

Notice to Bidder: Use Black Ink or Type For Completing the Form.

BID

To: The City of Key West
Address: 525 Angela Street, Key West, Florida 33040
Project Title: MOORING FIELD INSPECTIONS/REPLACEMENTS
Project: IB #10-008

BIDDER'S INFORMATION

Name: AMERICAN UNDERWATER CONTRACTORS INC.

Address: 17536 SE CONCH BAR AVE.
TEQUESTA FL. 33469

Contact Name: DAVID FOSTER

Email: AUGFOSTER@AOL.COM

Telephone: 561 575-5538

Fax: 561 575-4651

Signature:  **Date:** 6/16/10

BIDDER'S DECLARATION AND UNDERSTANDING

The undersigned, hereinafter called the Bidder, declares that the only persons or parties interested in this Bid are those named herein, that this Bid is, in all respects, fair and without fraud, that it is made without collusion with any official of the Owner, and that the Bid is made without any connection or collusion with any person submitting another Bid on this Contract.

The Bidder further declares that he/she has carefully examined the Contract Documents for the construction of the project, that he/she has personally inspected the site, that he/she has satisfied himself/herself as to the quantities involved, including materials and equipment, and conditions of work involved, including the fact that the description of the quantities of work and materials, as included herein, is brief and is intended only to indicate the general nature of the work and to identify the said quantities with the detailed requirements of the Contract Documents, and that

this Bid is made according to the provisions and under the terms of the Contract Documents, which Documents are hereby made a part of this Bid.

The Bidder further agrees that he/she has exercised his/her own judgment regarding the interpretation of job conditions and has utilized all data, which he/she believes pertinent from the Project Manager, Owner, and other sources in arriving at his/her conclusions.

The intent of the Bid Documents is to describe a functionally complete project (or part thereof) to be constructed in accordance with the Contract Documents. Any work, materials, or equipment that may reasonably be inferred from the Contract Documents, as being required to produce the intended result shall be supplied whether or not specifically called for.

CONTRACT EXECUTION AND BONDS

The Bidder agrees that if this Bid is accepted, he/she will, within ten (10) calendar days after Notice of Award, sign the Contract in the form annexed hereto, will attach all required licenses and certificates, and will, to the extent of his Bid, furnish all equipment, materials, and labor necessary to complete all work as specified or indicated in the Contract Documents. Performance and Payment Bonds will not be required as part of this contract.

CERTIFICATES OF INSURANCE

Bidder agrees to furnish the Owner, before commencing the work under this Contract, the certificates of insurance as specified in these Documents.

START OF CONSTRUCTION AND CONTRACT COMPLETION TIME

The Bidder further agrees to begin work within the schedule established in the Notice to Proceed.

LIQUIDATED DAMAGES

In the event the Bidder is awarded the Contract and shall fail to complete the work within the time limit or extended time limit agreed upon as more particularly set forth in the Contract Documents, liquidated damages shall be paid to the Owner at the rate of two hundred fifty dollars (\$250.00) per day for all work awarded under this contract until the work has been satisfactorily completed as provided by the Contract Documents. Sundays and legal holidays shall be included in determining days in default.

ADDENDA

The Bidder hereby acknowledges that he has received Addenda No's. _____, _____, _____, _____, _____ (Bidder shall insert No. of each Addendum received) and agrees that all addenda issued are hereby made part of the Contract Documents, and the Bidder further agrees that his Bid(s) includes all impacts resulting from said addenda.

SALES AND USE TAXES

The Bidder agrees that all federal, state, and local sales and use taxes are included in the stated bid prices for the work.

PUBLIC ENTITY CRIMES

“A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.”

LUMP SUM BASE BID

The Bidder agrees to accept as full payment for performance of the work as herein specified and shown on the Drawings (if any), the lump sum on the Bid Form. The Bidder agrees that the lump sum price represents a true measure of the design, labor, materials, and equipment required to perform the work, including all allowances for overhead and profit for each type and unit of work called for in these Contract Documents. The amounts shall be shown in both words and figures. In case of a discrepancy, the amount shown in words shall govern. The bid will be awarded on total bid amount. Final lump sum payments will be adjusted based on actual units and unit prices. A schedule of values shall be submitted with the bid.

