

SECTION C

BIDDERS CHECK LIST

Bidders may use the boxes to the left to check off items when completed.

The checklist is intended as a reminder for certain important items and is not necessarily a complete list of what must be included in your BID submission.

- ☒ Bid Form (Remember to fill this form out completely) **THIS FORM MUST BE SIGNED.**
- ☒ Review all Contract Documents.
- ☒ Acknowledge all Addendum(s) issued with this solicitation must be included in your BID submission. A place to check off acknowledgement is on the Bid Form/Schedule of Values.
- ☒ Fill out **all of the exhibits** as required, especially **Exhibit D, Small Business Enterprise (SBE) Program Participation Form.**
- ☒ Include any bid bonds that may be applicable.
- ☒ Remember to submit your Bid prior to the submittal deadline.
LATE BIDS WILL NOT BE CONSIDERED.

If you have questions concerning these items or other sections of the bid solicitation please contact Procurement for clarification prior to submitting your bid.

SECTION D

REVISED EXHIBIT A: BID FORM/SCHEDULE OF VALUES

BID 21-965 Camp Cuscowilla Pool Renovations - Project # 8204102

Date: FEBRUARY 17, 2021

Board of County Commissioners
Alachua County, Florida
Gainesville, Florida

Dear Commissioners:

The undersigned, as Bidder, hereby declares that he has examined the site of the Work and informed himself fully in regard to all conditions pertaining to the place where the Work is to be done, and that he has examined the plans and Specifications for the Work and comments hereto attached. The Bidder further declares that the only persons, company or parties interested in this Bid or the contract to be entered into, as principals, are named herein; that this Bid is made without connection with any other person, company or parties making a Bid; and it is in all respects fair and in good faith and without collusion or fraud.

The Bidder proposes and agrees, if this Bid is accepted, to contract with Alachua County, Florida, through the Board of County Commissioners, Gainesville, Florida, in the form of contract specified, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation, labor and service necessary to complete the work covered by the Bid and Contract Documents for: **BID: 21-965 Camp Cuscowilla Pool Renovations - Project # 8204102** to furnish the prescribed Performance and Payment Bond for not less than one hundred percent (100%) of the bid price; and to furnish the required evidence of the specified insurance.

The undersigned further agrees that in case of failure on his part to execute said contract within thirty (30) consecutive calendar days after written notice being given of award of contract, the certified or cashier's check or bid bond accompanying this bid, and money payable thereon, shall be paid into funds of the Alachua County Board of County Commissioners, Gainesville, Florida, as liquidated damages for such failure; otherwise, the check or bid bond accompanying this proposal shall be returned to the undersigned.

The undersigned agrees to commence work as set forth in the Notice to Proceed and to reach substantial completion within **120** working days from the date on which work commences with final completion within **15** calendar days thereafter.. If the Contractor fails to complete the work within the specified time, the Contractor agrees to pay the County **\$250.00** per calendar day as liquidated damages for substantial completion and **\$250.00** per calendar day as liquidated damages for final completion.

AUMILLER POOLS LLC **BIDDER**

The Bidder hereby acknowledges that he has received Addenda Number(s): 1, 2, _____, _____, _____, Bidder shall insert Number of each Addendum received and agrees that all addenda issues are hereby made part of the Contract Documents, and the Bidder further agrees that his Bid(s) includes all impacts resulting from said Addenda.

Address: 2438 SUMMERFIELD RD., WINTER PARK, FL 32792

Title: PRESIDENT

Bid Form/Schedule of Values**Bid 21-965 Camp Cuscowilla Pool Renovations - Project # 8204102**

DESCRIPTION	AMOUNT BID
BASE BID: Marcite Restoration	
Marcite Restoration (60 Day Project Completion)	\$ 0
Marcite Restoration (90 Day Project Completion)	\$ 0
ALT 1: Diamond Brite	Add /Deduct
Diamond Brite Restoration (60 Day Project Completion)	\$ 215,500
Diamond Brite Restoration (90 Day Project Completion)	\$ 195,500
Total Bid (Base Bid plus/minus Alt 1) (60 Day Project Completion)	\$215,500
Total Bid (Base Bid plus/minus Alt 1) (90 Day Project Completion)	\$195,500

NOTE: This bid is a lump sum price bid based on for the total project. Final payment shall be based upon Bid amount.

