

# FOR BOARD ACTION

Agenda Item #

5.c.

Meeting Date:

3/25/08

**SUBJECT:**

CONSIDERATION OF BIDS  
WATER STORAGE TANK REPAIR / REPAINTING  
COUNTRY CLUB MANOR MAIN LEVEL STANDPIPE #84

**PREPARED BY:**

Cary Johnson, Supervisor of Water Operations

ITEM DESCRIPTION:

Five bids were received and opened on March 18<sup>th</sup>, 2008, for Water Storage Tank Repair/Repainting work to be completed during 2008.

This work consists of exterior coating repair/replacement and interior coating replacement on the 1,000,000 gallon Country Club Manor Main Level Standpipe. A breakdown of the bids is attached.

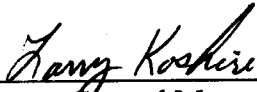
Champion Coatings was the lowest overall project bidder with a total bid price of \$209,800.

The Water M&C budget for 2008 includes \$220,000 for this project.

UTILITY BOARD ACTION REQUESTED:

It is requested the Board recommend approval of a contract with Champion Coatings in the amount of \$209,800, and to request the Mayor and City Clerk to execute the contract.

Reviewed 3-20-08 WNS

  
\_\_\_\_\_  
General Manager

  
\_\_\_\_\_  
Date

ROCHESTER PUBLIC UTILITIES

# #84 Country Club Manor Main Level Standpipe Cleaning & Repainting - 2008

## Bid Tab Results

Bids Due: 3/19/08 : 1:00PM

Order # 7002846

Bidder	Bid Bond/Check (Y/N)	Interior Coating Replacement	Exterior Coating Repair / Replacement	Grinding or Power Tool Cleaning @ 16hrs	Caulking - Seam Sealing @ 60'	F&I Safety Climb @ 70'	Additional Unit Price Welding in any encountered @ 8hrs	Grand Total
2008 Budget Amount								\$220,000.00
Classic Protective Coatings	Yes	\$130,148.00	\$195,220.00	\$2,000.00	\$660.00	\$2,750.00	\$1,200.00	\$331,978.00
Maguire Iron	Yes	\$97,803.00	\$143,659.00	\$2,320.00	\$540.00	\$3,260.00	\$1,760.00	\$249,142.00
TMI Coatings	Yes	\$135,700.00	\$95,500.00	\$1,600.00	\$900.00	\$2,000.00	\$800.00	\$236,500.00
Champion Coatings	Yes	\$98,000.00	\$106,000.00	\$1,600.00	\$600.00	\$2,400.00	\$1,200.00	\$209,800.00
LC United Painting	Yes	\$176,000.00	\$149,000.00	\$1,280.00	\$2,400.00	\$6,020.00	\$720.00	\$336,420.00

BID PROPOSAL

Honorable Public Utility Board  
City of Rochester  
Rochester, Minnesota 55904

The undersigned hereby proposes to provide material, equipment, and labor for Reconditioning and/or Cleaning of the following water storage facilities in accordance with the Contract Documents and other proposal documents for Project #7002846.

1. Country Club Manor Main Level Standpipe

Interior Coating Repair/Replacement	\$ <u>98,000</u>
Exterior Coating Repair/Replacement	\$ <u>106,000</u>
Grinding or Power Tool Cleaning 16 hours estimated @ \$ <u>100</u> /hr	\$ <u>1,600</u>
Caulking (seam sealing) 60 linear feet estimated @ \$ <u>10</u> /ft	\$ <u>600</u>
Furnish and Install New Safety Climb (Approximately 70 linear feet total length)	\$ <u>2,400</u>
<b>Country Club Manor Main Level Standpipe Subtotal</b>	\$ <u>208,600</u>

2. Additional Unit Price Welding 8 hrs estimated @ \$ 150 /hr (if any encountered) \$ 1,200

Any sales tax that would be due and payable on work completed or material/equipment furnished under this Contract shall be included in the total amount of the bid.

