

MEETING DATE: 12/10/07

AGENDA ITEM: Approval of an Agreement with JEM Industries, Inc. for the Underground Storage Tank Replacement Project at Fire Station No. 2 (P-871).

ATTACHMENTS

		<u>Pages</u>
1	Copy of proposal from JEM Industries, Inc.	1-11

Pricing:

Prices quoted include all labor, materials, any and all equipment used in the performance of the work, tax and applicable insurance. Bid price must remain in effect for 90 days from bid opening date. City reserves the right to accept all or part of this scope of work, as budget allows and to make additions/removals as necessary.

A. Fees for performing the furnishing and installation of the following:

FIRE STATION #2, CULVER CITY, CALIFORNIA REMOVE EXISTING USTs AND PROVIDE & INSTALL DIESEL AST AND EMERGENCY GENERATOR

- | | | |
|----|---|---|
| 1. | Obtain Project Permitting (itemize): | |
| | <u>NEW CONSTRUCTION PERMIT</u> | \$ <u>1640.-</u> |
| | <u>TANK REMOVAL PERMIT</u> | \$ <u>1640.-</u> |
| | <u>AQMD</u> | \$ <u>1950.-</u> |
| | | \$ |
| | | \$ |
| 2. | Remove Existing USTs, Piping, and Dispensers and Backfill and Re-Pave per Project Specific Specifications Section 1, Inclusive: | \$ <u>20738.²²</u> LS ¹ |
| 3. | Prepare All Drawings for New 2,500 gallon AST per Project Specific Specifications Section 2.3 Drawings: | \$ <u>7700.-</u> LS |
| 4. | Install New 2,500 gallon AST per Project Specific Specifications Section 2, Inclusive Except Section 2.3 Drawings: | \$ <u>71293.⁷⁸</u> LS |
| 5. | Install New Emergency Generator and Day Tank per Project Specific Specifications Section 3, Inclusive: | \$ <u>30831.-</u> LS |

TOTAL PROJECT: \$ 135,793.-

B. Hourly rate for any additional work that does not fall into the original scope of work as specified, but may be desired by the City as an addition to it:

\$ 85⁰⁰ /hour

C. Parts and materials mark-up rate (i.e., cost plus 10%): 15 %

Payment Schedule:

Contractor may, at their choosing, submit invoices for partial work completion at a frequency not to exceed once every 30 days after work begins. If this option is exercised, invoices will reflect a dollar amount that is equal to or less than the percentage of the work completed for the period they cover and are subject to verification by the City Engineer.

Discounts:

Discount for Payment of Invoice Within 10 Days 2 %
Terms less than 2% Net 10 days will not be accepted.

¹ LS - Lump Sum

Federal Excise Tax:

The City is exempt from Federal Excise Tax.

It is agreed that if any option granted herein is exercised, the City shall notify the contractor during the life of the contract and at least thirty (30) days prior to the expiration of the contract.

By signature hereto: I acknowledge that the items to be furnished will comply fully with the attached specifications, except where specifically noted.

I understand that the City shall evaluate proposals in accordance with its Municipal Code, and that the City reserves the right to reject any and all proposals and to waive minor irregularities.

Dated This: 13th day of NOVEMBER, Year 2007

Signature: [Signature]

Typewritten/printed Name: MARK A. STROCKIS

Title: PRESIDENT

Name of the Firm: JEM INDUSTRIES, INC.