List of Unit Abbreviations:

SY Square Yards	GL Gallons	SD Side Drain
LS Lump Sum	MG Thousand Gallons	ED Each Day
CY Cubic Yards	GM Gross Miles	CD Cross Drain
EA Each	LF Linear Feet	AC Acre
TN Tons	NM Net Miles	RCP Reinforced Concrete Pipe
HR Hour	AS Assembly	PI Per Intersection

Acknowledge Receipt of Addendum(s) (if applicable circle):

#1 Yes No #2 Yes No #3 Yes No #4 Yes No

Bidder: WILLIAM AUMILLER Company: AUMILLER POOLS LLC

Address: 2438 SUMMERFIELD RD., WINTER PARK, FL 32792

Authorized Signature: William J Aumiller Title: PRESIDENT

Clearly Print Name: WILLIAM AUMILLER

Phone: (407) 808-2660 Fax: _____ Date: 2/17/21

Email Address: BJ@AUMILLERPOOLS.COM

EXHIBIT B: RESPONSIBLE AGENT FORM

The Contractor shall designate a responsible agent and alternate as necessary, for all dealings, communications, or notices or contracts between the Entities and the contractor by completing and returning this Responsible Agent Form. Any notice or communication to or from the responsible agent shall be deemed to be a communication to the contractor

RESPONSIBLE AGENT: WILLIAM AUMILLER

ADDRESS: 2438 SUMMERFIELD RD., WINTER PARK, FL 32792

PHONE NO.: (407) 808-2660

FAX NO.: _____

EMAIL ADDRESS: BJ@AUMILLERPOOLS.COM

ALTERNATE RESPONSIBLE AGENT: DAVID ADMIRE

ADDRESS: 2438 SUMMERFIEL RD., WINTER PARK, FL 32792

PHONE NO.: (239) 784-3839

FAX NO.: _____

EMAIL ADDRESS: DAVID@AUMILLERPOOLS.COM

SIGNED: William J A Miller DATE: FEBRUARY 17, 2021

EXHIBIT C: CERTIFICATION OF MEETING ALACHUA COUNTY WAGE ORDINANCE

BID 21-965: Camp Cuscowilla Pool Renovations - Project # 8204102

The undersigned certifies that all employees, contracted and subcontracted, completing services as part of this Bid/RFP are paid, and will continue to be paid, in accordance with Chapter 22, Article 12 of the Alachua County Code.

Please mark the appropriate box below that applies to how you pay your employees:

- ☐ Employees involved with Alachua County projects are paid a minimum of **\$14.50 hourly** and are provided health benefits?
- ☒ Employees involved with Alachua County projects are paid a minimum of **\$16.50 hourly but are not provided** health benefits?

Company/Bidder: AUMILLER POOLS LLC

Address: 2438 SUMMERFIELD RD., WINTER PARK, FL 32792

Phone: (407) 808-2660

Fax: _____

Date: 2/17/21

Email Address: BJ@AUMILLERPOOLS.COM

Witness (By Corporate Officer)

Signature: 

Print: DAVID ADMIRE

Title: VICE-PRESIDENT

Company/Bidder

Signature: 

Print: WILLIAM AUMILLER

Title: PRESIDENT

Date: 2/17/21

INCORPORATED OR ARE OTHERWISE NOT A NATURAL PERSON, PLEASE PROVIDE A CERTIFICATE OF INCUMBANCY AND AUTHORITY, OR A CORPORATE RESOLUTION, LISTING THOSE AUTHORIZED TO EXECUTE CONTRACTS. IF A NATURAL PERSON, THEN YOUR SIGNATURE SHOULD BE NOTARIZED.

EXHIBIT D: SMALL BUSINESS ENTERPRISE (SBE) PROGRAM PARTICIPATION FORM

BID: 21-965 Camp Cuscowilla Pool Renovations - Project # 8204102

OPTION 1

I certify that our Company is an Alachua County Certified Small Business Enterprise (SBE) registered prior to the Bid opening.