**TOTAL** \$ 209,800

If submitted:

I acknowledge receipt of Addendum(s) # \_\_\_\_\_ Dated \_\_\_\_\_

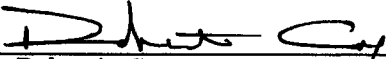
Signed \_\_\_\_\_ Dated 3/18/2008  
Robert Cox, Vice President

Accompanying this Bid proposal is a 5% Bid Bond payable to the City of Rochester in the amount of \$ \_\_\_\_\_ which is equal to five percent (5%) of the total bid price. It is understood that this proposal is submitted pursuant to the NOTICE TO BIDDERS, attached hereto, and the Undersigned hereby agrees to the terms and conditions thereof. The Undersigned warrants that this proposal is submitted in good faith and without collusion or connection with any other person or persons bidding for the same work. In the event that this proposal is accepted, the Undersigned hereby agrees to deliver the bid items in accordance with completion dates specified in the Special Provisions.

Bidder Champion Coatings Inc.

Address 7385 West 126th Street  
Savage, MN 55378

Telephone (952)707-9000

Signature   
Robert Cox

Title Vice President





<u>OWNERS NAME &amp; ADDRESS</u>	<u>SIZE OF PROJECT</u>	<u>CONTACT</u>	<u>PROJECT VALUE</u>
City of Mound 5341 Maywood Road Mound, MN 55364	250,000 Gallon Standpipe  Completed: 2006	Dan Faulkner Bolton & Menk 952-448-8838	\$170,000
West Des Moines Water Works 4200 Mills Civic Parkway West Des Moines, IA 50265	2.0 MG Hydropillar  Completed: 2006	Gopal Krishna Krishna Engineering 515-224-6300	\$380,000
City of Wahpeton, ND 1900 - 4th Street North Wahpeton, ND 58075	1 Million Gallon Elevated Water Tank Completed: 2005	Randy Pope Interstate Engineering 701-642-5521	\$300,000
Dakota Dunes Comm. Impv. District P.O. Box 1997 Dakota Dunes, SD 57049	500,000 Gallon Elevated Water Tank Completed: 2005	Donald Owens DeWild Grand Reckert 800-446-2531	\$150,000
City of Moundsview 2401 Highway 10 Moundsview, MN 55112	500,000 Gallon Elevated Tank Completed: 7-31-05	Lee Dornbusch 651-490-2000 SEH - St. Paul, MN	250,000
Various Locations	Elevated and Ground Storage Tanks Completed: 2006	Jack Kollmer KLM Engineering 651-773-5111	\$75,000 to \$1.2 Million
WEB Water Development 38462 U.S. Highway 12, Box 12 Aberdeen, SD 57402	4 Elevated Water Towers  Completed: 8-15-03	John Gibbs Web Water (605)229-4749	\$540,000
City of New Brighton 803 Old Highway 8 North West New Brighton, MN 55112	1.5 MMG Ground Storage Tank Completed: 8-5-02	Bob Kollmer KCI Engineering (651)462-7266	\$260,000

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, that we Champion Coatings, Inc.

7385 West 126th Street Savage, MN 55378

as Principal, hereinafter called the Principal, and Western Surety Company

101 South Phillips Ave. Sioux Falls, SD 57117-5077

a corporation duly organized under the laws of the State of South dakota as Surety, hereinafter

called the Surety, are held and firmly bound unto City of Rochester, 4000 East River Road NE, Rochester, MN

as Obligee, hereinafter called the Obligee, in the sum of

5% of Amount Bid Dollars (\$5% of Amount Bid),

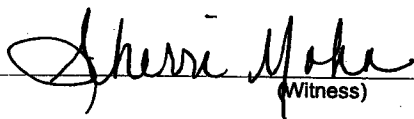
for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for \_\_\_\_\_

Tower Painting and Cleaning, 1,000,000 Gallon

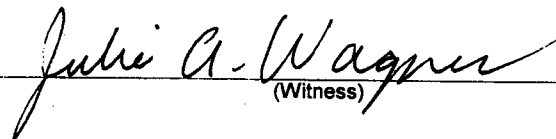
NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful 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 Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee 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 18th day of March, 2008.