BID FORM

IB #10-008: MOORING FIELD INSPECTIONS/REPLACEMENTS

| <u>ITEM</u> | <u>NO. UNITS</u> | <u>UNITS</u> | <u>\$ PER UNIT</u> | <u>TOTAL FOR ONE EVENT</u> |
|---|------------------|--------------|--------------------|----------------------------|
| Inspection/ Replacement of mooring system | 141 | ea | \$ <u>48.75</u> | \$ <u>6,873.75</u> |

Total in Words: SIX THOUSAND EIGHT HUNDRED SEVENTY THREE $\frac{75}{100}$

*Note: The above total price for Inspection/Replacement reflects the total cost for one inspection event and any necessary replacements. The award of the contract will be based on this price (lowest/responsive bidder). However, the City will enter into a three (3) year contract for two (2) inspections per year with the lowest/responsive bidder. Additional inspections may be requested at the above price due to storm or other events. The contract may be extended for two (2) years following the requirements set forth in the bid document.

SUBCONTRACTORS

The Bidder further proposes that the following subcontracting firms or businesses will be awarded subcontracts for the following portions of the work in the event that the Bidder is awarded the Contract:

Portion of Work: _____

Name: N/A _____

Address: _____

Portion of Work: _____

Name: _____

Address: _____

Portion of Work: _____

Name: _____

Address: _____

BIDDER

The name of the Bidder submitting this Bid is: AMERICAN UNDERWATER CONTRACTORS INC

Doing business at 17536 SE CONCH BAR AVE

City TEQUESTA State FL Zip 33469

Telephone No. 561 575-5538

This address is where all communications concerning this Bid shall be sent. SAME AS ABOVE

The names of the principal officers of the Corporation submitting this Bid, or of the Partnership, or of all persons interested in this Bid as Principals are as follows:

| Name | Title |
|--------------|-----------|
| DAVID FOSTER | PRESIDENT |
| CHRIS FOSTER | SECRETARY |

If Corporation

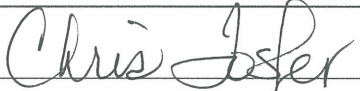
IN WITNESS WHEREOF the undersigned corporation has caused this instrument to be executed and its seal affixed by its duly authorized officers this 16 day of JUNE, 2010.

(SEAL)

Name of Corporation

By: 

Title: PRESIDENT

Attest: 

Secretary

If Sole Proprietor or Partnership

IN WITNESS hereto the undersigned has set his/her/its hand this _____ day of _____, 2010.

Signature of Bidder _____

Title _____

FLORIDA BID BOND

CASHIER'S BOND NO. 0813019
CHECK

AMOUNT \$ 343.68

KNOW ALL MEN BY THESE PRESENTS, that

_____, hereinafter called the PRINCIPAL, and _____, a corporation duly organized under the laws of the State of _____ having its principal place of business at _____ in the State of _____ and authorized to do business in the State of Florida, as SURETY, are held firmly bound unto hereinafter called the Obligee, in the sum of _____ DOLLARS (\$ _____) for the payment for which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents..

THE CONDITION OF THIS BOND IS SUCH THAT:

WHEREAS, the PRINCIPAL is herewith submitting his or its Bid or Proposal for:

MOORING FIELD INSPECTIONS/REPLACEMENTS, said Bid or Proposal, by reference thereto, being hereby made a part hereof.

WHEREAS, the PRINCIPAL contemplates submitting or has submitted a bid to the OBLIGEE for the furnishing of labor, materials, (except those specifically furnished by the Owner), equipment, machinery, tools, apparatus, means of transportation for, and the performance of the work covered in the Bid or Proposal and the detailed Specifications entitled:

MOORING FIELD INSPECTION/REPLACEMENTS

WHEREAS, it was a condition precedent to the submission of said bid that a cashier's check, certified check, or bid bond in the amount of five (5) percent 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 Owner for the performance of said Contract, within five (5) working days after written notice having been given of the award of the Contract.

NOW, THEREFORE, the conditions of this obligation are such that if the PRINCIPAL within five (5) working days after written notice of such acceptance, enters into a written Contract with the OBLIGEE then this obligation shall be void: otherwise the sum herein stated shall be due and payable to the OBLIGEE and the Surety herein agrees to pay said sum immediately upon

demand of the OBLIGEE in good and lawful money of the United States of America, as liquidated damages for failure thereof of said principal.

Signed and sealed this _____ day of, _____ 2010.

