

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

**Blue Sheet No. 20050576**

**1. ACTION REQUESTED/PURPOSE:** Concur with the ranking of Proposers by the Qualification Selection Committee for RFP-05-02 THREE OAKS WWTP EXPANSION PROJECT, in the following order of ranking, and authorize contract negotiations to commence with the number one ranked firm: (1) Wharton-Smith, Inc.; (2) Westra Construction Corporation and (3) Carollo Constructors, for the Guaranteed Maximum Price (GMP) of \$19,472,000.00, plus an additional contingency fee of \$2,500,000.00 to allow for modifications throughout the project and future expansions; with a substantial completion of May 29, 2007 and a final project completion of June 29, 2007. Also approve budget transfer from Utilities Reserve for Fund Balances in the amount of \$21,500,000.00 and amend FY 04/05 CIP for Improvements Construction.

**2. WHAT ACTION ACCOMPLISHES:** Provides Lee County with a Design/Build team for Three Oaks Wastewater Treatment Plant. The purpose of the proposed project is to expand the treatment capacity of the Three Oaks WWTP to approximately 6.0 MGD with the ability to expand to 9.0 MGD in the future.

**3. MANAGEMENT RECOMMENDATION:** Staff recommends approval.

<b>4. Departmental Category:</b> 10		<i>CION</i>	<b>5. Meeting Date:</b> <i>05-10-2005</i>
<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>	
<input checked="" type="checkbox"/> Consent		<input type="checkbox"/> Statute	<b>8. Request Initiated:</b>
<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance	Commissioner _____
<input type="checkbox"/> Appeals		<input checked="" type="checkbox"/> Admin. Code <b>AC-4-4</b>	Department <u>Public Works</u>
<input type="checkbox"/> Public		<input type="checkbox"/> Other	Division <u>Utilities</u>
<input type="checkbox"/> Walk-On			By: <b>Rick Diaz, P.E., Director</b>
		<i>Rick Diaz</i>	

**9. Background:** The Utilities Division submitted a request to Contracts Management to obtain design/build proposals for RFP-05-02 THREE OAKS WWTP EXPANSION PROJECT. Florida statutes required the use of a formal proposal process due to the expected cost of this service.

Step One of the Design/Build Process:

- Statements of Qualification (SOQ) were due on Thursday, March 10, 2005. A total of six SOQs were submitted by the established deadline date.
- The Qualification Selection Committee met on Wednesday, March 16, 2005. to short-list the qualified firms. The Qualification Selection Committee consisted of the following members: Rick Diaz, Chairman, Utilities Division Director, Tom Mamott, Project Manager, and Ivan Velez, Utilities Deputy Director. Invited Participants: Tom Hill, Utilities Operations Manager and Scott Coovert, Lee County Legal Advisor.
- The short-listed firms were: Carollo Constructors L.C.; Westra Construction Corp; and Wharton Smith, Inc.

**Continued on Page Two**

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services	County Manager/P.W. Director				
<i>J. J. [Signature]</i> 4/26/05	<i>[Signature]</i> 4/25	N/A	<i>[Signature]</i> 4/26	<i>[Signature]</i>	<i>[Signature]</i> 4/28/05	Analyst	Risk	Grants	Mgr	<i>[Signature]</i> 4-26-05
<b>11. Commission Action:</b>					Rec. by CoAtty Date: <i>4/27/05</i> Time: <i>10:15</i> Forwarded To: <i>[Signature]</i>		RECEIVED BY COUNTY ADMIN: <i>[Signature]</i> 4-27-05 <i>mp.</i> 10:50am COUNTY ADMIN FORWARDED TO: <i>[Signature]</i> 4/28/05 3pm			
<input type="checkbox"/> Approved <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Other										

Step Two of the Design/Build Process:

- All three (3) short-listed firms attended the two (2) Mandatory Pre-Bid meetings. They took place on Wednesday, March 23, 2005 at the Three Oaks WWTP site and on Monday, April 4, 2005 at the Community Development/Public Works Center.
- Technical/Price Proposals were due and submitted to the Qualification Selection Committee on Wednesday, April 13, 2005.
- Oral Presentations were conducted on Tuesday, April 19, 2005 by all three (3) short-listed firms.
- The Qualification Selection Committee met On Wednesday, April 20, 2005 to discuss and critique the oral presentations made on April 19, 2005; to publicly open the Price Proposals submitted on April 13, 2005 and to make the selection of the most qualified proposer.
- The Qualification Selection committee unanimously selected the proposer whose proposal was in the best interest for Lee County, Wharton-Smith, Inc.

**Through this Design/Build Process, Lee County was able to save \$16,400,000.00.**

Funds will be available in account string: 20728048713.506540

Attachments: Price Proposal Tab  
Proposer Ranking Sheet  
Wharton-Smith, Inc. Technical/Price Proposal  
Budget Transfer

# REQUEST FOR TRANSFER OF FUNDS

FUND NAME: LCU Capital Improvements DATE: 04/25/05 BATCH NO. \_\_\_\_\_

FISCAL YEAR: 04/05 FUND #: 48713 DOC TYPE: YB LEDGER TYPE: BA

TO: Lee County Utilities CIP Budget  
 (DIVISION NAME) (PROGRAM NAME)

NOTE: PLEASE LIST THE ACCOUNT NUMBER BELOW IN THE FOLLOWING ORDER:  
 FUND #-DEPT/DIV #-PROGRAM #-OBJECT CODE #-SUBFUND #-PROJECT#-COST CENTER #.  
 (EXAMPLE: BB5120100100.503450)