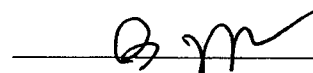
  
(Witness)

Champion Coatings, Inc.  
Robert Cox (Principal) (Seal)

  
Vice President (Title)

  
(Witness)

Western Surety Company  
(Surety) (Seal)

  
(Title)  
Bryan J. Huft, Attorney in Fact





**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

# 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

**Gordon D Olsen, Kathryn A Dircz, Cathy Albachten, Dennis G Diessner, Veronika Petersen, Mark N Kampf, Donald L Kuplic, Kathleen L Lundquist, Bryan J Huft, Individually**

of Burnsville, MN, 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 20th day of September, 2007.



WESTERN SURETY COMPANY

*Paul T. Bruflat*

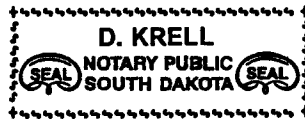
Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 20th day of September, 2007, 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, 2012



*D. Krell*

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 18th day of March, 2008



WESTERN SURETY COMPANY

*L. Nelson*

L. Nelson, Assistant Secretary

**AGREEMENT FOR WATER STORAGE TANK REPAIR-REPAINTING:**

**1,000,000 gallon Country Club Manor Main Level Standpipe NW**

THIS AGREEMENT made this 25<sup>th</sup> day of March, 2008, by and between the City of Rochester, Minnesota, a Minnesota municipal corporation, acting through its Public Utility Board, hereinafter called "City", and **Champion Coatings, Inc.** a Minnesota Corporation, hereinafter called "Contractor".

WHEREAS, the City has solicited a proposal from the Contractor for the water storage tank repair-repainting described in the specifications and contract documents.

WHEREAS, the City desires to engage the services of the Contractor according to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the above premises and of the terms and conditions contained herein, the parties hereto agree as follows.

Article I. Scope of Services. The Contractor shall furnish all labor, materials, equipment and supervision for the general, mechanical, and electrical construction for the repainting and repair described in the specifications and contract documents.

Article II. Payment. The City agrees to pay the Contractor the sum of **\$209,800** for the services described herein, subject to the terms and conditions of payment described in the Contract Documents.

Article III. Term. The term of this agreement shall commence on the date of this Agreement and shall continue until completion and acceptance of the work by the City.

CONTRACTOR

By \_\_\_\_\_  
Its \_\_\_\_\_  
By \_\_\_\_\_  
Its \_\_\_\_\_

CITY OF ROCHESTER

By \_\_\_\_\_  
Its Mayor  
Attest \_\_\_\_\_  
Its City Clerk  
Approved as to Form \_\_\_\_\_  
Its City Attorney

ROCHESTER PUBLIC UTILITIES

Reviewed by \_\_\_\_\_  
Its General Manager

**ACKNOWLEDGEMENT OF CORPORATION AUTHORIZED SIGNATURE**

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, before me

appeared \_\_\_\_\_ to me personally known, who,  
(name of officer)

being by me duly sworn, did say that he/she is the \_\_\_\_\_  
(title)

of \_\_\_\_\_ a corporation; and that said instrument  
(name of corporation)

was executed in behalf of said \_\_\_\_\_, acknowledged said  
(name of officer)

instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_  
County \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



## RESOLUTION

BE IT RESOLVED by the Public Utility Board of the City of Rochester, Minnesota, to approve a contract agreement with Champion Coatings, Inc., and request the Mayor and the City Clerk to execute the contract for

**WATER STORAGE TANK REPAIR-REPAINTING  
(1,000,000 gallon Country Club Manor Main Level Standpipe #84)**

The amount of the contract agreement to be TWO HUNDRED NINE THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$209,800.00) and Champion Coatings, Inc. being the low bidder.

Passed by the Public Utility Board of the City of Rochester, Minnesota, this 25<sup>th</sup> day of March, 2008.

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President

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Secretary