PRINCIPAL

By _____

SURETY

Attorney-In-Fact

**SWORN STATEMENT UNDER SECTION 287.133(3)(a)
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

PROJECT IB #10-008: MOORING FIELD INSPECTIONS/REPLACEMENTS

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICE AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid, Proposal or Contract No. # 10-008
for Mooring Field Inspections / Replacements

2. This sworn statement is submitted by American Underwater Contractors, Inc.
(Name of entity submitting sworn statement)

whose business address is 17536 SE Conch Bar Avenue, Tequesta,
FL 33469 and (if applicable) its Federal
Employer Identification Number (FEIN) is 65-0311994 (If the entity has no FEIN,
include the Social Security Number of the individual signing this sworn statement.)

3. My name is David Foster and my relationship to
(Please print name of individual signing)

the entity named above is President.

4. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, material misrepresentation.

5. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

6. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means
 1. A predecessor or successor of a person convicted of a public entity crime: or
 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

7. I understand that a "person" as defined in Paragraph 287.133(1)(8), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
8. Based on information and belief, the statement, which I have marked below, is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies.)

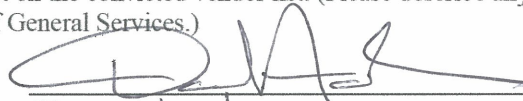
Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with no convicted of a public entity crime subsequent to July 1, 1989, AND (Please indicate which additional statement applies.)

There has been a proceeding concerning the conviction before a hearing of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer did not place the person or affiliate on the convicted vendor list. (Please attach a copy of the final order.)


The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the Sate of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in the public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

The person or affiliate has not been put on the convicted vendor list. (Please describe any action taken by or pending with the Department of General Services.)


 (Signature)
 6/21/2010
 (Date)

STATE OF TN
 COUNTY OF Williamson

PERSONALLY APPEARED BEFORE ME, the undersigned authority,

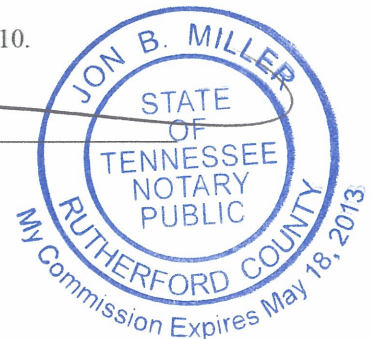

 (Name of individual signing) who, after first being sworn by me, affixed his/her signature in the

space provided above on this 21st day of June, 2010.

My commission expires:

5-18-13


 NOTARY PUBLIC

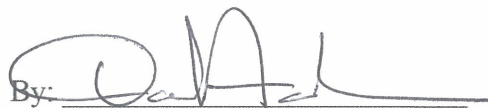


ANTI-KICKBACK AFFIDAVIT

PROJECT IB #10-008: MOORING FIELD INSPECTIONS/REPLACEMENTS

STATE OF FLORIDA)
 : SS
COUNTY OF MONROE)

I, the undersigned hereby duly sworn, depose and say that no portion of the sum herein bid or proposal will be paid to any employees of the City of Key West as a commission, kickback, reward or gift, directly or indirectly by me or any member of my firm or by an officer of the corporation.

By: 

Sworn and subscribed before me this

21st day of JUNE, 2010.

NOTARY PUBLIC, State of Florida at Large

My Commission Expires: 5-18-13



N/A

**LOCAL VENDOR CERTIFICATION PURSUANT TO CKW ORDINANCE 09-22
SECTION 2-798**

The undersigned, as a duly authorized representative of the vendor listed herein, certifies to the best of his/her knowledge and belief, that the vendor meets the definition of a "Local Business." For purposes of this section, "local business" shall mean a business which:

- a. Principle address as registered with the FL Department of State located within 30 miles of the boundaries of the city, listed with the chief licensing official as having a business tax receipt with its principle address within 30 miles of the boundaries of the city for at least one year immediately prior to the issuance of the solicitation.
- b. Maintains a workforce of at least 50 percent of its employees from the city or within 30 miles of its boundaries.
- c. Having paid all current license taxes and any other fees due the city at least 24 hours prior to the publication of the call for bids or request for proposals.
 - Not a local vendor pursuant to Ordinance 09-22 Section 2-798
 - Qualifies as a local vendor pursuant to Ordinance 09-22 Section 2-798

If you qualify, please complete the following in support of the self certification & submit copies of your County and City business licenses. Failure to provide the information requested will result in denial of certification as a local business.

Business Name

Phone:

Current Local Address:
(P.O Box numbers may not be used to establish status)

Fax:

Length of time at this address

Signature of Authorized Representative

Date

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__.