ACCOUNT NUMBER	OBJECT NAME	DEBIT
20728048713.506540	Water Easement Acquisition	\$ 21,500,000
	TOTAL TO:	\$ 21,500,000

FROM: Lee County Utilities CIP Budget  
 (DIVISION NAME) (PROGRAM NAME)

ACCOUNT NUMBER	OBJECT NAME	CREDIT
GC5890148713.509918	Reserve for Fund Balances	21,500,000
	TOTAL FROM:	\$ 21,500,000

EXPLANATION:

[Signature] 4/26/05  
 DIVISION DIRECTOR SIGNATURE DATE

DBS: APPROVAL  DENIAL

APPROVAL  DENIAL

CO. ADMIN.: APPROVAL  DENIAL

BCC APPROVAL DATE \_\_\_\_\_

[Signature] 4-26-05  
 DEPARTMENT DIRECTOR SIGNATURE DATE

[Signature] 4-27-05  
 OPERATIONS ANALYST SIGNATURE DATE

[Signature] 4/27/05  
 BUDGET OPERATIONS MANAGER SIGNATURE DATE

CO. ADMIN. SIGNATURE DATE

BCC CHAIRMAN SIGNATURE \_\_\_\_\_

BA NO: \_\_\_\_\_ AUTH CODE: \_\_\_\_\_ TRANS DATE: \_\_\_\_\_

**LEE COUNTY TECHNICAL/ PRICE  
 PROPOSAL SHEET  
 FOR  
RPF-05-02 THREE OAKS WWTP  
 EXPANSION PROJECT**

**PROPOSAL NO.: RFP-05-02** **DATE: April 20, 2005**

PROPOSER	PROPOSAL BOND	TECHNICAL/PRICE PROPOSAL (GMP)
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Technical / Price Proposal were received for the following three (3) short-listed firms:

WESTRA CONSTRUCTION CORP 1263 12 <sup>th</sup> Avenue East P.O. Box 1149 Palmetto, Florida 34221 Michael Beukema Phone: 941.723.1611 Fax: 941.729.8365	\$2,088,000.00	\$20,880,000.00
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CAROLLO CONSTRUCTORS / CENTEX CONSTRUCTION 401 N. Cattlemen Road, Suite 306 Sarasota, FL 34232 Gary Meyerhofer Phone: 941.371.9832 Fax: 941.371.9873	\$1,074,898.75	\$21,497,975.00
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WHARTON-SMITH, INC. CONSTRUCTION GROUP 750 County Road 15 P.O. Box 471028 Lake Monroe, FL 32747-1028 Clyde W. Burgess Phone: 407.321.8410 Fax: 407.323.1236	\$1,947,200.00	\$19,472,000.00
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EVALUATION/SELECTION COMMITTEE  
OVERALL RANKING SHEET  
FOR  
RFQ-05-02 THREE OAKS WWTP EXPANSION PROJECT  
Wednesday, April 20, 2005  
1:30 p.m.

COMPANY NAME

NUMBER RANKED

Carollo Contractors, L.C.

3

Westra Construction Corp.

2

Wharton-Smith, Inc.

1

  
\_\_\_\_\_  
COMMITTEE MEMBER  
(PROJECT MGR) SIGNATURE

4/20/05  
Date:

**REQUIRED FORMS AND TECHNICAL PROPOSAL**

**RFP-05-02 STEP TWO**

**DESIGN-BUILD SERVICES FOR**

**THREE OAKS WWTP EXPANSION PROJECT  
DUE 2:00 P.M. – WEDNESDAY, APRIL 13, 2005**

**COPY**

**PROPOSER INFORMATION:**

NAME OF FIRM: Wharton-Smith, Inc./Boyle Engineering

ADDRESS: 750 County Road 15 (Street Address)

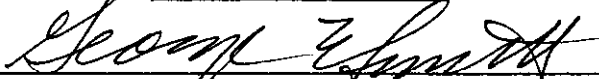
P.O. Box 471028 (PO Box)

Lake Monroe, FL 32747 (City, County, State, Zip)

PHONE: 407/321-8410

FAX: 407/323-1236

AUTHORIZED SIGNATORY: George E. Smith (Print Name) TITLE: President

SIGNATURE: 

CONTACT'S E-MAIL ADDRESS: cburgess@whartonsmith.com

**IDENTIFICATION OF BUSINESS ORGANIZATION:**

**Check the appropriate box that describes the organization of the firm proposing:**

Sole Proprietorship  Partnership  Joint Venture  Corporation

State of Incorporation: Florida

The Proposer represents that the following persons are authorized to sign and/or negotiate contracts and related documents to which the Proposer will be duly bound:

Name	Title	Phone Number
George E. Smith	President	407/321-8410
Ronald F. Davoli	Executive Vice President	407/321-8410

**ADDENDUM ACKNOWLEDGEMENT:**

The Proposer shall acknowledge receipt of any addenda issued to the solicitation by completing the blocks below or by completion of the applicable information on the addendum and returning it not later than the date and time for receipt of the Proposal. Failure to acknowledge an addendum that has a material impact on the solicitation may negatively impact the responsiveness of your Proposal. Material impacts include but are not limited to changes to scope of work, delivery time, performance period, quantities, bonds, letters of credit, insurance and qualifications, etc.

