

Olivehurst Public Utility District



Agenda Item Staff Report

Meeting Date: 07/15/2021

Item description/summary:

Consider awarding contract to STS Inc for the Swimming Pool Resurfacing Project

Two months ago, the board authorized staff to procure bids for the swimming pool resurfacing project. On July 7th, we received two bids. The apparent low bidder is STS Inc with a bid of \$90,000.

Fiscal Analysis:

Employee Feedback

Positive

Sample Motion:

Award the Swimming Pool Resurfacing Project contract to STS Inc in the amount of \$90,000.

Prepared by:

Christopher Oliver, Public Works Engineer

OLIVEHURST PUBLIC UTILITY DISTRICT

Bid Opening Swimming Pool Resurfacing Project

Date/Time: July 7, 2021 at 3:30 P.M.

Present: General Manager and Public Works Engineer

Location: General Manager's Office, 1970 9th Ave, Olivehurst



Project:

The following bids were received:

1)	<i>STS Inc</i>	
	<i>\$ 90,000</i>	<i>Insurance</i>
2)	<i>Advance Pool Coatings</i>	
	<i>\$ 185,000</i>	<i>Insurance</i>
3)		
4)		
5)		
6)		
7)		
8)		



3241 Fitzgerald Road, Rancho Cordova, CA 95742
Office: 916.858.0488 • Fax: 916.631.4257

July 2nd, 2021

Christopher Oliver
Olivehurst Public Utility District
1970 9th Avenue
Olivehurst, CA 95961

RE: OPUD Pool Resurfacing Project

Thank you for the opportunity to submit the attached bid proposal for the OPUD Pool Resurfacing Project. Attached are the requested documents set forth in the project's bid specifications and reflecting RFI #1.

In summary:

STS, Inc. agrees to supply and/or perform all the work described in the Proposal (Bid) and as instructed by the District Engineer in a good workman like manner for the total price of **\$90,000**

Please note we have identified 2 areas needing attention that were not included on the provided Proposal (Bid) form and we have included these items as options:

- Pool & Deck: 23 depth markers / 10 'no diving' tiles (\$1,500)
- Deck-o-seal between gutters and deck @ 308 LF (\$2,100)

Thank you, we look forward to the opportunity to work with you on this project. Please let me know if you require any additional information or have any questions, we are here to be a resource in anyway.

Kind Regards,

A handwritten signature in black ink that reads 'C. Garland'.

Caroline Garland
Chief Operating Officer
916-858-0488
caroline@stscorp.biz

• A Certified UDBE/ WBE/ DBE #36721/ WOSB/SBE Company •
Visit our website at www.stscorp.biz

PROPOSAL (BID)

OLIVEHURST PUBLIC UTILITY DISTRICT

Name of BIDDER Spray Tech Systems, Inc. DBA STS, INC.

Business Address 3241 Fitzgerald Rd., Suite 1

Rancho Cordova, CA 95742

The undersigned, as BIDDER, declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that he has carefully examined the location of the work, the annexed proposal form of agreement, and the plans and specifications therein referred to; and he proposes and agrees, if this proposal is accepted, that he will contract with the owner in the form of the copy of the agreement annexed hereto, to provide all necessary machinery, tools, apparatus and other means of construction, and to do all the work and furnish all materials specified, in the manner and time prescribed, and according to the requirements of the owner as set forth, and that he will take in full payment therefore the following lump sum for the complete work, based on the attached hereto estimated quantities, to wit:

LIST OF SUBCONTRACTORS

(Public Contract Code Section 4104)

In compliance with the provisions of Sections 4100 et seq. of the Government Code, the undersigned hereby designates below the names and locations of the place of business of each subcontractor who shall perform work on this contract in excess of one-half of one percent of the bid price. If the Contractor fails to specify a subcontractor for any portion of the work under the contract, he shall be deemed to have agreed to perform that work himself. Any change or substitution of subcontractors shall be accomplished in strict accordance with provisions of the Government Code.

