents, and having fulfilled their requirements proposes to furnish all labor, materials, equipment and other items, facilities and services for the proper execution and completion of the:

SOUTH GROIN (G-1) REHABILITATION ON BONITA BEACH

The scope of work will be limited to the following:

1. Rehabilitation of the entire length of the southern groin (Groin G-1) to its original design as shown on the drawings prepared by Olsen Associates dated April 11, 1994;
2. Recovery of some of the displaced rock, if exposed, for use in the groin rehabilitation;
3. Use of 20 to 30 cubic yards of new armor rock (minimum specific gravity of 140 pounds per cubic foot), as necessary, in the rehabilitation of the groin;
4. Removal of debris around and at the vicinity of the groin;
5. As built drawings of the Groin G-1 upon completion, certified by a licensed Surveyor;
6. No rehabilitation work shall be done outside of the footprint of Groin G-1 as shown on the drawings prepared by Olsen Associates dated April 11, 1994;
7. No work shall be done during the turtle nesting season; and
8. The construction access through Bonita Beach Club Condominium is provided through an easement obtained by Lee County. The contractor shall comply with all conditions of the easement. Any property damage caused by the contractor during construction period shall be restored to the original condition and the satisfaction of the property owner by the contractor at his own expense.

in full accordance with the FDEP Exemption File No. 0202291-001 EE, Lee County dated August 16, 2002, Nationwide permit dated November 26, 2002, issued by the Department of the Army, drawings and specifications prepared by Olsen Associates, Inc., and all other documents related thereto on file in the, Division of Natural Resources, and if awarded the contract, to complete the said work within the time limits specified for the following proposal price:

BASE	BID	LUMP	SUM	(Written in Words)
FIFTY FOUR THOUSAND EIGHT HUNDRED FIFTY AND 00/100				-----
-----				DOLLARS (\$ 54,850.00)

2. The BIDDER hereby agrees that:

(a) The above proposal shall remain in full force and effect for a period of 60 calendar days after the time of the opening of this proposal and it shall not be revoked, withdrawn or canceled within that time frame. Once the bidder has been notified that his bid has been awarded by the Division Director within the above time frame, the price proposed as submitted shall constitute the contract price which shall be executed within the time frames established by these documents.

(b) In the event the award is made to this Bidder, the Bidder will receive a Purchase Order from the County in accordance with the accepted proposal and will execute the work described within these documents.

3. Acknowledgment is hereby made of receipt of the following Addenda issued during the bidding period:

Addendum No. ____ Dated _____ Addendum No. ____ Dated _____

Addendum No. ____ Dated _____ Addendum No. ____ Dated _____

4. If awarded this construction contract, the Bidder agrees to complete the work covered by this contract as follows:

(a) Substantial completion in 30 consecutive calendar days from date of official Notice to Proceed.

(b) Final completion in 30 consecutive calendar days from the date of official Notice to Proceed.

5. Neither the undersigned nor any other person, firm or corporation named herein, nor anyone else to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action for this proposal by the County, also that no head of any department or employee therein, or any officer of Lee County, Florida is directly interested therein.

This proposal is genuine and not collusive or a sham; the person, firm or corporation named herein has not colluded, conspired, connived or agreed directly or indirectly with any bidder or person, firm or corporation, to put in a sham proposal, or that such other person, firm or corporation shall refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the unit prices of said proposal or proposals of any other bidder, or to secure any advantage against the County or any person, firm or corporation interested in the proposed contract; all statements contained in the proposal or proposals described above are true; and further, neither the undersigned, nor the person, firm or corporation named herein has directly or indirectly submitted said proposal or the contents thereto to any association or to any member or agent thereof.

6. The below-signed Bidder agrees to comply with all applicable provisions as set forth in this document. The Bidder further agrees to hold harmless, defend and indemnify the County and its agents for any losses, including attorneys fees, incurred as a result of its failure to abide by the applicable Anti-Discrimination laws.

CRESCENTE C. BAUTISTA
(Name of License Holder)

(State Certificate No.) CG-C062389

020066
(Occupational No.) (Specify Jurisdiction)

(Lee County Competency No.) DS 007343

(State Registration No.) 656515

In witness whereof, the Bidder has hereunto set his signature and affixed his seal this 15 day of JANUARY, A.D., 200 3.

ATTEST: Laurie A. Rosen (SEAL)
~~Secretary~~ NOTARY PUBLIC

LAURIE A. ROSEN
Notary Public, State of Florida
My comm. exp. Feb. 25, 2005
Comm. No. DD 004179

By: Printed M. PATRICIA KREUTZER

By: Signature M. Patricia Kreutzer
Title: VICE PRESIDENT

KELLY BROTHERS, INC.
Company Name

Contact Person CHRIS BAUTISTA/DANNY KELLY

15775 PINE RIDGE ROAD
Mailing Address

Phone Number 239/482-7300

FORT MYERS, FL 33908
City, State, and Zip

Fax Number 239/482-8014


SIGNATURE

AC# 0472580

STATE OF FLORIDA

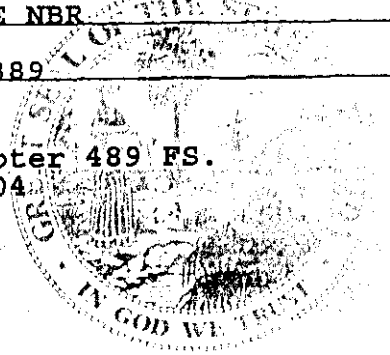
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
CONSTRUCTION INDUSTRY LICENSING BOARD

