

**CITY OF HOBART BOARD OF PUBLIC WORKS AND SAFETY
Resolution No. 2017- 06**

**A Resolution Cancelling the Award to Gariup Construction Company, Inc. of the
Contract for the Brickie Bowl [Police and Courts Complex] ADA Access
Improvements Project and Awarding the Contract to Gough**

WHEREAS, the Board of Public Works and Safety (“Board”) of the City of Hobart, Indiana (“City”) previously adopted its Resolution No. 2017-05 at the Board’s special meeting of June 28, 2017 determining Gariup Construction Co., Inc. of Gary, Indiana to be the lowest responsible and responsive bidder for the Brickie Bowl [Police and Courts Complex] ADA Access Improvements Project, and gave notice of same to Gariup,; and

WHEREAS, Gariup informed the engineers of record for the project, Butler, Fairman & Seufert, Inc. on July 10, 2017 that it would not sign the project contract because it could not perform the contract within the time period allowed in the bid specifications because of inability to obtain the fabrication of components for the project by the available suppliers, thereby risking liability for liquidated damages under the bid specifications; and

WHEREAS, no waiver of the performance time for the contract was made by the Board at any time, the time for performance being critical under grant requirements for a portion of the funding for the project; and

WHEREAS, the Board desires to proceed with the project by cancelling its prior award of the contract to Gariup, and awarding the contract to the next-lowest responsible and responsive bidder, and

WHEREAS, the second lowest bid was received from the following bidder in the amounts stated below:

| <u>Name and address of Bidder</u> | <u>Base Bid</u> | <u>Alt. 1</u> | <u>Alt. 2</u> | <u>Total Bid</u> |
|--|-----------------|---------------|---------------|------------------|
| Gough, Inc. 2200 East 88 th Drive Merrillville, Indiana 46410 | \$ 460,000.00 | \$ 18,000.00 | \$ 42,000.00 | \$ 520,000.00 |

and

WHEREAS, the Board previously submitted the bid of Gough, Inc. for technical review to Butler, Fairman & Seufert, Inc. (BF&S), the City’s consulting engineers for the project. It was also submitted to Anthony DeBonis, Jr., Hobart City Attorney, for legal review and the rendition of his official opinion as to the City’s compliance with the bid process required by law and the award of the contract; and

WHEREAS, the Board has received the report on the technical review of the bids by BF&S, and the oral opinion of the City Attorney as to the award of the contract and compliance of the City with the bid process required by law; and

WHEREAS, the Board previously declined to accept Alternate Nos. 1 and 2, and the Board makes no change in that determination; and

WHEREAS, the Board, in evaluating said bid, is required to determine whether such bid is responsible and responsive as required by I.C. §36-1-12-4 (b)(8), and must do so taking those factors into account specified in I.C. §36-1-12-4 (b)(10) and (11); and

WHEREAS, in making its determination of whether the bidder is the lowest “responsible bidder,” the Board is also required to apply the provisions of the City of Hobart Responsible Bidding Practices Ordinance, HMC §33.200 *et seq.*, as added by Ordinance No. 2015-28, as amended by Ordinance No. 2016-06 (“Ordinances”); and

WHEREAS, the Board, having reviewed the report and opinions noted above, desires to make its findings, cancel the prior award of the contract, and to award the project contract to the next lowest responsible and responsive bidder, and to spread same upon the public record.

THEREFORE, BE IT RESOLVED by the BOARD OF PUBLIC WORKS AND SAFETY of the CITY OF HOBART, INDIANA that:

1. The Board hereby determines that Gariup Construction Co., Inc. has declined to sign the contract for the project and is, therefore disqualified from proceeding further. Accordingly, the contract award to Gariup is now cancelled.

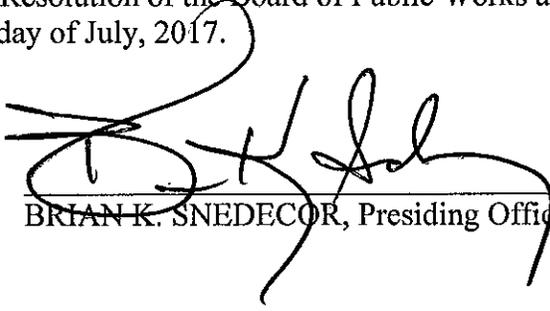
2. The bid of Gough, Inc. is the next lowest bidder in the base bid amount of \$ 460,000.00. The Board now finds that the bid of Gough, Inc. conforms in all material respects to the specifications for the project, that the bid complies specifically with the Notice to Bidders and the instructions to bidders, and that Gough has complied with all applicable statutes, ordinances, resolutions, and rules pertaining to the award of a public contract.

3. The Board further finds that, in connection with said bid, Gough, Inc. has the ability and capacity to perform the work, and that said bidder also possesses the integrity, character, reputation, competence and experience to support the award of the project contract. Further, Gough, Inc. has complied with the provisions of the above-cited Responsible Bidding Practices Ordinance of the City.

4. Based upon said findings, the Board now determines and concludes that Gough, Inc. of Merrillville, Indiana is now the lowest responsible and responsive bidder and awards that corporation the project contract consisting of the bid documents submitted by Gough, Inc. together with and including the plans, specifications, conditions, form of agreement, and instructions to bidders.

5. The Board hereby authorizes the City Executive to execute any agreements or other documents necessary to make the contract for the project effective, and also to execute any grant-related documents required for this project as well, not inconsistent with the terms of this resolution..

ALL OF WHICH is adopted as the Resolution of the Board of Public Works and Safety of the City of Hobart, Indiana on this 19th day of July, 2017.



BRIAN K. SNEDECOR, Presiding Officer

ATTEST:



DEBORAH A. LONGIER, Clerk-Treasurer