Addendum	No.	Date	Addendum	No.	Date
<u>1</u>		<u>March 30, 2005</u>			
<u>2</u>		<u>April 8, 2005</u>			

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**RFP NO. RFP-05-02, STEP TWO  
OFFICIAL PRICE PROPOSAL FORM  
FOR DESIGN/BUILD SERVICES FOR  
THREE OAKS WWTP EXPANSION PROJECT**

**COPY**

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Mail or Hand Deliver

**ORIGINAL PRICE PROPOSAL FORM AND TEN COMPLETE COPIES**

**by 2:00 PM – WEDNESDAY, APRIL 13, 2005**

**To:**

**BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA  
CONTRACTS MANAGEMENT  
1500 MONROE STREET, 4<sup>TH</sup> FL  
FORT MYERS, FLORIDA 33901**

**Anticipated Price Proposal Opening:**

**EVALUATION COMMITTEE MEETING**

**THE MEETING COMMENCES AT TUESDAY, APRIL 19, 2005 AT 1:30 P.M.**

**LEE COUNTY CONTRACTS MANAGEMENT  
1500 Monroe Street, 4<sup>th</sup> Floor  
Fort Myers, Florida 33901**

**COMPANY NAME:** Wharton-Smith, Inc./Boyle Engineering  
**COMPLETE MAILING ADDRESS:** 750 CR 15, P.O. Box 471028  
**CITY:** Lake Monroe, **COUNTY:** Seminole, **STATE:** FL, **ZIP CODE:** 32747  
**TELEPHONE NUMBER:** 407/321-8410 **& FAX NUMBER:** 407/323-1236  
**CONTACT PERSON NAME:** Clyde W. Burgess, Div Manager Environmental D/B  
**CONTACT E-MAIL ADDRESS:** cburgess@whartonsmith.com

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**FORM B**

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**Board of County Commissioners  
Lee County, Florida**

The Undersigned, hereinafter called "Proposer", having visited the site of the proposed project and familiarized himself/herself with the local conditions, nature and extent of the work, and having examined carefully the Contract Form, Scope of Work, General Conditions, Supplementary Conditions, Design Criteria Package and other Contract Documents, and with the Bond requirements herein, proposes to furnish all design, management, labor, materials, equipment and other items, facilities and services for the proper execution and completion of **DESIGN/BUILD SERVICES FOR THREE OAKS WWTP EXPANSION PROJECT**, in full accordance with the Design Criteria, Scope of Services, drawings and specifications prepared in accordance with Contract Documents and, if awarded the contract, to complete the said work within the proposed project schedule for the following Guaranteed Maximum Price (GMP).

33. **Guaranteed Maximum Price** \$ 19,472,000.<sup>00</sup>  
DOLLARS

Written in Words: Nineteen million, four hundred seventy-two thousand dollars

In the event the Contract is awarded to this Proposer, he/she will enter into a formal written agreement with the County in accordance with the accepted Price Proposal within ten (10) calendar days after said contract is submitted to him and will furnish to the County a Contract Performance Bond & Payment Bond with good and sufficient sureties, satisfactory to the County, in the amount of 100% of the accepted or negotiated price proposal, including design and management services. The Proposer further agrees that in the event of the Proposer's default or breach of any of the agreements of this Proposal, the Proposal Security shall be forfeited as liquidated damages.

34. **The Proposer hereby agrees that in addition to the Official Price Proposal (FORM B) the following Price Proposal Forms are attached:**

- |   |                             |
|---|-----------------------------|
| 1. Non-Collusion Affidavit, Attachment A  | Yes <u>X</u>                |
| 2. Required Disclosure, Attachment B  | Yes <u>X</u>                |
| 3. Schedule D, Attachment C-1   | Yes <u>X</u>                |
| 4. Subcontractor/Supplier Page, Attachment C-2a & C-2b  | Yes <u>X</u>                |
| 5. Team Composition, Attachment C-3   | Yes <u>X</u>                |
| 6. Trench Safety Act Form, Attachment D   | Yes <u>X</u>                |
| 7. Proposal Bond or Cashiers Check, Exhibit 1<br>(10% of Base Price Proposal) <u>or</u><br>Irrevocable Letter of Credit (Exhibit 2) | Yes <u>    </u> No <u>X</u> |
| Ten (10) Complete <u>copies</u> of this Price Proposal Form with <u>all</u> attachments   | Yes <u>X</u>                |
| Licenses Attached   | Yes <u>X</u>                |



**ADDENDUM ACKNOWLEDGEMENT:**

The Proposer shall acknowledge receipt of any addenda issued to the solicitation by completing the blocks below or by completion of the applicable information on the addendum and returning it not later than the date and time for receipt of the Proposal. Failure to acknowledge an addendum that has a material impact on the solicitation may negatively impact the responsiveness of the Proposal. Material impacts include but are not limited to changes to scope of work, delivery time, performance period, quantities, bonds, letters of credit, insurance and qualifications, etc:

Addendum No. 1 Dated 3/30/05

Addendum No.      Dated                     

Addendum No. 2 Dated 4/8/05

Addendum No.      Dated                     

If awarded this Design/Build Contract, the Proposer agrees to complete the Work covered by this Contract as follows:

Work shall start at the Project site within fourteen (14) days of the effective date of the Notice to Proceed.

Substantial and Final Completion shall be accomplished in accordance submitted Project schedule.

