

City of Fayetteville Staff Review Form

2020-0631

Legistar File ID

8/18/2020

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Matt Casey

7/23/2020

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a contract in the amount of \$92,050.00 with Brasco International Inc. for the manufacture and delivery of 12 transit shelter structures.

Budget Impact:

4470.800.8820-5809.00

Sales Tax Capital Improvements

Account Number

Fund

06035.3000

Intersection Improvements & Pedestrian

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 461,975.00

Funds Obligated \$ 11.18

Current Balance \$ 461,963.82

Does item have a cost? Yes

Item Cost \$ 92,050.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 369,913.82

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF AUGUST 18TH, 2020

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Services Director
Chris Brown, City Engineer

FROM: Dane Eifling, Mobility Coordinator

DATE: July 23, 2020

SUBJECT: **Approval of a contract in the amount of \$92,050.00 with Brasco International Inc. for the manufacture and delivery of 12 transit shelter structures.**

RECOMMENDATION:

Approval of a contract in the amount of \$92,050.00 with Brasco International Inc. for the manufacture and delivery of 12 transit shelter structures.

BACKGROUND:

Two transit agencies Razorback and Ozark Regional Transit (ORT) service more than one hundred stop locations in Fayetteville and average of approximately 1.8 million rides annually. Most stop location do not have any amenities for seating or shelter. In March 2020 the City Council's Transportation Committee recommended shelters be placed at priority stops in Fayetteville.

DISCUSSION:

Locations were selected based on the number of boardings at each stop as well as construction feasibility. The Transportation Committee and both transit agencies were involved in the final selection of the priority locations.

The locations are:

1. Hill Ave and Martin Luther King Jr. Blvd - Northbound
2. Hill Ave and Martin Luther King Jr. Blvd - Southbound
3. Hill Ave and Stone St – Northbound
4. Hill Ave and Stone St – Southbound
5. Leverett Ave and Berry St - Northbound
6. Leverett Ave and Berry St – Southbound
7. Leverett Ave and Lawson St
8. Leverett Ave and Sycamore St -Southbound
9. Lewis Ave and Reap Dr
10. Mall Ave at the Walmart Supercenter - Northbound
11. Mall Ave at the Walmart Supercenter - Southbound
12. Persimmon St and Betty Joe Dr

BUDGET/STAFF IMPACT:

Funds for these improvements will come from Sales Tax Capital Improvements Funds remaining in the 2006 Transportation Bond Street Improvements Project. Ten of the 12 locations will require site prep and construction of concrete pads and access ramps. The City's Transportation division will be constructing concrete pads and ramps with funds for materials to come from the same funding source.

Attachments:

Recommendation for Award

City of Fayetteville
Bid 20-59, Bulk Bus Shelters
Contract – Between City and Contractor

This contract executed this 18 day of August, 2020, between the City of Fayetteville, Arkansas, and Brasco International, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Brasco International, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 20-59 as stated in Brasco International, Inc.s bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 20-59, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Brasco International, Inc. based on their bid proposal in an amount not to exceed Brasco International, Inc.'s proposed price per unit. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice. The City of Fayetteville reserves the right to make additional orders up to 365 days after executed contract at Brasco International, Inc.'s proposed unit pricing plus any cost increase in raw material verified with documentation from the material manufacturer.
3. Brasco International, Inc agrees to make available to all Government agencies, departments, municipalities, and counties, the proposal prices submitted in accordance with said proposal terms and conditions therein, should any said governmental entity desire to buy under this proposal. Eligible Users shall mean all state of Arkansas agencies, the legislative and judicial branches, political subdivisions (counties, local district school boards, community colleges, municipalities, counties, or other public agencies or authorities), which may desire to purchase under the terms and conditions of the contract.
4. The Contract documents which comprise the contract between the City of Fayetteville and Brasco International, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 20-59 with the specifications and conditions typed thereon.
 - B. Brasco International, Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
5. These Contract documents constitute the entire agreement between the City of Fayetteville and Brasco International, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Brasco International, Inc.

