

# CONTRACT SUMMARY

CITY OF FORT LAUDERDALE  
PROCUREMENT SERVICES DEPARTMENT

---

**Period Covered:**  
3/5/10 – 3/4/2011

**Contract No.:**  
403-10391

**Master Blanket:**  
N/A

---

**Awarded Vendor:**

Hardrives of Delray, Inc.  
2101 South Congress Avenue  
Delray Beach, FL 33445

Delivery: 2 Days  
Payment Terms: Net 30

Attn: W. Allen Poston  
561-278-0456 ext. 202  
Fax 561-278-2147  
Email: [wap@hardrivespaving.com](mailto:wap@hardrivespaving.com)

Insurance Coverage Required: Yes  No   
Authorized for Purchases: Under \$25,000  Over   
City Commission Approval: 1/6/2010 Pur-01 CAR 09-1701  
Extension Options: Yes  No  Years: 3, 1 year extensions

\*\*\*\*\*

**ASPHALTIC CONCRETE**

Hot Mix Asphalt, Type S-I	\$ 65.00 / ton
Hot Mix Asphalt, Type II	\$ 70.00 / ton
Hot Mix Asphalt, Type III	\$ 70.00 / ton
Hot Mix Asphalt, S-III	\$ 65.00 / ton
Cold Mix Asphalt	\$ 75.00 / ton
Bituminous Material Prime / Tack Coat	\$ 5.00 / gallon
Recycled Asphalt Millins Fine	\$ 10.00 / yard

\*\*\*\*\*

Department Contract Co-Ordinator: Mark Darmanin, Public Works, (954) 828-7809

Procurement Specialist: Robert, McKenney, CPPB

THIS AGREEMENT, made and entered into this 5th day of March, 2010, is by and between the City of Fort Lauderdale, a Florida municipality, ("City"), whose address is 100 North Andrews Avenue, Fort Lauderdale, FL 33301-1016, and Hardrives of Delray, Inc. a Florida corporation ("Contractor"), whose address and phone are 2101 South Congress Avenue, Delray Beach, FL 33445, Phone 561-278-0456 ext 202, Fax: 561-278-2147.

WHEREAS, the City issued Invitation to Bid Number 403-10391 ("ITB"), and the Contractor submitted a bid in response to the ITB; and

WHEREAS, on January 6, 2010, the City Commission of the City of Fort Lauderdale approved an agreement with Contractor for the goods or services described in the ITB (Pur-01, CAR No. 09-1701),

NOW, THEREFORE, for and in consideration of the mutual promises and covenants set forth herein and other good and valuable consideration, the City and the Contractor covenant and agree as follows:

1. The Contractor agrees to provide to the City Asphaltic Concrete in accordance with and in strict compliance with the specifications, terms, conditions, and requirements set forth in the ITB and any and all addenda thereto beginning March 5, 2010 and ending March 4, 2011 for the requirements listed above.

2. This contract form, the ITB, any and all addenda to the ITB, and the Contractor's proposal in response to the ITB are integral parts of this Contract, and are incorporated herein.

3. In the event of conflict between or among the contract documents, the order of priority shall be as follows:

First, this contract form;  
Second, any and all addenda to the City's ITB in reverse chronological order;  
Third, the ITB;  
Fourth, the Contractor's response to any addendum requiring a response;  
Fifth, the Contractor's proposal in bid to the ITB.

4. The Company warrants that the goods and services supplied to the City pursuant to this Contract shall at all times fully conform to the specifications set forth in the ITB and be of the highest quality. In the event the City, in the City's sole discretion, determines that any product or service supplied pursuant to this Contract is defective or does not conform to the specifications set forth in the ITB the City reserves the right unilaterally to cancel an order or cancel this Contract upon written notice to the Contractor, and reduce commensurately any amount of money due the Contractor.

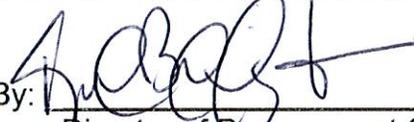
5. The City may cancel this Contract upon written notice to the Contractor in the event the Contractor fails to furnish the goods or perform the services as described in the ITB within 30 days following written notice to the Contractor.

6. The Contractor shall not present any invoice to the City that includes sales tax (85-8012514506C-7) or federal excise tax (59-6000319).

7. Contractor shall direct all invoices in duplicate for payment to Finance Department, City of Fort Lauderdale, 100 N. Andrews Avenue, 6th Floor, Fort Lauderdale, FL 33301. Any applicable discount MUST appear on the invoice.