Should the Successful Proposer fail to complete work as specified, the liquidated damage clause will apply (**Step One RFQ, Part E, Contract**).

The Proposer hereby agrees that the County reserves the right to waive informalities in any price proposal and to reject any or all Price Proposals, or to accept any Price Proposal that in its judgment will be in the best interest of the County.

**FLORIDA CONSTRUCTION INDUSTRIES LICENSING BOARD  
CERTIFICATION:**

Smith, George E., Wharton-Smith, Inc. CGC032669

(NAME OF HOLDER) (CERTIFICATE NO.)

*George E. Smith*

(SIGNATURE OF PROPOSER)

(CERTIFICATE EXPIRATION DATE) August 31, 2006

George E. Smith, President

(NAME TYPED)

**AUTHORIZED SIGNATORIES/NEGOTIATORS**

The Proposer represents that the following persons are authorized to sign and/or negotiate contracts and related documents to which the Proposer will be duly bound:

Name George E. Smith Title President

Telephone Number with area code : 407/321-8410

Name Ronald F. Davoli Title Executive Vice President

Telephone Number with area code : 407/321-8410

In witness whereof, the Proposer has hereunto set his signature and affixed his seal this day of April 13, A.D. 2005.

BY:

  
\_\_\_\_\_  
(Signature)

TITLE: President

PRINT NAME: George E. Smith

FEDERAL I.D. #: 59-2392802

**NON-COLLUSION AFFIDAVIT**

The undersigned being first duly sworn as provided by law, deposes and says:

- 1. This Affidavit is made with the knowledge and intent that it is to be filed with the Board of County Commissioners, Lee County, Florida and that it will be relied upon by said County, in any consideration which may give to and any action which it may take with respect to this Proposal.
- 2. The undersigned is authorized to make this Affidavit on behalf of, Wharton-Smith, Inc. (Name of Corporation, Partnership, Individual, etc.), a Corporation, formed under the laws of Florida for which he is President/CEO (Sole Owner, partner, president, etc.)
- 3. Neither the undersigned nor any other person, firm or corporation named in above Paragraph 2, 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.
- 4. This Proposal is genuine and not collusive or a sham; the person, firm or corporation named above in Paragraph 2 has not colluded, conspired, connived or agreed directly indirectly with any Proposer 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 prices of said proposal or proposals of any other Proposer; and all statements contained in the proposal or proposals described above are true; and further, neither the undersigned, nor the person, firm or corporation named above in Paragraph 3, has directly or indirectly submitted said proposal or the contents thereof, or divulged information or data relative thereto, to any association or to any member or agent thereof.

George E. Smith  
(AFFIANT) George E. Smith, President

TAKEN, SWORN AND SUBSCRIBED TO BEFORE ME this 13 day of April, 2005.

Dawn K. Bragg  
Notary Public  
Dawn K. Bragg (SEAL)

(Print, Type or Stamp Commissioned Name of Notary Public)  
Personally Known X or Produced Identification \_\_\_\_\_  
Type of Identification: \_\_\_\_\_

DAWN K. BRAGG  
Notary Public, State of Florida  
My comm. exp. Oct. 24, 2006  
Comm. No. DD 160805

**REQUIRED DISCLOSURE**

The following Disclosure is of all material facts pertaining to any felony or civil conviction or any pending felony or civil charges in the last three (3) years in this State or any other State of the United States against 1) Proposer, 2) any business entity related to or affiliated with Proposer, or 3) any present or former executive employee, officer, director, stockholder, partner or owner of Proposer or of any such related or affiliated entity. This Disclosure shall not apply to any person or entity that is only a stockholder, which person or entity owns twenty percent (20) or less of the outstanding shares of a Proposer whose stock is publicly owned and traded.

N/A

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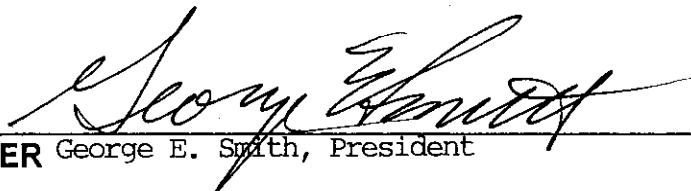
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**PROPOSER** George E. Smith, President

**SCHEDULE D  
DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION**

**NOTE:** This form must be signed by the person who will sign, or has signed the Bid Form. This form will become a part of the contract documents.

DIVISION OF EQUAL OPPORTUNITY CERTIFIED DBE /MINORITY /WOMEN  (CHECK APPROPRIATE DESIGNATION):

DESCRIPTION OF WORK: Supplier- Pipe, Valves & Fittings

SUBCONTRACTOR'S NAME: Suca Pipe Supply

EST. DOLLAR VALUE OF PROPOSED WORK: \$350,000

DIVISION OF EQUAL OPPORTUNITY CERTIFIED DBE /MINORITY /WOMEN  (CHECK APPROPRIATE DESIGNATION):

DESCRIPTION OF WORK: Supplier- Pipe, Valves & Fittings

SUBCONTRACTOR'S NAME: Grandview Pipe & Supply Co, Inc.