Circle One:

Yes (If yes, complete and sign the last page of this Exhibit)

No (If No, proceed to Option 2).

OPTION 2

I certify that our Company **will perform ALL work** and that no subcontractors will be utilized for this bid.

Circle One:

Yes (If yes, complete and sign the last page of this Exhibit)

No (If No, proceed to *Option 3.*)

BID: 21-965 Camp Cuscowilla Pool Renovations - Project # 8204102

I as the undersigned Vendor certify that I have completed one of the option(s) below *(Circle One)*:

OPTION 1 OPTION 2 OPTION 3 OPTION 4

If you are unable to certify that, you have completed to the best of your knowledge and belief **OPTION 1, OPTION 2, OPTION 3 or OPTION 4, CALL (48 hours prior to bid opening) Procurement at 352.374.5202, for direction.**

Vendor Name: AUMILLER POOLS LLC Date: 2/17/21

Signature: William J A. Miller Title: PRESIDENT

Printed Name: WILLIAM AUMILLER

EXHIBIT E: PROPOSED SUBCONTRACTORS (NON-SMALL BUSINESS ENTERPRISE) FORM

BID: 21-965 Camp Cuscowilla Pool Renovations - Project # 8204102

This form is for all Non-Small Business Enterprise subcontractors being utilized on this project that are not included on Exhibit D.

Name of Contractor: NA

Address: _____

Scope of Work to be Performed: _____

Total \$ Value: \$ _____ % of Total BID/RFP: _____ %

Name of Contractor: _____

Address: _____

Scope of Work to be Performed: _____

Total \$ Value: \$ _____ % of Total BID/RFP: _____ %

Name of Contractor: _____

Address: _____

Scope of Work to be Performed: _____

Total \$ Value: \$ _____ % of Total BID/RFP: _____ %

Name of Contractor: _____

Address: _____

Scope of Work to be Performed: _____

Total \$ Value: \$ _____ % of Total BID/RFP: _____ %

Name of Contractor: _____

Address: _____

Scope of Work to be Performed: _____

Total \$ Value: \$ _____ % of Total BID/RFP: _____ %

If additional space is required for your subcontractor listing, make copies of this Exhibit E and submit with you bid package.

EXHIBIT F: DRUG FREE WORKPLACE

Florida Statute, Section 287.087 states that whenever two or more bids, proposals, or replies that are equal with respect to price, quality, and service are received by the state or by any political subdivision for the procurement of commodities or contractual services, a bid proposal, or reply received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process.

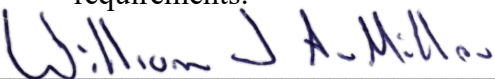
The undersigned vendor in accordance with §287.087, Florida Statute hereby certifies that
AUMILLER POOLS LLC

Name of Business

Does:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 1893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.



Bidder's Signature

FEBRUARY 17, 2021

Date

EXHIBIT G: BIDDER'S QUESTIONNAIRE

Bidder's Name: AUMILLER POOLS LLC

Bidder's Address: 2438 SUMMERFIELD RD., WINTER PARK, FL 32792

Phone: (407) 808-2660

Number of years in this type of service? 11

Number of years licensed in Alachua County: 0

Number of employees "ON THE JOB" each week: 4

Number of employees "ON CALL" each week: 3

Will you subcontract any part of this work: Yes

☒ No

☐

If so, give details:

List all major equipment which will be available upon commencement of the agreement to perform the required service: HYDROBLASTER AND CHIPPING HAMMERS TO REMOVE THE INTERIOR SURFACE OF THE POOL.

Do you currently hold any municipality contracts: ☒ Yes ☐ No

If so, please indicate below:

CITY OF JACKSONVILLE, LEE COUNTY

List three references of firms receiving similar service to that requested in this bid (comparable facility size):

- 1) Firm: CITY OF JACKSONVILLE Phone: (904) 255-7936
Contact Person: KEITH MEYERL
- 2) Firm: CITY OF CAPE CORAL Phone: (239) 574-0468
Contact Person: CHRIS CAMP
- 3) Firm: CITY OF PORT ORANGE Phone: (386) 506-5586
Contact Person: FRANK FLAGG

Are your employees screened by: (indicate below)

- 1) ☐ Polygraph
- 2) ☒ General Interview
- 3) ☒ Background Investigation
- 4) ☒ Police Record Check
- 5) ☐ Additional

Have any leases, contracts or agreements for services held by your firm ever been canceled or terminated before the end of the term by either party: Yes ☒ No ☐ . If the answer is yes, state the location and circumstances on an "attachment" to this questionnaire.