Work to be Performed	Percent of Total Contract	Subcontractor's Name and Address	DIR #	CSLB Lic. #
1.		NONE		
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				



Bond No. 3

KNOW ALL MEN BY THESE PRESENTS, that we, Spray Tech Systems, Inc. DBA: STS, Inc.

as principal, and the **GREAT AMERICAN INSURANCE COMPANY**, a corporation existing under the laws of the State of Ohio, having its Administrative Office at 301 E. Fourth Street, Cincinnati, Ohio 45202, as surety, are held and firmly bound unto Olivehurst Public Utility District

as obligee, in the penal sum of Ten Percent*

Dollars (\$ 10%), lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrator, successors and assigns, Jointly and severally, firmly by these presents.


SIGNED, sealed and dated this 7th day of July, 2021.

WHEREAS, the said principal Spray Tech Systems, Inc. DBA: STS, Inc.

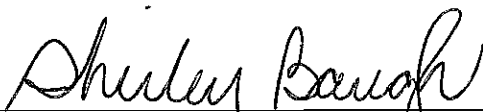
herewith submitting Bid proposal for Fiberglass Pool Resurfacing, project RFI #1.

NOW, THEREFORE, the condition of this obligation is such that, if the said principal shall be awarded the said contract, and shall within () days after receiving notice of such award enter into a contract and give bond for the faithful performance of the contract, then this obligation shall be null and void otherwise the principal and surety will pay unto the obligee the difference in money between the amount of the principal's bid and the amount for which the obligee may legally contract with another party to perform the work, if the latter amount be in excess of the former; but in no event shall the liability hereunder exceed the penal sum hereof.

Spray Tech Systems, Inc. DBA: STS, Inc.


Principal

GREAT AMERICAN INSURANCE COMPANY

By: 
Shirley Baugh, Attorney-in-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

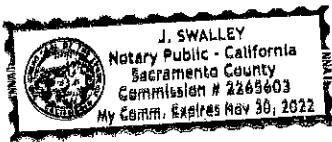
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Sacramento)
On 7-7-11 before me, J. Swalley, notary public
Date Here Insert Name and Title of the Officer
personally appeared Shirley Baugh
Name(s) of Signer(s)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature J. Swalley
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____
 Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____
 Partner — Limited General Partner — Limited General
 Individual Attorney in Fact Individual Attorney in Fact
 Trustee Guardian or Conservator Trustee Guardian or Conservator
 Other: _____ Other: _____
Signer Is Representing: _____ Signer Is Representing: _____

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by this power of attorney is not more than **ONE**

No. 0 14466

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below:

Name	Address	Limit of Power
SHIRLEY BAUGH	SACRAMENTO, CALIFORNIA	\$100,000,000

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this **29TH** day of **JULY**, 2020

Attest

GREAT AMERICAN INSURANCE COMPANY



Atty L C. B.

Assistant Secretary

Mark V Vicario

Divisional Senior Vice President

MARK VICARIO (877-877-2405)

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this **29TH** day of **JULY**, 2020

, before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



SUSAN A KOHORST
Notary Public
State of Ohio
My Comm. Expires
May 18, 2025

Susan A Kohorst

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this **7th** day of **July**, 2021



Atty L C. B.

Assistant Secretary

ADVERTISEMENT FOR BIDS

Olivehurst Public Utility District

1970 9th Avenue

P.O. Box 670

Olivehurst, CA 95961

Sealed BIDS for OPUD Pool Resurfacing Project

at OPUD will be received by the **Olivehurst Public Utility District** at the office of the District until 3:00 P.M., July 7th, 2021 and then publicly opened and read aloud at 3:30 P.M. on the same day at the **Olivehurst Public Utility District Office** at 1970 9th Avenue.

The CONTRACT DOCUMENTS may be examined at the following location:

Olivehurst Public Utility District

1970 9th Avenue

Olivehurst, CA 95961

Phone (530) 743-4657

Copies of the CONTRACT DOCUMENTS may be obtained from **Olivehurst Public Utility District**, upon the non-refundable payment of \$ 0 for each set.

In accordance with the provisions of Section 1773.2 of the California Labor Code, this project is subject to the provisions of California's Prevailing Wage Laws and copies of the prevailing rate of per diem wages are on file at the office of Olivehurst Public Utility District, 1970 9th Avenue, Olivehurst, California 95961.

Prospective BIDDERS shall be licensed CONTRACTORS in the State of California and shall be skilled and regularly engaged in the general class or type of WORK called for under the CONTRACT. Each BIDDER submitting a bid shall have California Contractor's license appropriate for this type of work.