SEQ# L02070200405

DATE	BATCH NUMBER	LICENSE NBR
07/02/2002	668990283	CGC062389

The GENERAL CONTRACTOR
Named below IS CERTIFIED
Under the provisions of Chapter 489 FS.
Expiration date: AUG 31, 2004

BAUTISTA, CRESENTE CORONEL
KELLY BROTHERS INC
9001 SAN CARLOS BLVD
FT MYERS FL 33912



JEB BUSH
GOVERNOR

DISPLAY AS REQUIRED BY LAW

KIM BINKLEY-SEYER
SECRETARY

genuineness of the document is uncertain, or because of another matter related to the application.

At least 90 days prior to the expiration date shown on this license, DBPR will send a notice of renewal to your last known address. If you have not received your notice 60 days prior to the expiration date, please call (850) 487-1395 or contact DBPR via the Internet: www.MyFlorida.com > DBPR Online Services.



STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONST INDUSTRY LICENSING BOARD
7960 ARLINGTON EXPRESSWAY
STE 300
JACKSONVILLE FL 32211-7467

(904) 727-6530

KELLY BROTHERS INC
15775 PINE RIDGE ROAD
FORT MYERS FL 33908

STATE OF FLORIDA AC# 0049220
 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 QB -0018370 05/11/2001 00029642
 QUALIFIED BUSINESS ORGANIZATION
 KELLY BROTHERS INC
 (NOT A LICENSE TO PERFORM WORK.
 ALLOWS COMPANY TO DO BUSINESS IF
 IT HAS A LICENSED QUALIFIER.)
 IS QUALIFIED under the provisions of Ch.489 FS.
 Expiration date: AUG 31, 2003 SEQ # 01051100125

DETACH HERE

C# 0049220

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
CONST INDUSTRY LICENSING BOARD

SEQ# 01051100125

DATE	BATCH NUMBER	LICENSE NBR
05/11/2001	00029642	QB -0018370

The BUSINESS ORGANIZATION
Named below IS QUALIFIED
Under the provisions of Chapter 489 FS.
Expiration date: AUG 31, 2003
(THIS IS NOT A LICENSE TO PERFORM WORK. THIS ALLOWS THE
COMPANY TO DO BUSINESS ONLY IF IT HAS A QUALIFIER,)

KELLY BROTHERS INC
15775 PINE RIDGE ROAD
FORT MYERS FL 33908

JEB BUSH
GOVERNOR

DISPLAY AS REQUIRED BY LAW

KIM BINKLEY-SEYER
SECRETARY



STATE OF FLORIDA
LEE COUNTY
OCCUPATIONAL LICENSE

LICENSE YEAR: 2002-2003
LICENSE NUMBER: 020066

Location
15775 PINE RIDGE RD
FT MYERS FL 33908

KELLY BROTHERS INC
BAUTISTA CRESENTE C
15775 PINE RIDGE RD
FT MYERS FL 33908

EXPIRES: SEPTEMBER 30, 2003

Is hereby licensed at above address to engage in the business,
profession or occupation of:

CERTIFIED GENERAL CONTRACTOR

THIS IS NOT A BILL - DO NOT PAY

PAID	013033-59-1	08/22/2002 11:58
	DP500	\$50.00

**THIS LICENSE VALID ONLY WHEN RECEIPTED BY
TAX COLLECTOR**

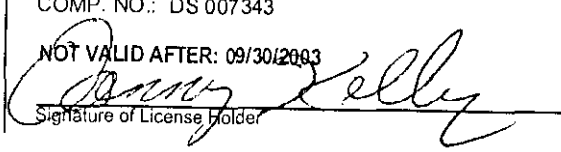
MAIL ADDRESS AND/OR
TELEPHONE # CHANGE TO:
LEE COUNTY
DEVELOPMENT SERVICES
P.O. BOX 398
FORT MYERS, FLORIDA 33902
ATTENTION: CONTRACTOR LICENSING

LEE COUNTY
CERTIFICATE OF COMPETENCY
(941) 335-2205

NAME: DANNY M KELLY
D/B/A KELLY BROTHERS INC
LICENSED FOR: Docks and Seawall Contr

COMP. NO.: DS 007343

NOT VALID AFTER: 09/30/2003



Signature of License Holder

Conditions of Certificate

Renewal due for active and inactive certificate each year in September.

COMP. NO. shall appear on all advertisements including vehicles reflecting a business name.

Shall only contract in D/B/A name as it appears on certificate. Board of Approval required on business name changes.

Shall maintain required insurances on active certificates.

Shall inform the Contractor Licensing Office of any Address or telephone # change.

fcntlocren2.rpt

State of Florida



Department of State

I certify from the records of this office that KELLY BROTHERS, INC. is a corporation organized under the laws of the State of Florida, filed on February 20, 1980 .

The document number of this corporation is 656515.

I further certify that said corporation has paid all fees due this office through December 31, 2002, that its most recent annual report/uniform business report was filed on February 1, 2002, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.



CR2EO?? (1 00)

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Fifth day of February, 2002

Katherine Harris

Katherine Harris
Secretary of State