What constitutes your normal business days and working hours: Monday - Friday, 7 AM - 3:30 PM

Describe below, your firm's operational plan for providing the services under this agreement:

AUMILLER POOLS WILL FULLY STAFF THIS PROJECT WITH A FULL TIME SUPERINTENDENT AND REQUIRED SUPPORT STAFF TO COMPLETE THE PROJECT BASED ON THE TIMELINE OF THE CONTRACT.

The undersigned swears to the truth and accuracy of all statements and answers contained herein:

DATE: 2/17/21

AUTHORIZED SIGNATURE: William J. A. Miller

EXHIBIT H: FORM OF BID BOND

STATE OF FLORIDA

COUNTY OF ALACHUA

KNOW ALL MEN BY THESE PRESENTS:

That we, AuMiller Pools, LLC (hereinafter called Bidder), and The Cincinnati Insurance Company as Surety, are bound to the Board of County Commissioners of Alachua County, Florida, as Oblige hereinafter called COUNTY, in the amount of Five Percent of Amount Bid Dollars (\$ 5%), for the payment of whereof BIDDER and Surety bind themselves, their heirs, executors, administrators, successors, and assigns jointly and severally.

WHEREAS, Bidder contemplates submitting or has submitted, as a bid to the COUNTY for furnishing certain materials and labor in connection with the construction of: **BID: 21-965 Camp Cuscowilla Pool Renovations - Project # 8204102**, including all incidental and necessary work thereto covered by these specifications.

WHEREAS, it was a condition precedent to the submission of said bid that a certified check or bid bond in the amount of five percent (5%) of the base bid be submitted with said bid as a guarantee that the bidder would, if awarded the contract, enter into a written contract with the COUNTY for the performance of said contract, within ten (10) consecutive calendar days after written notice having been given of the award of the contract.

THE CONDITION OF THIS BOND IS, if:

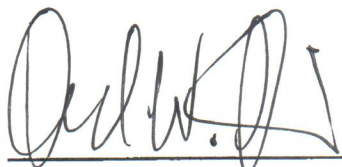
1. The bid of the Bidder is accepted by the COUNTY and within ten (10) consecutive calendar days after written notice of such acceptance, the Bidder shall enter into a written contract with the COUNTY and furnish a contract surety bond in an amount equal to one hundred percent (100%) of the base bid, satisfactory to the COUNTY (if required in the detailed specifications), then

THIS BOND IS VOID; OTHERWISE, IT REMAINS IN FULL FORCE AND EFFECT, AND

The sum herein stated shall be due and payable to the COUNTY, and the Surety herein agrees to pay said sum immediately upon demand of the COUNTY in good and lawful money of the United States of America, as liquidated damages for failure thereof of said Bidder.

Signed and sealed this 17th day of February, 2021.

WITNESSES:


Secretary

(CORPORATE SEAL)

AuMiller Pools, LLC

(Name of Corporation)

By William J A. Miller
(Signature and Title)

WILLIAM AUMILLER / PRESIDENT

(Type Name and Title Signed Above)


IN THE PRESENCE OF:

Witness:


Tracey C. Brown-Boone

The Cincinnati Insurance Company
INSURANCE COMPANY:

By

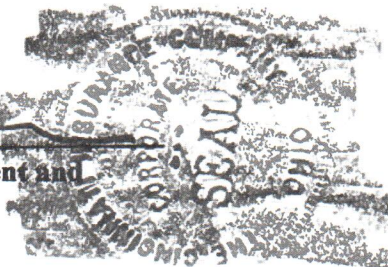

Kevin Wojtowicz, Agent and
Attorney-in-Fact

Address 1000 Central Avenue

St. Petersburg, FL 33705

(City/State/Zip Code)