05/21/2021

Date

Chris Oliver

Christopher Oliver, District Engineer

OLIVEHURST PUBLIC UTILITY DISTRICT

Our mission is to provide high quality services to enhance our community's quality of life.



BOARD OF DIRECTORS

Dennise Burbank John Floe MaryJane Griego Lacey Nelson Marc Perrault

GENERAL MANAGER

John Tillotson

OPUD Pool Resurfacing Project RFI #1

1. What percentage is required for the performance and payment bond and for the bid bond?

100% of the contract amount for the performance and payment bond and 10% for the bid bond, as specified in the contract.

2. Can you explain the warranty for this project?

There will be the standard 1 year warranty on defects and workmanship as well as a 5 year warranty on the liner itself.

3. Are there any liquidated damages on this project?

Although we would like to have the pool repaired as soon as possible to be used by the public, there will not be any liquidated damages on this project.

4. Can the All-Risk Insurance clause be struck from the contract?

The All-Risk insurance clause can be struck from the contract. However, the contractor will still assume all responsibility for any loss covered by that policy.

Chris Oliver

Christopher Oliver
Public Work Engineer

*acknowledged 6/29/21
C. Gaudin*

PROPOSAL (BID)

OLIVEHURST PUBLIC UTILITY DISTRICT

Name of BIDDER Advanced Pool Coatings

Business Address 6141 Angelo Court
Loomis, CA 95650

The undersigned, as BIDDER, declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that he has carefully examined the location of the work, the annexed proposal form of agreement, and the plans and specifications therein referred to; and he proposes and agrees, if this proposal is accepted, that he will contract with the owner in the form of the copy of the agreement annexed hereto, to provide all necessary machinery, tools, apparatus and other means of construction, and to do all the work and furnish all materials specified, in the manner and time prescribed, and according to the requirements of the owner as set forth, and that he will take in full payment therefore the following lump sum for the complete work, based on the attached hereto estimated quantities, to wit:

Contractor agrees to supply and/or to perform all the work described below and as instructed by the District Engineer in a good workman like manner for the following Lump Sum prices:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT OF MEASURE	TOTAL ITEM COST
1. GENERAL (All Labor, Equipment, Delivery, Applicable taxes and Fees are to be included in Material Cost)				
1.01	Permits, Bonds, Insurance, Mobilization, set up, & OSHA	1	LS	\$46,250 ⁰⁰
1.02	Remove existing fiberglass. Grind and power wash existing substrate surface and apply primer	1	EA	\$92,500 ⁰⁰
1.03	Resurface pool with fiberglass laminate coating, including fiber glass and resin. Sand laminate coating and apply finishing coat. 5 year warranty	1	EA	\$46,250 ⁰⁰

The bidder shall set forth, in clearly legible figures, the bid price in the spaces provided in the following schedule:

	TOTAL BID AMOUNT	\$ 185,000 ⁰⁰
Write out	One Hundred Eighty Five Thousand Dollars and $\frac{00}{100}$ _____	
figures:		

The said quotations include the cost of insurance, sales tax, and every other item of expense direct or indirect incident to the contract.

LIST OF SUBCONTRACTORS

(Public Contract Code Section 4104)

In compliance with the provisions of Sections 4100 et seq. of the Government Code, the undersigned hereby designates below the names and locations of the place of business of each subcontractor who shall perform work on this contract in excess of one-half of one percent of the bid price. If the Contractor fails to specify a subcontractor for any portion of the work under the contract, he shall be deemed to have agreed to perform that work himself. Any change or substitution of subcontractors shall be accomplished in strict accordance with provisions of the Government Code.

Work to be Performed	Percent of Total Contract	Subcontractor's Name and Address	DIR #	CSLB Lic. #
1. <i>No Subcontractors</i>		<i>_____</i>		<i>/</i>
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

NOTE: Additional numbered pages may be attached if needed.