IN WITNESS WHEREOF, the City and the Contractor execute this Contract as follows:

CITY OF FORT LAUDERDALE

By:   
Director of Procurement Services

CONTRACTOR

ATTEST:

  
Print Name: KATHLEEN DOLENCE  
Title: ASST. SECRETARY  
(Secretary for corporation;  
member or manager for L.L.C.)

By:   
Print Name: W. ALLEN POSTON  
Title: VICE PRESIDENT  
(If not president of corporation or  
managing member of limited liability  
company, please attach proof of  
authorization.)

CONTRACT  
COPY

### Hardrives, Inc.

Bid Contact **W. Allen Poston**  
**wap@hardrivespaving.com**  
**Ph 561-278-0456**  
**Fax 561-278-2147**

Address **2101 South Congress Av.**  
**Delray Beach, FL 33445**

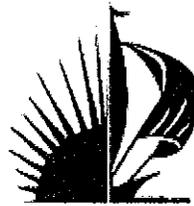
Item #	Line Item	Notes	Unit Price	Qty/Unit	Total Price	Attch. Docs
403-10391-1-01	ASPHALTIC CONCRETE (HOT MIX ASPHALT) Type S-I	<b>Supplier Product Code:</b>	<b>First Offer - \$65.00</b>	200 / ton	<b>\$13,000.00</b>	<b>Y</b>
403-10391-1-02	ASPHALTIC CONCRETE (HOT MIX ASPHALT) Type -II	<b>Supplier Product Code:</b>	<b>First Offer - \$70.00</b>	200 / ton	<b>\$14,000.00</b>	<b>Y</b>
403-10391-1-03	ASPHALTIC CONCRETE (HOT MIX ASPHALT) Type III	<b>Supplier Product Code:</b>	<b>First Offer - \$70.00</b>	1000 / ton	<b>\$70,000.00</b>	<b>Y</b>
403-10391-1-04	ASPHALTIC CONCRETE (HOT MIX ASPHALT) Type S-III	<b>Supplier Product Code:</b>	<b>First Offer - \$65.00</b>	200 / ton	<b>\$13,000.00</b>	<b>Y</b>
403-10391-1-05	ASPHALTIC CONCRETE (COLD MIX ASPHALT)	<b>Supplier Product Code:</b>	<b>First Offer - \$75.00</b>	200 / ton	<b>\$15,000.00</b>	<b>Y</b>
403-10391-1-06	BITUMINOUS MATERIAL PRIME / TACK COAT	<b>Supplier Product Code:</b>	<b>First Offer - \$5.00</b>	2000 / gallon	<b>\$10,000.00</b>	<b>Y</b>
403-10391-1-07	RECYCLED ASPHALT MILLINS FINE	<b>Supplier Product Code:</b>	<b>First Offer - \$10.00</b>	100 / yard	<b>\$1,000.00</b>	<b>Y</b>
<b>Supplier Total</b>					<b>\$136,000.00</b>	

***CITY OF FORT LAUDERDALE  
SPECIFICATIONS PACKAGE***

---

**403-10391**

**Asphaltic Concrete**



CITY OF FORT LAUDERDALE

**Bob McKenney**

**954-828-5139**

**NON-COLLUSION STATEMENT:**

By signing this offer, the vendor/contractor certifies that this offer is made independently and *free* from collusion. Vendor shall disclose below any City of Fort Lauderdale, FL officer or employee, or any relative of any such officer or employee who is an officer or director of, or has a material interest in, the vendor's business, who is in a position to influence this procurement.

Any City of Fort Lauderdale, FL officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement.

For purposes hereof, a person has a material interest if they directly or indirectly own more than 5 percent of the total assets or capital stock of any business entity, or if they otherwise stand to personally gain if the contract is awarded to this vendor.

In accordance with City of Fort Lauderdale, FL Policy and Standards Manual, 6.10.8.3, \_\_\_\_\_

3.3. City employees may not contract with the City through any corporation or business entity in which they or their immediate family members hold a controlling financial interest (e.g. ownership of five (5) percent or more).

3.4. Immediate family members (spouse, parents and children) are also prohibited from contracting with the City subject to the same general rules.

Failure of a vendor to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the City Procurement Code.

**NAME**

**RELATIONSHIPS**

-

In the event the vendor does not indicate any names, the City shall interpret this to mean that the vendor has indicated that no such relationships exist.