Telephone No. 727-209-1803



THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

James Hunter, Jr., Christian Collins, Richard Zimmerman, Dale Belis, Edwin Turner Collins, IV, Joseph Nielson, Ian Nipper, Jessica Reno, Edward Clark, Shawn Burton, Jarrett Merlucci, Don Bramlage, Laura Mosholder, Daniel Oaks, Charles Nielson, Kevin Wojtowicz, David Hoover, Charles Nielson, of St Petersburg, FL

its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

Twenty Million Dollars and 00/100 (\$20,000,000.00)

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Vice President this 10th day of May, 2012.



STATE OF OHIO) ss:
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY

Stephen A. Hunter
Vice President

On this 10th day of May, 2012, before me came the above-named Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.



Mark J. Huller
MARK J. HULLER, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date. Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio.
this 17th day of February, 2021



Scott R. Baker
Assistant Secretary

EXHIBIT I: PUBLIC RECORD DECLARATION OR CLAIM OF EXEMPTION

As a bidder or proposer, any document you submit to Alachua County may be a public record and be open for personal inspection or copying by any person. In Florida 'public records' are defined as all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. Section 119.011, F.S. A document is subject to personal inspection and copying unless it falls under one of the public records exemptions created under Florida law. Please designate what portion of your bid or proposal, if any, qualifies to be exempt from inspection and copying:

(Execute either section I. or II, but not both; bidder may not modify language)

I. NO EXEMPTION FROM PUBLIC RECORDS LAW

No part of the bid or proposal submitted is exempt from disclosure under the Florida public records law, Ch. 119, F.S.

Bidder's Signature: William J. A. Miller

Date: FEBRUARY 17, 2021

--- **OR** ---

II. EXEMPTION FROM PUBLIC RECORDS LAW AND AGREEMENT TO INDEMNIFY AND DEFEND ALACHUA COUNTY

The following parts of the bid or proposal submitted are exempt from disclosure under the Florida public records law because: (list exempt parts and legal justification. i.e. trade secret):

By claiming that all or part of the bid or proposal is exempt from the public records law, the undersigned bidder or proposer agrees to protect, defend, indemnify and hold the County, its officers, employees and agents free and harmless from and against any and all claims arising out of a request to inspect or copy the bid or proposal. The undersigned bidder or proposer agrees to investigate, handle, respond to, provide defense (including payment of attorney fees, court costs, and expert witness fees and expenses up to and including any appeal) for and defend any such claim at its sole cost and expense through counsel chosen by the County and agrees to bear all other costs and expenses related thereto, even if they (claims, etc.) are groundless, false, or fraudulent.

Bidder's Signature: _____

Date: _____

July 26, 2006

**EXHIBIT J: CORPORATE RESOLUTION GRANTING SIGNING AUTHORITY &
AUTHORITY TO CONDUCT BUSINESS**

AUMILLER POOLS LLC

(Insert Name of Corporation)

The Board of Directors (“Directors”) of AUMILLER POOLS LLC, a
(Insert Name of Corporation)

FLORIDA corporation (the “Corporation”), at a duly and properly
(Insert State of Incorporation)

held meeting on the 11TH day of FEBRUARY, 2021, did hereby consent to, adopt, ratify, confirm and approve the following recitals and resolutions:

WHEREAS, the Corporation is a duly formed, validly existing corporation in good standing under the laws of the State of FLORIDA and is authorized to do business in the State of Florida; and

WHEREAS, the Corporation desires to grant certain persons the authority to execute and enter into contracts and conduct business on behalf of the Corporation.