Accompanying this proposal is (cashier's check) (certified check) (bidder's bond) (NOTE: Cross out those that do not apply) in the amount of (10 % of bid) or \$18,500⁰² dollars, being at least ten percent (10%) of the total amount bid. Licensed in accordance with the act providing for the Registration of Contractors

Respectfully submitted:


Signature

6141 Angelo Court, Loomis, CA 95650
Address

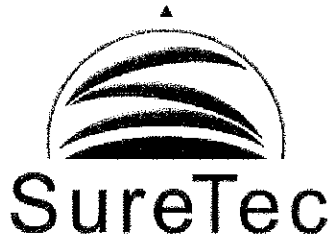
President
Title

7/2/2021
Date

684147
License Number (if applicable)

7/6/2021

Attest 



BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we Advanced Pool Coatings as principal, hereinafter called the "Principal," and **SURETEC INSURANCE COMPANY**, 1330 Post Oak Boulevard ste 1100, Houston, TX 77056, as surety, hereinafter called the "Surety," are held and firmly bound unto Olivehurst Public Utility District as obligee, hereinafter called the Obligee, in the sum of Ten Percent of the Total Amount Bid (\$ 10% of bid amount) of the Amount Bid by Principal 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 OPUD Pool Resurfacing Project

NOW, THEREFORE, if the contract be timely awarded to the Principal and the Principal shall within such time as specified in the bid, enter into a contract in writing or, in the event of the failure of the Principal to enter into such Contract, 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.

PROVIDED, HOWEVER, neither Principal nor Surety shall be bound hereunder unless Obligee prior to execution of the final contract shall furnish evidence of financing in a manner and form acceptable to Principal and Surety that financing has been firmly committed to cover the entire cost of the project; and

PROVIDED, FURTHER, unless the bid documents require that bid security remain in effect for a longer period of time, Surety shall have no liability hereon if a contract for the bid amount is not awarded to Principal within 60 days of the date hereof.

SIGNED, sealed and dated this 24th day of June, 2021

Advanced Pool Coatings
(Principal)

BY: [Signature]

TITLE: President

SureTec Insurance Company

BY: [Signature]

Sara Walliser, Attorney-in-Fact

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Butte

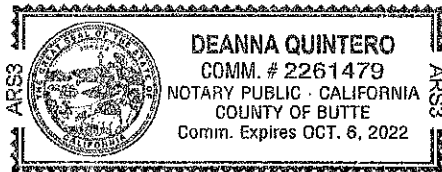
On June 24, 2021 before me, Deanna Quintero, Notary Public
(insert name and title of the officer)

personally appeared Sara Walliser
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)



SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

John Hopkins, Elizabeth Collodi, Sara Walliser, Renee Ramsey, Marissa Robinson, Deanna Quintero, K. Corey Ward, John J. Weber, Joseph H. Weber, Stephanie Agapoff, Claudine Gordon, Kristie Phillips, Michael K. Feeney, Bill Rapp, Matthew Foster, Tony Clark, Jason March, Samantha Watkins, Mary Collins

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for, providing the bond penalty does not exceed

Fifteen Million and 00/100 Dollars (\$15,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:


Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. *(Adopted at a meeting held on 20th of April, 1999.)*

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 1st day of February A.D. 2021.

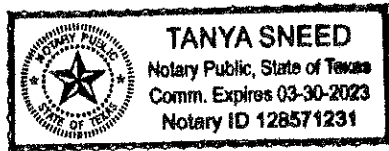
SURETEC INSURANCE COMPANY

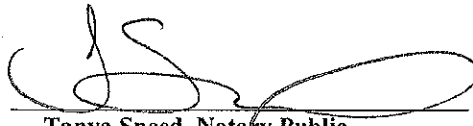
By: 
Michael C. Keimig, President



State of Texas ss:
County of Harris

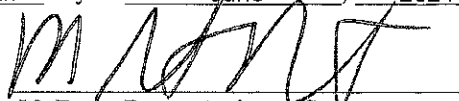
On this 1st day of February A.D. 2021 before me personally came Michael C. Keimig, to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.




Tanya Sneed, Notary Public
My commission expires March 30, 2023

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 24th day of June, 2021, A.D.


M. Brent Beaty, Assistant Secretary

OLIVEHURST PUBLIC UTILITY DISTRICT

Our mission is to provide high quality services to enhance our community's quality of life.



BOARD OF DIRECTORS

Dennise Burbank John Floe MaryJane Griego Lacey Nelson Marc Perrault

GENERAL MANAGER

John Tillotson

OPUD Pool Resurfacing Project RFI #1

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Chris Oliver

Christopher Oliver
Public Work Engineer

Acknowledged
[Signature] for Advanced Pool
Coatings

Date: 7/2/2021