6. Brasco International, Inc. shall not assign its duties under the terms of this agreement.
6. Brasco International, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Brasco International, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Brasco International, Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Brasco International, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

<u>Workmen's Compensation</u>	Statutory Amount
<u>Comprehensive General & Automobile Insurance</u>	
Bodily Injury Liability	\$500,000 for each person injured.
	\$1,000,000 for each accident.
Property Damage Liability	\$1,000,000 aggregate.

The premiums for all insurance required herein shall be paid by Brasco International, Inc..

8. Brasco International, Inc. Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.
9. This contract may be terminated by the City of Fayetteville or Brasco International, Inc. with 30 days written notice.
10. This project shall be completed within **120 calendar days** from issue date of Notice to Proceed.
11. Liquidated Damages: Not applicable for this project.
12. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do

everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

WITNESS OUR HANDS THIS 18 DAY OF August, 2020.

Brasco International, Inc

CITY OF FAYETTEVILLE, ARKANSAS

By: Sean
Signature
Sean Coewe, Director of Sales

By: _____
LIONELD JORDAN, Mayor

Printed Contractor Name & Title

Cristina Sullivan

ATTEST (Signature)

(Signature)
CRISTINA SULLIVAN

Company Secretary (Printed Name)

ATTEST:

Kara Paxton, City Clerk –Treasurer

Business Address

Brasco International, Inc.
32400 Industrial Drive
Madison Heights, MI 48071

City, State & Zip Code

Date Signed: 7/28/2020

Date Signed: _____

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Brasco International, Inc.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☒ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

32400 Industrial Drive

6 City, state, and ZIP code

Madison Heights, MI 48071

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

____ - ____ - ____

or

Employer identification number

3 8 - 3 1 5 6 7 5 2

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

7/13/2020

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

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Here

Signature of
U.S. person ►

Date ►

7/13/2020

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BID TABULATION

BID TAB 20-59, BULK BUS SHELTERS

			ACS Playground Adventures		Brasco International, Inc.	
			\$281,990.00		\$92,050.00	
Line #	Items Description	Quantity Required	Unit Price	Total Cost	Unit Price	Total Cost
#1	5'x12' Bus Stop Shelter (includes delivery)	10	\$11,957.00	\$119,570.00	\$4,975.00	\$49,750.00
#2	5'x8' Bus Stop Shelter (includes delivery)	2	\$14,850.00	\$29,700.00	\$4,500.00	\$9,000.00
#3	Benches (Optional (Includes delivery)	12	\$2,560.00	\$30,720.00	\$300	\$3,600.00
#4	Solar Lighting (Optional) (includes delivery)	12	\$8,500.00	\$102,000.00	\$1,975.00	\$23,700.00
#5	Custom Powder Coating (Optional) (Includes delivery)	12	\$0	\$0	\$500	\$6,000.00

*NOTICE: Final Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

Bid 20-59, Bulk Bus Shelters

Project Overview

Project Details	
Reference ID	Bid 20-59, Bulk Bus Shelters
Project Name	Bid 20-59, Bulk Bus Shelters
Project Owner	Andrea Foren
Project Type	ITB
Department	Purchasing
Project Description	Bid 20-59, Bulk Bus Shelters. The City is seeking bids from qualified vendors for the purchase of a quantity of 12 bus shelters for the initial order and would like to have 2 options for footprint dimensions of the shelter 5'x8' and 5'x12'. Then, the City would like to be able to purchase the optional benches and solar lighting as optional line items.
Open Date	Jun 22, 2020 8:00 AM CDT
Close Date	Jul 14, 2020 2:00 PM CDT

Highest Scoring Supplier	Score
Brasco International, Inc.	100 pts

Seal status

Requested Information	Unsealed on	Unsealed by
W-9 Form	Jul 14, 2020 2:01 PM CDT	Adonis Bwashi

