



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

**Telephone (513) 695-1250
(513) 261-1250
(513) 925-1250
(937) 425-1250
Facsimile (513) 695-2054**

**C. MICHAEL KILBURN
PAT ARNOLD SOUTH
DAVID G. YOUNG**

**ENTER INTO CONTRACT FOR THE FY2007 CITY OF FRANKLIN WATERLINE
CDBG PROJECT**

WHEREAS, pursuant to Resolution #08-1845, adopted December 2, 2008, this Board approved a Notice of Intent to Award Bid for the FY2007 City of Franklin Waterline CDBG Project to Freeze Underground LLC, for a total bid price of \$100,500.00; and

WHEREAS, the Warren County Grants Coordinator, at the time of the bid opening determined Freeze Underground LLC to be the apparent low bidder with the difference in bid price of \$193 between the apparent low and second low bid; and

WHEREAS, upon review of the apparent low bidders' bid (Freeze Underground LLC) by the Warren County Grants Coordinator, a mathematical error was discovered in that the Quantity need multiplied by the Unit Cost Total did not equal the Item Cost for Item #2 only, in that the Item Cost was lower due to a mathematical error; and

WHEREAS, Freeze Underground LLC has acknowledged said mathematical error occurred but has agreed to honor the Item Cost for Item #2 and the Total Bid submitted instead of the Estimated need multiplied by the Unit Cost Total that would have been higher but for the mathematical error; and

WHEREAS, the bid documents expressly reserve to the Board of Commissioners the authority to waive any irregularity in process; and

WHEREAS, the Board of Commissioners find that waiving the said irregularity does not change or affect the Item Cost for Item #2 or the Total Bid, nor does it give one party a competitive advantage over the other bidders; and

WHEREAS, it is the desire of the Board of Commissioners to waive the said irregularity in Freeze Underground LLC's bid due to the fact that Freeze Underground LLC is honoring its Item Cost for Item #2 and its Total Bid; and

WHEREAS, the Board finds Freeze Underground LLC's bid to be lowest and best; and,

NOW THEREFORE BE IT RESOLVED, to waive the irregularity in the bid submitted by Freeze Underground LLC, and to award the contract to Freeze Underground LLC, 10397 Pleasant Renner Road, Goshen, Ohio, for the FY2007 City of Franklin Waterline CDBG Project, for the Total Bid of \$100,500.00; and

WHEREAS, the contractor has submitted all required insurance certificates, bonds, etc.; and

NOW THEREFORE BE IT RESOLVED, to enter into contract with Freeze Underground LLC, 10397 Pleasant Renner, Goshen, Ohio, for the FY2007 City of Franklin Waterline CDBG Project, for a total contract price of \$100,500.00; as attached hereto and made a part hereof.

Mr. Young moved for adoption of the foregoing resolution, being seconded by Mrs. South. Upon call of the roll, the following vote resulted:

Mr. Kilburn – absent
Mrs. South – yea
Mr. Young – yea

Resolution adopted this 9th day of December 2008.

BOARD OF COUNTY COMMISSIONERS

Tina Davis, Clerk

EH\

cc: c/a—Freeze Underground LLC
OGA (file)
OMB Bid file



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**APPROVE NOTICE OF INTENT TO AWARD CONTRACT FOR THE FY2007
CITY OF FRANKLIN WATERLINE CDBG PROJECT**

WHEREAS, bids were closed at 10:15 a.m., November 4, 2008, and the bids were received, opened and read aloud for the FY2007 City of Franklin Waterline CDBG Project for the Grants Administration Office, and the results are on file in the Board of Commissioners' Office; and

WHEREAS, the Warren County Grants Coordinator, at the time of the bid opening determined Freeze Underground LLC to be the apparent low bidder with the difference in bid price of \$193 between the apparent low and second low bid; and

WHEREAS, upon review of the apparent low bidders' bid (Freeze Underground LLC) by the Warren County Grants Coordinator, a mathematical error was discovered in that the Quantity need multiplied by the Unit Cost Total did not equal the Item Cost for Item #2 only, in that the Item Cost was lower due to a mathematical error; and

WHEREAS, Freeze Underground LLC has acknowledged said mathematical error occurred but has agreed to honor the Item Cost for Item #2 and the Total Bid submitted instead of the Estimated need multiplied by the Unit Cost Total that would have been higher but for the mathematical error; and

WHEREAS, the bid documents expressly reserve to the Board of Commissioners the authority to waive any irregularity in process; and

WHEREAS, the Board of Commissioners find that waiving the said irregularity does not change or effect the Item Cost for Item #2 or the Total Bid, nor does it give one party a competitive advantage over the other bidders; and

WHEREAS, it is the desire of the Board of Commissioners to waive the said irregularity in Freeze Underground LLC's bid due to the fact that Freeze Underground LLC is honoring its unit cost of \$34.43 l.f. and its item cost and total bid; and

WHEREAS, the Board finds Freeze Underground LLC's bid to be lowest and best; and,

NOW THEREFORE BE IT RESOLVED, to waive the irregularity in the bid submitted by Freeze Underground LLC, and to award the contract to Freeze Underground LLC, 10397 Pleasant Renner Road, Goshen, Ohio, for the FY2007 City of Franklin Waterline CDBG Project, for the unit cost of \$34.43 l.f. and item cost of \$63,000 for Item #2 and the Total Bid of \$100,500.00; and

BE IT FURTHER RESOLVED, that the President of the Board is hereby authorized to execute a "Notice of Intent to Award."