Business Address: 1131 E. MAIN ST., STE. 200

City, State, Zip Code: TUSTIN CA 92780

Telephone Number: 714 838-4100 Fax Number: 714 838-4120

E-Mail Address: mark@jem-industries.com

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COMPLETED SIMILAR PROJECTS

AST & Generator installation
1950 Corporate Center Dr.
Oceanside

760 754-6400 Jay Cantu
DPR Construction

UST Removal & AST Installation
4900 Loma Vista Rd.
Ventura

805 654-6340 Bob Forest
Ventura Community College

AST Installation
Fire Station 61
8081 Western Avenue
Buena Park

714 573-6471 Karen Peters (retired)
OCFA Steve Chambers

AST Install
15800 Ventura Blvd.
Encino

818-990-9870 Greg Mayberry
Land Rover Encino

AST Install
Hall of Justice
4100 Main Street
Riverside 92507

951 840-8016 Tim Warner
County of Riverside



SUBCONTRACTORS

ANC Electric
3990 E. Valley Blvd., Unit C
Walnut, CA 91789

909 869-5556 Archie Gonzales

Perry Asphalt Paving, Inc.
1017 East Chestnut Ave.
Santa Ana, CA 92701-6425

714 550-7711 Vern Perry

SECTION III

Non-Collusion Affidavit To Be Executed By Each Awardee of a Bid

STATE OF CALIFORNIA

COUNTY OF ORANGE

MARK A. STROCKIS, being first duly
Sworn, deposes and says that he is:

PRESIDENT
(sole City of Culver City, partner, president, secretary, etc.)

of: JEM INDUSTRIES, INC.

the party making the foregoing proposal; that such proposal is not made in the interest of or on behalf any undisclosed person, partnership, company, association, organization or corporation; that such proposer has not directly or indirectly colluded, conspired, connived or agreed with any proposer or anyone else to put in a sham proposal, or that anyone shall refrain from proposing; that said proposer has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the proposal price of said proposer or of any other proposer, or to secure an advantage against the public body awarding the contract or anyone interested in the proposed contract, that all statements contained in such proposal are true; and, further, that said proposer has not, directly or indirectly, submitted his proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative hereto, or paid and will not pay any fee in connection there with to any corporation, partnership, company, association, organization, proposal depository, or to any member or agent thereof, or to any other individual except to such person or persons as have a partnership or other financial interest with said proposer in his general business.

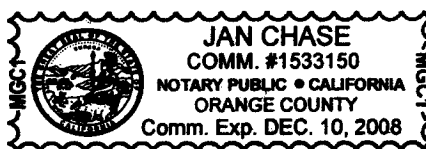
Signed: [Signature]

Subscribed and sworn before me

This 13th Day of NOVEMBER 2007

(Notary Seal)

[Signature]
Notary Public



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CITY OF CULVER CITY

9770 CULVER BOULEVARD P.O. BOX 507, CULVER CITY, CA. 90232-0507

BID #1373 DESIGNATED UST OPERATOR SERVICES

ADDENDUM #2:

RESPONSE TO BIDDERS' QUESTIONS

October 22, 2007

To: Prospective Bidders

From: City of Culver City

Re: Bid #1373 – Designated UST Operator Services, Environmental Compliance Testing, and Associated AST & UST Repairs

Notice is hereby given that the City of Culver City is issuing this Addendum in response to a number of questions that arose during and subsequent to the Mandatory Pre-Bid Job Walk held on October 18, 2007 at Fire Station #2.

The original Bid, together with these responses and modifications, constitutes the entire understanding between perspective bidders and the City of Culver City. The provisions of this Addendum should be incorporated into each proposal, as necessary.

Bidders must acknowledge receipt of this Addendum by signing below in ink and submitting this signed acknowledgement with bid documents.

Bidder:

MARK A. STROCKIS, JEM INDUSTRIES, INC.

Signature:

[Handwritten Signature]

Title:

PRESIDENT

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CITY OF CULVER CITY

9770 CULVER BOULEVARD P.O. BOX 507, CULVER CITY, CA. 90232-0507

BID #1373 FIRE STATION #2 UST RECONSTRUCTION PROJECT

ADDENDUM #3:

RESPONSE TO BIDDERS' QUESTIONS

November 1, 2007

To: Prospective Bidders

From: City of Culver City

Re: Bid #1373 – Fire Station #2 UST Reconstruction Project

Notice is hereby given that the City of Culver City is issuing this Addendum in response to additional questions that have been submitted subsequent to the Mandatory Pre-Bid Job Walk held on October 18, 2007 at Fire Station #2.

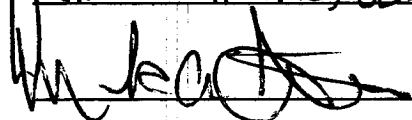
The original Bid, together with these responses and modifications, constitutes the entire understanding between perspective bidders and the City of Culver City. The provisions of this Addendum should be incorporated into each proposal, as necessary.