**GENERAL QUESTIONNAIRE**BIDDER NAME: **Hardrives, Inc.**Complete the following:Contact Name: **W. Allen Poston** Phone: **561-278-0456**

Pick up product in calendar days after receipt of Purchase Order: (Section 1.02 of General Conditions.):

**2 Days**

Payment terms (Section 1.03 of General Conditions: (net 30 if left blank)

Total Bid Discount (Section 1.04 of General Conditions): **0**

Prices firm for acceptance for 90 days? (Section 1.05 of General Conditions.):

 Yes  No Other

State or reference any variances (section 1.06 of General Conditions):

1. Provide three references for which you have provided similar products.

Company Name: **City of Ft. Lauderdale**  
Address: **100 N. Andrews Av, #619, Ft. Lauderdale, FL 33301**  
Contact Name: **Mark Darmanin** Telephone: **954-828-7809**

Company Name: **City of Boca Raton**  
Address:  
Contact Name: **Merrilee Mogle-Snead** Telephone: **561-393-7876**

Company Name: **City of Pompano Beach**  
Address:  
Contact Name: **Leeta Hardin** Telephone: **954-786-4098**

2. Number of years experience the proposer has had in providing similar products:

**28 Years**

3. Does your firm have a pick-up location located East of the Florida Turnpike, North of Sheridan Street and South of Woolbright Road?

YES  NO 

Additional comments:

The proposer understands that the information contained in these proposal pages is to be relied upon by the City in awarding the proposed contract, and such information is warranted by the proposer to be true. The proposer agrees to furnish such additional information, prior to acceptance of any proposal relating to the qualifications of the proposer, as may be required by the City.

Please review the questionnaire to make sure all questions have been answered. Attach additional sheets if necessary. Failure to answer each question could result in the disqualification of your bid.

**BID/PROPOSAL SIGNATURE PAGE**

**How to submit bids/proposals:** It is preferred that bids/proposals be submitted electronically at [www.bidsync.com](http://www.bidsync.com), unless otherwise stated in the bid packet. If mailing a hard copy, it will be the sole responsibility of the Bidder to ensure that the bid reaches the City of Fort Lauderdale, City Hall, Procurement Department, Suite 619, 100 N. Andrews Avenue, Fort Lauderdale, FL 33301, prior to the bid opening date and time listed. Bids/proposals submitted by fax or email will NOT be accepted.

The below signed hereby agrees to furnish the following article(s) or services at the price(s) and terms stated subject to all instructions, conditions, specifications addenda, legal advertisement, and conditions contained in the bid. I have read all attachments including the specifications and fully understand what is required. By submitting this signed proposal I will accept a contract if approved by the CITY and such acceptance covers all terms, conditions, and specifications of this bid/proposal.

**Please Note:** If responding to this solicitation through BidSync, the electronic version of the bid response will prevail, unless a paper version is clearly marked by the bidder in some manner to indicate that it will supplant the electronic version.

Submitted by: **W. Allen Poston** 11-10-09  
 (signature) (date)

Name (printed) **W. Allen Poston** Title: **Vice President**

Company: (Legal Registration) **Hardrives, Inc.**

CONTRACTOR, IF FOREIGN CORPORATION, MAY BE REQUIRED TO OBTAIN A CERTIFICATE OF AUTHORITY FROM THE DEPARTMENT OF STATE, IN ACCORDANCE WITH FLORIDA STATUTE §607.1501 (visit <http://www.dos.state.fl.us/doc/>).

Address: **2101 South Congress Av.**

City **Delray Beach** State: **FL** Zip **33445**

Telephone No. **561-278-0456** No. **202**

E-MAIL: **wap@hardrivespaving.com**

Delivery: Calendar days after receipt of Purchase Order (section 1.02 of General Conditions): **2**

Payment Terms (section 1.03): **Net 30** Total Bid Discount (section 1.04): **0**

Does your firm qualify for MBE or WBE status (section 1.08): **MBE No WBE No**

ADDENDUM ACKNOWLEDGEMENT - Proposer acknowledges that the following addenda have been received and are included in the proposal:

<u>Addendum No.</u>	<b>None</b>	<u>Date Issued</u> <b>N/A</b>
---------------------	-------------	-------------------------------

VARIANCES: State any variations to specifications, terms and conditions in the space provided below or reference in the space provided below all variances contained on other pages of bid, attachments or bid pages. No variations or exceptions by the Proposer will be deemed to be part of the bid submitted unless such variation or exception is listed and contained within the bid documents and referenced in the space provided below. If no statement is contained in the below space, it is hereby implied that your bid/proposal complies with the full scope of this solicitation. HAVE YOU STATED ANY VARIANCES OR EXCEPTIONS BELOW? BIDDER MUST CLICK THE EXCEPTION LINK IF ANY VARIATION OR EXCEPTION IS TAKEN TO THE SPECIFICATIONS, TERMS AND CONDITIONS. If this section does not apply to your bid, simply mark N/A in the section below.

Variations:  
**None**  
 revised 9-08-09