Mr. Young moved for adoption of the foregoing resolution, being seconded by Mrs. South. Upon call of the roll, the following vote resulted:

Mr. Kilburn – absent

Mrs. South – yea

Mr. Young – yea

Resolution adopted this 2nd day of December 2008.

BOARD OF COUNTY COMMISSIONERS

Tina Davis, Clerk

Cc: c/a – Freeze Underground
OGA (file)



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BID OPENING

November 4, 2008

BID OPENING – FY07 CITY OF FRANKLIN WATERLINE CDBG PROJECT

Bids were closed at 10:15 a.m. this 4th day of November and the following bids were received for the FY07 City of Franklin – Franklin Woods Waterline Project for the Warren County Office of Grants Administration:

Trend Construction Cincinnati, Ohio	\$ 149,720.00
Rack & Ballauer Hamilton, Ohio	\$ 121,090.00
W.G. Stang LLC Hamilton, Ohio	\$ 125,150.00
Donald May Contractors Leesburg, Ohio	\$ 105,727.00
C.A. Stempfley Contractor Inc. Hamilton, Ohio	\$ 101,810.00
H & K Construction Services Lima, Ohio	\$ 108,600.00
GM Pipeline Cincinnati, Ohio	\$ 123,485.00
Diggit Excavating Lebanon, Ohio	\$ 100,693.30
Larry Smith Contractors Cleves, Ohio	\$ 134,685.00
Freeze Underground Goshen, Ohio	\$ 100,500.00
Carter Construction Miami, Ohio	\$ 120,020.00

Adleta, Inc.
Cincinnati, Ohio \$ 120,470.00

Dixie Excavating
Kettering, Ohio \$ 106,945.00

Jerry Haddix, Coordinator, Warren County Office of Grants Administration, will review bids for a recommendation at a later date.

cc: Bid File OMB OGA (file)



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INVITATION TO BIDDERS

Separate sealed bids for the FY2007 City of Franklin Waterline CDBG Project will be received by the Warren County Board of Commissioners at the Office of the Warren County Commissioners, 406 Justice Drive, Lebanon, Ohio 45036, until 10:15 a.m. on November 4, 2008, and then at said time publicly opened and read aloud.

Bid documents and specifications may be obtained at the Warren County Office of Grants Administration upon payment of \$20.00. None of these costs are refundable.

A Bid guaranty, as required by Ohio Revised Code, Section 153.54, shall accompany each proposal submitted, as follows:

1. A Certified check, cashiers check, or letter of credit equal to ten (10) percent of the bid. A letter of credit may only be revocable by the Owner. Upon entering into a contract with the Owner, the contractor must file a performance bond for the amount of the contract, and the bid guaranty will then be returned to the successful and unsuccessful bidders upon contract execution.

OR

2. A form of bid guaranty bond (attached) for the full amount of the bid. Such bond is retained for the successful bidder, but returned to unsuccessful bidders after the contract is executed.

Bid Bonds shall be accompanied by Proof of Authority of the official or agent signing the bond.

Bids shall be sealed and marked as Bid for:

"FY2007 City of Franklin Waterline CDBG Project"

and mailed or delivered to:

Warren County Commissioners Office
406 Justice Drive
Lebanon, Ohio 45036

Attention of bidders is called to all of the requirements contained in the bid packet, particularly to the Federal Labor Standards Provisions and Davis-Bacon Wages, various insurance requirements, various equal opportunity provisions, and the requirement for a payment bond and performance bond for 100 percent of the contract price.

No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof.

All bids shall be properly signed by an authorized representative of the bidder.

Warren County reserves the right to reject any or all bids submitted, to waive any irregularities in bids, and enter into a contract with the Bidder who in Warren County's consideration offered the lowest and best bid.

Any questions may be directed to the Warren County Office of Grants Administration at (513) 695-1259.



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ADVERTISEMENT FOR BIDS

Sealed bids will be received by the Clerk of the County Commissioners, Warren County, Ohio, 406 Justice Drive, Lebanon, Ohio 45036, until 10:15 a.m., November 4, 2008, and then at said time bids will be opened and read aloud for the FY2007 City of Franklin Waterline CDBG Project for the Warren County Office of Grants Administration.

Bid packets may be obtained for a \$20.00 non-refundable fee, from the Warren County Office of Grants Administration, 406 Justice Drive Street, Lebanon, Ohio 45036, (513) 695-1259. Each bid shall contain the full name of each person or company submitting the bid and be accompanied by a bid bond for the full amount of the bid or a certified check in the amount equal to ten (10) percent of the bid.

This notice is posted on the Warren County Government internet site on the World Wide Web. The Warren County Government Web Site can be accessed by logging onto the internet and typing in the following address <http://www.co.warren.oh.us/commissioners/bids/index.htm>. To access bid project information, under the "County Departments" heading click on the "Commissioners" tab, then click on the "Bid Projects" tab and choose the project you wish to obtain information about. Please contact the Warren County Office of Management and Budget Financial Division at (513) 695-1947 if you have trouble with this procedure or if you need additional information on accessing bid project information on our web site.

The Board of Warren County Commissioners reserve the right to accept the lowest and best bid, to reject all bids, and to waive any irregularities in bids.

By order of the Board of County Commissioners, Warren County, Ohio.

Tina Davis, Clerk

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THE WESTERN STAR:

PLEASE PUBLISH THE ABOVE ADVERTISEMENT FOR ONE WEEK, BEGINNING THE WEEK OF OCTOBER 16, 2008. PLEASE SEND PROOF OF PUBLICATION TO THE WARREN COUNTY COMMISSIONERS.

BILL TO WARREN COUNTY COMMISSIONERS.