EST. DOLLAR VALUE OF PROPOSED WORK: \$350,000

DIVISION OF EQUAL OPPORTUNITY CERTIFIED DBE /MINORITY /WOMEN  (CHECK APPROPRIATE DESIGNATION):

DESCRIPTION OF WORK: \_\_\_\_\_

SUBCONTRACTOR'S NAME: \_\_\_\_\_

EST. DOLLAR VALUE OF PROPOSED WORK: \_\_\_\_\_

DIVISION OF EQUAL OPPORTUNITY CERTIFIED DBE /MINORITY /WOMEN  (CHECK APPROPRIATE DESIGNATION):

DESCRIPTION OF WORK: \_\_\_\_\_

SUBCONTRACTOR'S NAME: \_\_\_\_\_

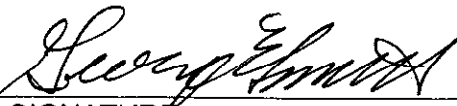
EST. DOLLAR VALUE OF PROPOSED WORK: \_\_\_\_\_

TOTAL VALUE OF ALL DBE/MINORITY/WOMEN SUBCONTRACT WORK: \$ 700,000

ESTIMATED TOTAL PERCENT (%) TO BE UTILIZED: 3 %

Wharton-Smith, Inc/Boyle Engineering

CONTRACTOR NAME

  
SIGNATURE

George E. Smith, President

April 13, 2005

DATE

**DESIGN-BUILDER/SUBCONTRACTOR/SUPPLIER INFORMATION**

List all proposed Subcontractors and suppliers to be used--Lee County certified M/WBE's, non-M/WBE's and DBE's. Provide company names; contacts, addresses, phone numbers; trade/service/commodity to be provided (specify if subcontractor or supplier); work to be performed with the Design-Builder's own workforce, including estimated dollar amount allocated for that work (work that is consistently and historically performed in-house); total amount to be paid to this sub/supplier (do not discount supply dollars); and DBE/M/WBE designation or if non-M/WBE (Majority).. Provide all information requested. Use additional sheets if necessary.

1. What is the estimated percent of work that the Design-Builder will self-perform? 70 %

List these areas below with approximate dollar amounts to be allocated for the work.

2. Is all work (whether to be subbed or self-performed) listed below? Yes \_\_\_\_\_ No X  
 Are all material suppliers listed? Yes \_\_\_\_\_ No X

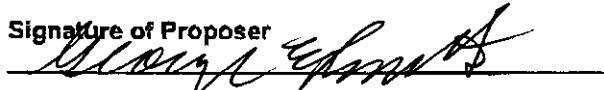
If no, please explain.

Too numerous to list all.

3. Is your firm certified through Lee County as an M/WBE? Yes \_\_\_\_\_ No X

	<u>COMPANY NAME, CONTACT ADDRESS, PHONE NUMBER</u>	<u>WORK TO BE PERFORMED (TRADE) OR COMMODITY TO BE SUPPLIED</u>	<u>DOLLAR AMOUNT</u>	<u>O.C. CERTIFIED M/WBE or Non-M/WBE</u>
1	<u>Wharton-Smith, Inc.</u> <u>Lake Monroe, FL</u> <u>407/321-8410</u>	<u>Sub/Supplier</u> <u>(in-house)</u> <u>(Circle One)</u> <u>Sitework</u>	<u>\$1,000,000</u>	<u>Non-</u>
2	<u>Wharton-Smith, Inc.</u> <u>Lake Monroe, FL</u> <u>407/321-8410</u>	<u>Sub/Supplier</u> <u>(in-house)</u> <u>(Circle One)</u> <u>Concrete</u>	<u>\$3,000,000</u>	<u>Non</u>
3	<u>Wharton-Smith, Inc.</u> <u>Lake Monroe, FL</u> <u>407/321-8410</u>	<u>Sub/Supplier</u> <u>(in-house)</u> <u>(Circle One)</u> <u>Metals</u>	<u>\$500,000</u>	<u>Non</u>
4	<u>Universal Painting</u> <u>Lakeland, FL</u> <u>863/686-2320</u>	<u>Sub/Supplier</u> <u>(in-house)</u> <u>(Circle One)</u> <u>Painting</u>	<u>\$400,000</u>	<u>Non</u>