By _____, of _____
(Name of officer or agent, title of officer or agent) Name of corporation acknowledging)
or has produced _____ as identification
(type of identification)

Signature of Notary

Return Completed form with
Supporting documents to:
City of Key West Purchasing

Print, Type or Stamp Name of Notary

Title or Rank

Association of Diving Contractors
International



Cert. # 19308

Expires 06/04/2012



SURFACE-SUPPLIED AIR DIVER

David Foster I.D. 411-13-7964
Commercial Diver Certification Card

Association of Diving Contractors
International



Cert. # 18910

Expires 03/31/2012



SURFACE-SUPPLIED AIR DIVER

Earl Young I.D. 9228
Commercial Diver Certification Card

Association of Diving Contractors
International



Cert. # 19309

Expires 06/04/2012



SURFACE-SUPPLIED AIR DIVER

Joe Gerchar I.D. 345-44-6576
Commercial Diver Certification Card

AMERICAN UNDERWATER CONTRACTORS, INC.

**17536 SE Conch Bar Ave., Tequesta, FL 33469
Ph: 561-575-5538 Fx: 561-575-4651
AUCfoster@aol.com**

STATEMENT OF LEGAL ACTION

There has been no previous or existing legal action against American Underwater Contractors, Inc.

AMERICAN UNDERWATER CONTRACTORS, INC.

17536 SE Conch Bar Ave., Tequesta, FL 33469
Ph: 561-575-5538 Fx: 561-575-4651
AUCfoster@aol.com

PAST PROJECT HISTORY / REFERENCE

City of Marathon/Boot Key Mooring Field

Inspection of 226 moorings, three times per year, April, August and December. Currently on 3rd year of 3 year contract.

Contact: Mr. Richard Tanner, Dockmaster
800 35th Street Ocean
Marathon, FL 33050
Phone: 305-481-4772

City of Key West

Inspection of 149 moorings in the Key West Mooring Field, Just completed 3rd year of 3 year contract for 3 inspections per year, April, August and December.

Contact: Mr. David Hawthorne
City Marina Supervisor
Garrison Bight City Marina
1801 N. Roosevelt Blvd,
Key West, FL 33040
Phone: 305-809-3982

Ocean Reef Community Association

Ocean Reef, Four inspections yearly for anchors and regulatory buoys and markers, plus all repairs and emergency services.

Mr. Vance Chason
24 Dockside Lane #505
Key Largo, FL 33037
Phone: 305-367-3067

CITY OF KEY WEST, FLORIDA

Business Tax Receipt

This Document is a business tax receipt
Holder must meet all City zoning and use provisions.
P.O. Box 1409, Key West, Florida 33040 (305) 809-3955

Business Name AMERICAN UNDERWATER CONTRACTOR CtlNbr:0017309
Location Addr MOBILE SERVICE - COUNTY
Lic NBR/Class 10-00021202 SERVICE - GENERAL
Issue Date: August 28, 2009 Expiration Date: September 30, 2010
License Fee \$98.70
Add. Charges \$0.00
Penalty \$0.00
Total \$98.70
Comments: COMMERCIAL DIVING SERVICE

This document must be prominently displayed.

AMERICAN UNDERWATER CONTRACTOR
17536 SE CONCH BAR AVE
TEQUESTA FL 33469

AMERICAN UNDERWATER CONTRACTOR

Oper: KEVBLD Type: OC Drawer: 1
Date: 8/28/09 54 Receipt no: 106433
2010 21202
OR LIC OCCUPATIONAL 1 \$98.70
Trans number: 2382158
CK CHECK 5767 \$98.70
Trans date: 8/28/09 Time: 12:50:53



Cashier's Check

No. 0813019

Notice to Purchaser: In the event this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Date JUNE 21, 2010

30-1/1140
NTX

Bank Center FRANKLIN ROAD

7010982 00009 000813019

AMERICAN UNDERWATER CONTRACTORS, INC.
Remitter (Purchased By)

\$343.68

Pay ****THREE HUNDRED FORTY THREE DOLLARS AND 68 CENTS****

To ****CITY OF KEY WEST****
Order ********
Of

42-14-3774B 08-2005

Bank of America, N.A.
San Antonio, Texas

VOID AFTER 90 DAYS

Authorized Signature

ANTI-FRAUD PROTECTION PATENTS 5,977,766; 5,940,189 US Patents; 6,223,240; 6,461,624; 6,702,719

⑈0813019⑈ ⑆114000019⑆ 001641002955⑈

THE ORIGINAL DOCUMENT HAS REFLECTIVE WATERMARK ON THE BACK

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