NOW, THEREFORE, BE IT RESOLVED, that any of the following officers and employees of the Corporation listed below are hereby authorized and empowered, acting alone, to sign, execute and deliver any and all contracts and documents on behalf of the Corporation, and to do and take such other actions, including but not limited to the approval and execution of contracts, purchase orders, amendments, change orders, invoices, and applications for payment, as in his or her judgment may be necessary, appropriate or desirable, in connection with or related to any bids, proposals, or contracts to, for or with to Alachua County, a charter county and political subdivision of the State of Florida:

NAME	TITLE
<u>WILLIAM AUMILLER</u>	<u>PRESIDENT</u>
<u>DAVID ADMIRE</u>	<u>VICE-PRESIDENT</u>

BE IT RESOLVED THAT, these resolutions shall continue in full force and effect, and may be relied upon by Alachua County, until express written notice of their rescission or modification has been received by the Procurement Manager of Alachua County. Any revocation, modification or replacement of these resolutions must be accompanied by documentation satisfactory to the Purchasing Manager of Alachua County, establishing the authority for the changes.

IN WITNESS WHEREOF, I have executed my name as Secretary and have hereunto affixed the corporate seal of the above-named Corporation this 11TH day of FEBRUARY, 2021, and do hereby certify that the foregoing is a true record of a resolution duly adopted at a meeting of the Board of Directors of the Corporation and that said meeting was held in accordance with state law and the Bylaws of the Corporation, and that the resolution is now in full force and effect without modification or rescission.

(Corporate Seal)

Secretary of the Corporation

By: WILLIAM AUMILLER

William J. Aumiller

(Print Secretary's Name)

AuMiller Pools LLC
2438 Summerfield Rd.
Winter Park, FL 32792

Phone (407) 808-2660



February 17, 2021

Alachua County Procurement
12 SE 1st. St., 3rd Floor
Gainesville, FL 33601

Reference: Debarment of City of Orlando Explanation Letter

Dear Sir/Madam:

We appreciate the opportunity of providing this explanation letter for the debarment period from the City of Orlando for a past project.

The project in question was called Jackson Pool in Orlando. The project was publicly bid and AuMiller Pools was the qualified low bidder on the project.

The project scope included removal of the existing surface on the walls and floor of the pool, new lane line tile and resurfacing of the interior of the pool. The pool had been painted multiple times with an epoxy style paint on the surface. The pool structure included a stainless steel gutter as the perimeter overflow style system. The scope included removal of the epoxy paint down to the concrete shell of the pool below the gutter for the walls and the floor of the pool. The scope also included retiling the 5 lane lines and resurfacing the pool with a quartz aggregate finish.

AuMiller Pools spent approximately 4 weeks using a combination of a sand blaster and grinding equipment removing the epoxy paint from the pool shell to the concrete surface.

Upon removal of the paint, we found three items that were not visible and were not in the original bid specifications. Two of the items were related to expansion joints that were found and uncovered. The first was in the area around the main drain on the floor of the pool. The second was an expansion joint at the floor to wall joint in the corner edge of the pool floor. The third item discovered was a 1" – 1 ½" flashing below the gutter on the walls of the pool. It appeared that the original structure was not built square as this was a square shaped pool and the walls were not parallel. The fix to this error was to build out two walls of the pool approximately 1" to make the pool walls parallel. The gutter is installed after the pool shell is in place and if the original structure below the gutter is not square the gutter will not be plumb with the pool walls.

Upon discovery of the items, I brought these to the attention of the city representative for the project for discussion. They couldn't make a decision and the project was delayed by 2 months for them to agree to the uncovered items. Ultimately we agreed that a change order would be issued for the two expansion joint items that were uncovered but not the additional build-up of concrete under the stainless steel gutter on the walls of the pool.



AuMiller Pools immediately remobilized and begin to complete the removal of this additional concrete material that was discovered. We were back on the site for 13 days with two days remaining of the demolition. There was another 5 working days for tile and plaster work to complete the project.

On the 13th days of work, the city's representative came to the site and told the three AuMiller Pools employees that I had onsite doing the demolition work to stop work and remove all materials and tools from the site. AuMiller Pools was to not provide any further work for this project.

AuMiller Pools did not receive any communication from the day that we remobilized to the day that we were told to stop work that there was a problem. I staffed the project with 3 workers every day during the 13 days of work to complete the project.

It is my opinion that the city and it's employee in charge of the project gave into political pressure from people in the surrounding neighborhood. They were upset that the pool could not be used because of the renovation work. The city didn't want to take blame for the delay that they caused because of indecision and wanted to place blame elsewhere. It was their way to placate the community around the pool location that they were doing what they needed to do to get the project completed.