Signature of Proposer

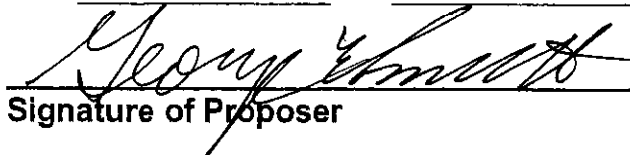


Title

George E. Smith, President

**DESIGN-BUILDER/SUBCONTRACTOR/SUPPLIER INFORMATION**

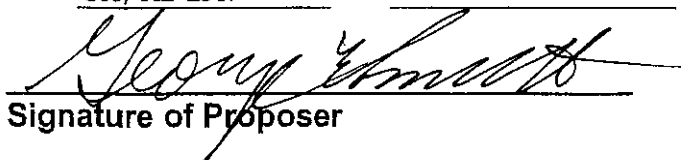
<u>COMPANY NAME, CONTACT ADDRESS, PHONE NUMBER</u>	<u>WORK TO BE PERFORMED (TRADE) OR COMMODITY TO BE SUPPLIED</u>	<u>DOLLAR AMOUNT</u>	<u>O.C. CERTIFIED M/WBE or Non-M/WBE</u>
5 <u>Brevard Construction</u> <u>Titusville, FL</u> <u>407/269-2929</u>	<u>(Sub/Supplier/In-house (Circle One))</u> <u>Pre-Engineered Building</u>	<u>\$300,000</u>	<u>Non</u>
6 <u>Pro Tech</u> <u>Orlando, FL</u> <u>407/291-1644</u>	<u>(Sub/Supplier/In-house (Circle One))</u> <u>HVAC</u>	<u>\$30,000</u>	<u>Non</u>
7 <u>Wharton-Smith, Inc</u> <u>Lake Monroe, FL</u> <u>407/321-8410</u>	<u>Sub/Supplier/In-house (Circle One)</u> <u>Equipment Install</u>	<u>\$300,000</u>	<u>Non</u>
8 <u>Revere Controls</u> <u>Birmingham, AL</u> <u>205/824-0004</u>	<u>Sub/Supplier/In-house (Circle One)</u> <u>Instrumentation &amp; Controls</u>	<u>\$1,000,000</u>	<u>Non</u>
9 <u>Wharton-Smith, Inc.</u> <u>Lake Monroe, FL</u> <u>407/321-8410</u>	<u>Sub/Supplier/In-house (Circle One)</u> <u>Piping</u>	<u>\$3,000,000</u>	<u>Non</u>
10 <u>Sirns &amp; Thomas</u> <u>Longwood, FL</u> <u>407/696-6042</u>	<u>(Sub/Supplier/In-house (Circle One))</u> <u>Electrical</u>	<u>\$2,000,000</u>	<u>Non</u>
11 <u>Suca Pipe</u> <u>Tampa, FL</u> <u>813/249-7902</u>	<u>Sub/Supplier/In-house (Circle One)</u> <u>Pipe, Valves Fittings</u>	<u>\$350,000</u>	<u>MEE</u>
12 <u>Grandview Pipe &amp; Supply</u> <u>Oviedo, FL</u> <u>407/366-4502</u>	<u>Sub/Supplier/In-house (Circle One)</u> <u>Pipe, Valve &amp; Fittings</u>	<u>\$350,000</u>	<u>WBE</u>

  
Signature of Proposer

George E. Smith, President  
Title

**DESIGN-BUILDER/SUBCONTRACTOR/SUPPLIER INFORMATION**

COMPANY NAME, CONTACT ADDRESS, PHONE NUMBER	WORK TO BE PERFORMED (TRADE) OR COMMODITY TO BE SUPPLIED		DOLLAR AMOUNT	O.C. CERTIFIED M/WBE or Non-M/WBE
5 Kruger Cary, NC 919/677-8310	Sub/Supplier/In-house (Circle One) Disc Filters	\$900,000	Non	
6 Ashbrook Houston, TX 800/362-9041	Sub/Supplier/In-house (Circle One) Belt Press	\$250,000	Non	
7 Kruger Cary, NC 919/677-8310	Sub/Supplier/In-house (Circle One) Brush Aerators	\$200,000	Non	
8 Eutek Hillsborough, OR	Sub/Supplier/In-house (Circle One) Grit System	\$250,000	Non	
9 Stranco Bradley, IL 815/932-8154	Sub/Supplier/In-house (Circle One) Polymer	\$20,000	Non	
10 Poly Processing	Sub/Supplier/In-house (Circle One) Sodium Hypochlorite Storage Tank	\$60,000	Non	
11 Spirac Reachtree City, GA 770/632-9833	Sub/Supplier/In-house (Circle One) Screw Conveyors	\$100,000	Non	
12 ACIFCO Birmingham, AL 800/442-2347	Sub/Supplier/In-house (Circle One) Ductile Iron Piping	\$1,350,000	Non	

  
Signature of Proposer

George E. Smith, President  
Title



**DESIGN-BUILDER/SUBCONTRACTOR/SUPPLIER INFORMATION**

<b>COMPANY NAME, CONTACT ADDRESS, PHONE NUMBER</b>	<b>WORK TO BE PERFORMED (TRADE) OR COMMODITY TO BE SUPPLIED</b>	<b>DOLLAR AMOUNT</b>	<b>O.C. CERTIFIED M/WBE or Non-M/WBE</b>
5 <u>Best Electric</u> <u>Ft. Myers, FL</u> <u>239/707-0200</u>	<u>Sub/Supplier/In-house (Circle One)</u> <u>Electrical</u>	<u>\$2,000,000</u>	<u>Non</u>
6 <u>Sterling Controls</u> <u>Ft. Myers, FL</u> <u>239/731-6167</u>	<u>Sub/Supplier/In-house (Circle One)</u> <u>Instrumentation &amp; Controls</u>	<u>\$1,000,000</u>	<u>Non</u>
7 <u>Rocha Controls</u> <u>Tampa, FL</u> <u>813/628-5584</u>	<u>Sub/Supplier/In-house (Circle One)</u> <u>Instrumentation &amp; Controls</u>	<u>\$1,000,000</u>	<u>MBE</u>
8    _____	<u>Sub/Supplier/In-house (Circle One)</u> _____	_____	_____
9    _____	<u>Sub/Supplier/In-house (Circle One)</u> _____	_____	_____
10    _____	<u>Sub/Supplier/In-house (Circle One)</u> _____	_____	_____
11    _____	<u>Sub/Supplier/In-house (Circle One)</u> _____	_____	_____
12    _____	<u>Sub/Supplier/In-house (Circle One)</u> _____	_____	_____

*George E. Smith*  
Signature of Proposer

George E. Smith, President  
Title



**PROJECT TEAM**

RFP Project Number RFP-00-00

NAME: Wharton-Smith, Inc.