Bidders must acknowledge receipt of this Addendum by signing below in ink and submitting this signed acknowledgement with bid documents.

Bidder:

MARK A. STROCKIS, JEM INDUSTRIES, INC.

Signature:



Title:

PRESIDENT

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LOS ANGELES COUNTY COMMUNITY BUSINESS ENTERPRISE (CBE) PROGRAM

FIRM / ORGANIZATION INFORMATION FORM

INSTRUCTIONS: All proposers/bidders responding to this solicitation must return this form for proper consideration of their proposal or bid. The information requested below is for statistical purposes only. On final analysis and consideration of award, a proposer/bidder will be selected without regard to gender, race, creed, or color. Categories listed below are based upon those described in 49 CFR § 23.5.

I. TYPE OF BUSINESS ENTITY: CORPORATION

(Non-profit, Corporation, Partnership, Joint Venture, Sole Proprietorship, etc.)

If you are a non-profit, please skip sections II through V and fill in the name of the firm and sign on page 2.

II. TOTAL NUMBER OF EMPLOYEES IN FIRM (including owners):

III. RACE/ETHNIC COMPOSITION OF FIRM: (Owners, Partners, Associate Partners, Managers, Staff, etc.)

Please break down the total number of employees in your firm into the following categories:

	OWNERS/PARTNERS/ ASSOCIATE PARTNERS		MANAGERS	STAFF
	Male	Female		
Black/African American				
Hispanic/Latin American	3			3
Asian American				
American Indian/Alaskan Native				
Filipino American				
White	4	1	3	2

IV. PERCENTAGE OF OWNERSHIP IN FIRM. Please indicate by percentage (%) how the ownership of the firm is distributed.

	Black/African American	Hispanic/ Latino	Asian or Pacific Islander	American Indian/ Alaskan Native	Filipino American	White
Men	%	%	%	%	%	100 %
Women	%	%	%	%	%	%

V. CERTIFICATION AS MINORITY, WOMEN DISADVANTAGED, & DISABLED VETERANS BUSINESS ENTERPRISE

Is your firm currently certified as a minority, women-owner, disadvantaged or disabled veterans business enterprise by a public agency? (If yes, complete the following and attach a copy of the notice of certification.)

 M W D DV

Agency _____ Expiration Date _____

Agency _____ Expiration Date _____

Agency _____ Expiration Date _____

Agency _____ Expiration Date _____

Agency _____ Expiration Date _____

LEGEND: M = Minority W = Women D = Disadvantaged DV= Disabled Veterans

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THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we

JEM Industries, Inc. 1131 E. Main Street, Ste. 200, Tustin, CA 92780

(Here insert full name, and address or legal title of Contractor)

as Principal, hereinafter called the Principal, and

Lincoln General Insurance Company, 3350 Whiteford Road, York, PA 17402-0136

a corporation duly organized under the laws of the State of Pennsylvania as Surety, hereinafter called the Surety, are held and firmly bound unto

City of Culver City, 4343 Duquesne Ave., Culver City, CA 90232

(Here insert full name, and address or legal title of Owner)

as Oblige, hereinafter called the Oblige, in the sum of **(10%) Ten percent of the attached bid amount**

(10% of amt.) for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for **Bid # 1373, Remove Existing Underground Storage Tanks and Provide & Install Aboveground Diesel Fuel Tank and Emergency Generator, Culver City California**

(Here insert full name, address and description of project)

NOW, THEREFORE, if the Oblige shall accept the bid of the Principal and the Principal shall enter into a Contract with the Oblige in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Oblige the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Oblige may in good faith contract with another party to perform the Work covered by said bid then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this **12th** day of **November, 2007**

(Witness)

JEM Industries, Inc.