I have attached to this letter the letter I sent to the City and their attorney as a rebuttal to my disbarment from the City of Orlando for this project. It outlines the meetings that were held and the treatment from the city employee mentioned above. It outlines the treatment that I received that was completely unprovoked from myself and everyone else at AuMiller Pools.

I take all projects very seriously and understand and staff the projects according to the clients needs. This project was unfortunately one that had a disagreement. The City of Orlando took a drastic step to remove me from the project with no prior communication of their intent. I can and have provided many contacts from municipalities where I have performed with no issue and glowing praise.

You are welcome to contact any prior or current clients to discover that this was a one off issue with a specific city employee that decided to escalate a scope of work disagreement unnecessarily.

I hope this explains the situation with this specific project and I am happy to meet with whomever would like to further discuss this and any other concern with the Florida School for the Deaf and the Blind. I want to reassure your team that AuMiller Pools is a partner with your project and want to make sure both your needs and requirements are met to bring a successful project to completion.



Thanks for the opportunity to provide this letter of explanation and let me know if you have any further questions.

Sincerely,

AUMILLER POOLS LLC

BJ AuMiller
President

AuMiller Pools LLC
2438 Summerfield Rd.
Winter Park, FL 32792

Phone (407) 808-2660
Fax (239) 352-0508



VIA EMAIL

September 13, 2018

City of Orlando
400 South Orange Ave.
Orlando, FL 32802
Attn: Mr. David Billingsley
Chief Procurement Officer

Reference: AuMiller Pools – Resurfacing of Pool – IFB-18-0150
Notice of Intent to Debar Rebuttal

Dear Mr. Billingsley:

This letter is in response to the Notice of Intent to Debar letter dated September 5, 2018.

AuMiller Pools was working on the resurfacing project per the contract documents and numerous change order items that were discussed with myself, yourself and other city employees. On August 14, 2018, a city employee came to the jobsite and asked my employees whom were working on the project to leave the site immediately and take all of our equipment with us. AuMiller Pools was provided no advance notice through phone, email or text messages exchanges regarding this removal. We were within 7 working days of completion of the project as of 8/14/18. AuMiller Pools was in position to complete the project and it was the city's decision to go in another direction. The change items that were discovered during the latest round of demolition caused the delays in completion. We were unable to elaborate or resolve the outstanding issues prior to being removed from the project. The lack of communication prior to removal from the job is the city's representative responsibility as we had no idea that such a dramatic step would be taken by the city without prior communication.

While construction projects in general and especially renovation project uncover unknown conditions, they must be dealt with via change order that can include additional money and in this case additional time for the additional work that was required. The unknown conditions that were uncovered during the concrete surface removal process necessitated additional time needed to complete the project in the correct manner. AuMiller Pools was in process of providing this additional work.

As of the date of this letter, the Jackson Pool that was contracted to be renovated is still not completed nor in operation. The City of Orlando employees made a decision to remove AuMiller Pools while we were actively working on the project and were within 7 days of completion.



A meeting was held at City Hall Friday June 22, 2018 and it was made perfectly clear that one city employee in particular would not provide us a fair opportunity to complete the project as discussed. There were personal insults leveled to me directly from this employee through no provocation from myself. We were simply discussing a disagreement of means and methods of how the pool was built and how the renovation needed to proceed. This personal attack is the reason for the removal of AuMiller Pools from the jobsite. The city employees that were present at this meeting were Diane Wetherington, Theodora Mccorkle, and Tyrone Walker. I would encourage you to investigate this attack as it is clear that this person's intentions are not in the best interest of the taxpayers of the City of Orlando. This type of behavior and personal attacks against contractors that are working on city projects is inappropriate and should not be acceptable behavior from city employees.

I do not take this lightly and we should not be debarred from future opportunities with the city because of one specific city employee and a personal grudge that they may be harboring.

I look forward to hearing from you as this is not acceptable to AuMiller Pools and we do not accept this debarment because of an employee of the city and their poor choices and personal feelings.

Sincerely,

AUMILLER POOLS LLC

BJ AuMiller
President