Federal I.D. Number 59-2392802		Is Prime Consultant a certified M/WBE Firm Yes _____ No <u> X </u>		
<u>PRIME</u> Role	Name and City of Residence of Individual Assigned to the Project	Number of Years Experience	Education, Degree(s)	Florida Active Registration Numbers
Principle-in-Charge	Ronald Davoli, Winter Springs, FL	27	BSE	0037915
Project Manager	Clyde Burgess, Longwood, FL	27	BSE	0041839
Project Engineer	Dave Refling, Longwood, FL	30	BS, MS	0031107
Project Construction Manager	John French, Ft Myers, FL	25	BS	N/A
Construction Reg Manager Other Key Member ( )	Chris Myer, Tampa, FL	25	BBA	N/A
Engineer Regional Manager Other Key Member ( )	Doug Eckman, Ft Myers, FL	30	BSME	0047259
<u>SUB-CONSULTANT</u> Role	Company Name and Address of Office Handling this Project	If Certified M/WBE specify which	Projected % of Overall work on the entire project	Name of Individual Assigned to the Project
Architecture	N/A			
Mechanical Engineering	Boyle Engineer, Orlando, FL			Vic Godlewski
Electrical Engineering	Boyle Engineer, Orlando, FL			Mark Pellish
Structural Engineering	Boyle Engineer, Orlando, FL			Melissa Blaney
Civil Engineering	Boyle Engineer, Ft Myers, FL			Robert Garland
Landscape Architecture	George Fogg F.ASLA, Ft Myers, FL			George Fogg
Other Key Member ( I & C )	RKS Consulting Engineers, INC			Don Williams

Note: Percentages indicated must conform to percentages indicated on Form C

SOLICITATION NO. RFP-00-00

This Bond Complies with the Terrorism Risk Insurance Act of 2002 (TRIA).

PROPOSAL SECURITY BOND

KNOW ALL MEN BY THESE PRESENTS, that we

Wharton-Smith, Inc. as Principal, and  
(BIDDER'S Name)

Western Surety Company a Corporation licensed to do  
(Surety's Name)

business under the laws of the State of Florida as a Surety, are held and firmly bound unto LEE COUNTY BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA, a Political Subdivision of the State of Florida,

in the SUM OF ---- Ten Percent of the Amount Bid ---- (\$ 10% )

for the payment whereof, well and truly to be made, we bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, firmly, by these presents.

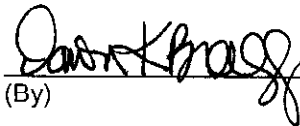
SIGNED AND SEALED this 13th day of April 2005

WHEREAS, said Principal is herewith submitting a Proposal for the RFP-00-00 THREE OAKS WWTP EXPANSION PROJECT BY DESIGN BUILD

NOW, THEREFORE, the condition of the above obligation is such that if said Principal shall be awarded the Contract upon said Proposal within the specified time and shall enter into a written Contract, satisfactory in form, provide an acceptable Public Payment & Performance Bond from a Surety acceptable to the COUNTY and provide other insurance as may be required to the COUNTY within seven (7) calendar days after the written Notice of Award date, or within such extended period as the COUNTY may grant, then this obligation shall be null and void; otherwise said Principal and Surety shall pay to said COUNTY in money the difference between the amount of the Proposal of said Principal and the amount for which said COUNTY may legally contract with another party to perform said work, if the latter amount be in excess of the former, together with any expenses and reasonable attorney's fees incurred by said COUNTY if suit be brought hereon, but in no event shall said Surety's liability exceed the penal sum hereof plus such expenses and attorney's fees. For purposes of unsuccessful proposal protests filed by the Principal herein, this obligation shall bind the Surety to pay costs and damages associated with the bid protest or delays to the project upon a finding from the Board of County Commissioners for Lee County that the proposal protest was frivolous and/or lacked merit. The liability of the Surety shall not exceed the penal sum of the Proposal Security bond.

Witness as to Principal:

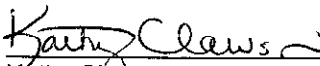
Wharton-Smith, Inc. (SEAL)  
(Principal)

  
(By)

  
George E. Smith, President

Witness as to Surety:

Western Surety Company (SEAL)  
(Surety's Name)

  
Kathy Clawson, Witness

  
(By-As Attorney-in-Fact, Surety) **Katie N. Bird**  
& Florida Licensed Resident Agent  
Inquiries: (407) 834-0022

Affix Corporate Seals and attach proper Power of Attorney for Surety.

CMO:001  
09/25/01

**Bond No. N/A**

**NOTICE**

In accordance with the Terrorism Risk Insurance Act of 2002, we are providing this disclosure of notice for bonds and certain insurance policies on which one or more of the Writing Companies identified below is the surety or insurer.

To principals on bonds and insureds on certain insurance policies written by any one or more of the following companies (collectively the "Writing Companies") as surety or insurer: Western Surety Company, Universal Surety of America, Surety Bonding Company of America, Continental Casualty Company, National Fire Insurance Company of Hartford, American Casualty Company of Reading, PA, The Firemen's Insurance Company of Newark, NJ, and The Continental Insurance Company.

**DISCLOSURE OF PREMIUM**

The premium attributable to coverage for terrorist acts certified under the Act was Zero Dollars (\$0.00).