Bid Tab 20-59, Bulk Bus Shelters (BT-89BM)	Jul 14, 2020 2:01 PM CDT	Adonis Bwashi
Arkansas Secretary of State Filing #	Jul 14, 2020 2:01 PM CDT	Adonis Bwashi
Descriptive Literature on the products being bid	Jul 14, 2020 2:01 PM CDT	Adonis Bwashi

Conflict of Interest

Declaration of Conflict of Interest You have been chosen as a Committee member for this Evaluation. Please read the following information on conflict of interest to see if you have any problem or potential problem in serving on this committee. ## Code of Conduct All information related to submissions received from Suppliers or Service Providers must be kept confidential by Committee members. ## Conflict of Interest No member of a Committee shall participate in the evaluation if that Committee member or any member of his or her immediate family: * has direct or indirect financial interest in the award of the contract to any proponent; * is currently employed by, or is a consultant to or under contract to a proponent; * is negotiating or has an arrangement concerning future employment or contracting with any proponent; or, * has an ownership interest in, or is an officer or director of, any proponent. Please sign below acknowledging that you have received and read this information. If you have a conflict or potential conflict, please indicate your conflict on this acknowledgment form with information regarding the conflict. I have read and understood the provisions related to the conflict of interest when serving on the Evaluation Committee. If any such conflict of interest arises during the Committee's review of this project, I will immediately report it to the Purchasing Director.

Name	Date Signed	Has a Conflict of Interest?
Adonis Bwashi	Jul 14, 2020 2:01 PM CDT	No

Public Notices

Bid 20-59, Bulk Bus Shelters - Public Notice

Adonis Bwashi, Jun 18, 2020 3:52 PM CDT

City of Fayetteville, Arkansas INVITATION TO BID Bid 20-59, Bulk Bus Shelters The City is seeking bids from qualified vendors for the purchase of a quantity of 12 bus shelters for the initial order and would like to have 2 options for footprint dimensions of the shelter 5'x8' and 5'x12'. Then, the City would like to be able to purchase the optional benches and solar lighting as optional line items. All sealed bids are due by Tuesday, July 14, 2020 before 2:00 PM, Local Time. All bids are due before the time stated. Late bids shall not be accepted. City of Fayetteville reserves the right to deviate from the estimated purchase quantities. Bids will be opened and read aloud immediately following the stated deadline. Bid forms can be downloaded from the City's website at <http://fayetteville-ar.gov/bids>. All questions should be directed to Adonis Bwashi, (479)575-8258, abwashi@fayetteville-ar.gov. The City reserves the right to reject any and all bids and to waive formalities deemed to be in the City's best interest. Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises. City of Fayetteville by: Adonis Bwashi, Purchasing Agent P: 479.575.8258 lmcgaugh@fayetteville-ar.gov TDD (Telecommunications Device for the Deaf): (479) 521-1316 Date of advertisement: 06/21/2020

Bid 20-59, Addendum 1

Adonis Bwashi, Jul 06, 2020 2:38 PM CDT

This Addendum includes a clarification which shall be used by all bidders. 1. Clarification confirmed are as follows: a. The City of Fayetteville would accept a steel alternate for the bus shelters.



Submissions

Supplier	Date Submitted	Name	Email	Confirmation Code
Brasco International, Inc.	Jul 13, 2020 10:22 AM CDT	Sean Loewe	sloewe@brasco.com	ODk5NTE=
ACS Playground Adventures	Jul 14, 2020 11:39 AM CDT	Rob Green	robg@acsplay.com	OTAxMTc=



Scoring Summary

Active Submissions

	Total	Total Base Bid
Supplier	/ 100 pts	/ 100 pts
Brasco International, Inc.	100 pts	100 pts (\$92,050.00)
ACS Playground Adventures	32.64 pts	32.64 pts (\$281,990.00)

Signatures

Name	Signatures
Andrea Foren (Project Owner)	
Adonis Bwashi (Evaluator)	