(Principal)
PRESIDENT

(Title)

(Seal)

Lincoln General Insurance Company

(Surety)

(Seal)

(Title)

Stephanie Pham, Attorney-in-Fact

(Witness)

Tammy Soto

CALIFORNIA ACKNOWLEDGMENT

State of California

County of Orange

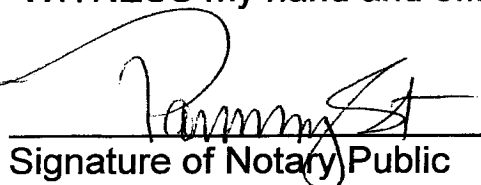
On November 12, 2007 before me Tammy Soto, Notary Public
DATE NAME, TITLE OF OFFICER

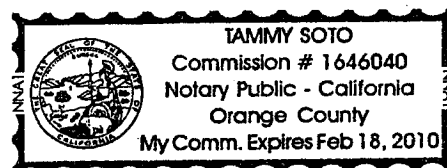
personally appeared Stephanie Pham
NAME OF SIGNER

☒ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence

to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Signature of Notary Public



Place Notary Seal Above

LINCOLN GENERAL INSURANCE COMPANY

POWER OF ATTORNEY

Bond no. N/A

KNOW ALL MEN BY THESE PRESENTS, That Lincoln General Insurance Company, organized and existing by virtue of the Laws of the Commonwealth of Pennsylvania, does hereby nominate, constitute and appoint:

Eric Lowey, Mark Richardson, Stephanie Pham

Its true and lawful Attorney(s)-in-Fact to sign, seal and execute for and on its behalf, as surety, bonds, undertakings, and other obligatory instruments of similar nature, 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.

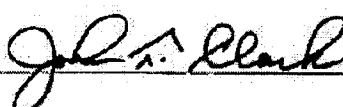
RESOLVED that this Power of Attorney is granted and is signed, sealed and notarized with facsimile signatures and seals under authority of the following resolutions adopted by the Board of Directors of Lincoln General Insurance Company on the 4th day of September, 2002.

RESOLVED that the President, an Executive or Senior Vice President, or any Vice President of the Company, together with the Secretary or any Assistant Secretary are hereby authorized to execute Powers of Attorney appointing the person(s) named as Attorney(s)-in-Fact to date, execute sign, seal and deliver on behalf of the Company, fidelity and surety bonds, undertakings, and other similar contracts of suretyship, and any related documents.

RESOLVED FURTHER that the signatures of the officers making the appointment, and the signature of any officer certifying the validity and current status of the appointment, may be facsimile representations of those signatures; and the signature and seal of any notary, and the seal of the Company, may be facsimile representations of those signatures and seals, and such facsimile representations of those signatures and seals, and such facsimile representations shall have the same force and effect as if manually affixed. The facsimile representations referred to herein may be affixed by stamping, printing, typing or photocopying.

IN WITNESS WHEREOF, Lincoln General Insurance Company has caused its corporate seal to be affixed and these presents to be signed by its duly authorized officers this 15th day of October, 2004.

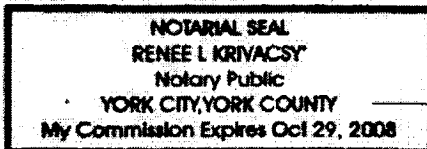

Secretary

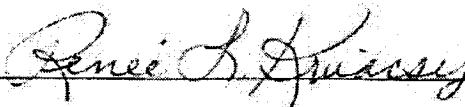

President



On this 15th day of October, 2004, before me personally came John T. Clark, to me known, who being duly sworn, did depose and say: that he is the President of the Corporation described in and which executed the above instrument; that he knows the seal affixed to the aforesaid instrument is such corporate seal and was affixed thereto by order and authority of the Board of Directors of said Company; and that he executed the said instrument by like order and authority and the same was his free act and deed.

The Commonwealth of Pennsylvania
York County

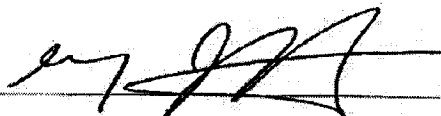




I, Gary J. Omdorff, Secretary of Lincoln General Insurance Company, a corporation of the Commonwealth of Pennsylvania do hereby certify that the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company, at York, Pennsylvania, this
12th day of November, 2007.




Secretary

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