**DISCLOSURE OF FEDERAL PARTICIPATION IN PAYMENT OF TERRORISM LOSSES**

The United States will pay ninety percent (90%) of covered terrorism losses exceeding the applicable surety/insurer deductible.

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**J W Guignard, Bryce R Guignard, M Gary Francis, April L Lively, Paul J Ciambriello, Jennifer L McCarta, Katie N Bird, Margie L Morris, Brett A Ragland, Individually**

of Longwood, FL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 28th day of December, 2004.



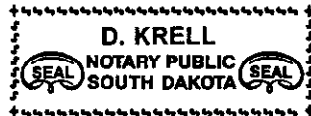
WESTERN SURETY COMPANY

Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 28th day of December, 2004, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires  
November 30, 2006



D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 13TH day of APRIL, 2005.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

AC# 0939908

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD

SEQ# L03061200911

DATE	BATCH NUMBER	LICENSE NBR
06/12/2003	200469602	QB0000994

The BUSINESS ORGANIZATION  
Named below IS QUALIFIED  
Under the provisions of Chapter 489 FS.  
Expiration date: AUG 31, 2005  
(THIS IS NOT A LICENSE TO PERFORM WORK. THIS ALLOWS  
COMPANY TO DO BUSINESS ONLY IF IT HAS A QUALIFIER.)

WHARTON SMITH INC  
750 COUNTY ROAD 15  
LAKE MONROE FL 32747

JEB BUSH GOVERNOR

DISPLAY AS REQUIRED BY LAW

DIANE CARR SECRETARY

AC# 1452190

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD

SEQ# L04061602262

DATE	BATCH NUMBER	LICENSE NBR
06/16/2004	030728476	CGC032669

The GENERAL CONTRACTOR  
Named below IS CERTIFIED  
Under the provisions of Chapter 489 FS.  
Expiration date: AUG 31, 2006

SMITH, GEORGE E  
WHARTON-SMITH INC  
750 COUNTY ROAD 15  
P O BOX 471028  
LAKE MONROE FL 32747

JEB BUSH GOVERNOR

DISPLAY AS REQUIRED BY LAW

DIANE CARR SECRETARY

AC# 1452604

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD

SEQ# L04061602676

DATE	BATCH NUMBER	LICENSE NBR
06/16/2004	030728673	CUC056506

The UNDERGROUND UTILITY & EXCAVATION CO  
Named below IS CERTIFIED  
Under the provisions of Chapter 489 FS.  
Expiration date: AUG 31, 2006

DAVOLI, RONALD FRANK  
WHARTON-SMITH INC  
750 COUNTY RD 15  
P O BOX 471028  
LAKE MONROE FL 32747-1028

JEB BUSH GOVERNOR

DISPLAY AS REQUIRED BY LAW

DIANE CARR SECRETARY



AG# 1452680 STATE OF FLORIDA  
 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD SEQ# L04061602752

DATE	BATCH NUMBER	LICENSE NBR
06/16/2004	030728477	PCC048385

The POLLUTANT STORAGE SYSTEMS CONTRACTOR  
 Named below IS CERTIFIED  
 Under the provisions of Chapter 489 FS.  
 Expiration date: AUG 31, 2006

SMITH, GEORGE E  
 WHARTON-SMITH INC  
 750 COUNTY RD 15  
 P O BOX 471028  
 LAKE MONROE FL 32747-1028

JEB BUSH  
 GOVERNOR

DIANE CARR  
 SECRETARY

DISPLAY AS REQUIRED BY LAW

Expires Sept. 30, 2005 SEMINOLE COUNTY OCCUPATIONAL LICENSE  
 Account: 022717  
STATE OF FLORIDA  
 RAY VALDES, TAX COLLECTOR

LICENSE TO ENGAGE IN BUSINESS  
 PROFESSION OR OCCUPATION SPECIFIED BELOW.

REGULATED  
 State Lic.# - CB 1452687  
 Maintainer - GEORGE E SMITH

WHARTON-SMITH INC  
 750 CR 15  
 LAKE MONROE, FL 32747-

GEORGE E SMITH (PRES)

WHARTON-SMITH INC  
 P O BOX 471028  
 LAKE MONROE, FL 32747-

**State of Florida**  
**Board of Professional Engineers**

*Attest that*  
**Wharton-Smith, Inc.**

*Is authorized under the provisions of Section 471.023, Florida Statutes, to offer engineering services  
 to the public through a Professional Engineer, duly licensed under Chapter 471, Florida Statutes.*

AUDIT NO.: 0305- 101964      CERTIFICATE OF AUTHORIZATION NUMBER: 00001813  
 EXPIRATION: FEB 28, 2005

DISPLAY AS REQUIRED BY LAW





# *State of Florida*

## *Department of State*

I certify from the records of this office that WHARTON-SMITH, INC. is a corporation organized under the laws of the State of Florida, filed on April 3, 1984, effective April 2, 1984.

The document number of this corporation is G94383.

I further certify that said corporation has paid all fees due this office through December 31, 2003, that its most recent annual report/uniform business report was filed on February 17, 2003, and its status is active.

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

*Given under my hand and the Great Seal of  
Florida, at Tallahassee, the Capital, this the Tenth  
day of November, 2003*



*Glenda E. Hood*  
**Secretary of State**

Authentication ID: 500024571465-111003-G94383

To authenticate this certificate, visit the following site, enter this ID, and then follow the instructions displayed.

[www.sunbiz.org/auth.html](http://www.sunbiz.org/auth.html)

