

City of South Daytona

Parks and Recreation

504 Big Tree Road • South Daytona, FL 32119 • 386/322-3070



MEMORANDUM

To: James L. Gillis, Jr., City Manager

From: Amy Zengotita, CPRP, Parks and Recreation Director

Re: Consideration of awarding the James Street Splashpad Replacement project (Bid 23-B-011) to Western Aquatic Construction and Development in the amount of \$243,676 as budgeted in the current fiscal year and partially funded by a Community Development Block Grant (CDBG).

Date: June 6, 2023

In December 2022, the City Council approved a Subrecipient Grant Agreement with Volusia County for the 2022/2023 CDBG (Community Development Block Grant) in the amount of \$75,706 for the replacement of the James Street Park Splashpad. The remainder of the funds needed for the renovation is in the FY 2022-2023 budget.

To comply with the City's purchasing policy as well as CDBG requirements, staff utilized a bid process seeking contractors to renovate the Splashpad with a Baseball Theme. Proposals were received until Friday May 26, 2023, at which time the submitted bids were publicly opened in the City Council Chamber Room located inside City Hall.

We received the following responses received to our purchasing request:

Bidder	Address	Bid
Plus Point Constructions	4600 Touchton Road Jacksonville, FL 32246	\$288,000
Western Aquatic Construction	360 Bridgewater Drive Davenport, FL 33897	\$243,676
Vak Pak, Inc.	1824 Phoenix Ave Jacksonville, FL 32206	Price not submitted
Paul Culver Construction, Inc.	201 Osceola Avenue Daytona Beach, FL 32114	No Bid
CES Water Quality	952 Jupiter Park Ln #1 Jupiter, FL 33458	No Bid

A selection committee comprised of City staff reviewed the bids and proposed designs. The low bid is within the City's estimate and budgeted amount. The Selection Committee recommends awarding the James Street Splashpad project (Bid 23-B-011) to Western Aquatic Construction and Development in the amount of \$243,676 as budgeted in the current fiscal year and funded by the Community Development Block Grant (CDBG). A schematic of the proposed design has been attached to this memorandum for review.

If the project is awarded, construction is set to begin in July and will be completed in October of this year.



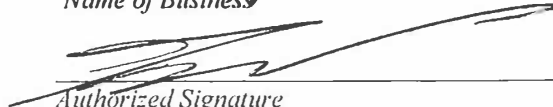
TEAM	1	2	3	4	5	6	7	8	9	FINAL
GUEST	0	0	0	0	0	0	0	0	0	0
HOME	1	3	6	7	3	1	9	8		38

SECTION 8: BID FORMS

BID FORM 8A: BID SUBMITTAL CHECKLIST

- ☒ Form 8B: Acknowledgement and Pricing Proposal
- ☒ Form 8C: Drug Free/Tie Preference Statement
- ☒ Form 8D: Public Entity Crimes Statement
- ☒ Form 8E: Anti-Collusion Statement
- ☒ Form 8F: Statement of Vendor Qualifications
- ☒ Form 8G: Professional References for Previous Experience
- ☒ Form 8H: Listing of Subcontractors
- ☒ Form 8I: Required Project Milestones
- ☒ Form 8J: Bid Bond (*if required*)
- ☒ Form 8K: Important Information for this Bid/RFP
- ☒ Independent Contractors Agreement
- ☒ Attachment: Bid Proposal
- ☒ Copy of License(s)
- ☒ Insurance Certificate
- ☒ Submission of one (1) original marked "ORIGINAL", one (1) copy marked "COPY", and one (1) digital (flash drive) copy.

BY: Western Appradic Construction & Development Inc.
Name of Business

 Scott Giglio V.P.
Authorized Signature Printed Name and Title

5/23/2013
Date

THIS DOCUMENT MUST BE COMPLETED AND RETURNED WITH YOUR BID.

BID FORM 8B: Bid Form
Acknowledgement and Pricing Proposal

PROJECT IDENTIFICATION: James Street Park Splash Pad Renovation

BID IDENTIFICATION AND NUMBER: BID NO. 23-B-011

THIS BID IS SUBMITTED TO:

CITY OF SOUTH DAYTONA
OFFICE OF THE CITY MANAGER
1672 S. RIDGEWOOD AVENUE
SOUTH DAYTONA, FLORIDA 32119

Name of Bidder: Western Aquatic Construction &
Development, Inc.

Mailing Address: 171002 N. 36th Lane Glendale, AZ 85308

Street Address: 3600 Bridgewater Dr.

City/State/Zip: Davenport, FL 33897

Phone Number: (602) 509-9272 FAX Number: ()

I have carefully examined the Invitation to Bid (ITB), Instructions to Vendors, General and/or Special Conditions, Specifications, and any other documents accompanying or made a part of this invitation.

I hereby propose to furnish the goods or services specified in the Invitation to Bid at the prices or rates as finally negotiated. I agree that my bid will remain firm for a period of up to ninety (90) days in order to allow the City of South Daytona adequate time to evaluate the proposed bid. Furthermore, I agree to abide by all conditions of the Invitation to Bid.

I certify that all information contained in this Bid is truthful to the best of my knowledge and belief. I further certify that I am a duly authorized to submit this Bid on behalf of the Vendor / Contractor as its act and deed and that the Vendor / Contractor is ready, willing and able to perform if awarded the contract.

I propose and agree, if this Bid is accepted, to enter into an Agreement with the City in the form included in the Contract Documents to furnish all necessary materials, equipment, machinery, tools, apparatus, transportation and labor and to complete all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.

I will accept as full compensation for completion of the project in full compliance with the Contract Documents, the lump sum price for the work items submitted herein with this Bid.

I further certify that this Bid is made without prior understanding, Contract, connection, discussion, or collusion with any person, firm or corporation submitting a Bid for the same product or service; no officer, employee or agent of the City of South Daytona City Council or of any other Vendor interested in said ITB; and that the undersigned executed this Vendor's Acknowledgement with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

I further certify that having read and examined the specifications and documents for the designated services and understanding the general conditions for contract under which services will be performed, does hereby propose to furnish all labor, equipment, and material to provide the services set forth in the ITB.

I hereby declare that the following listing states any clarifications, any and all variations from and exceptions to the requirements of the specifications and documents. The undersigned further declares that the "work" will be performed in strict accordance with such requirements and understands that any exceptions to the requirements of the specifications and documents may render the Bid non-responsive.

ADDENDUM ACKNOWLEDGEMENT

I have carefully examined the Invitation to Bid (ITB), Instructions to Vendors, General and/or Special Conditions, Specifications, and any other documents accompanying or made a part of this Invitation to Bid.

I acknowledge receipt and incorporation of the following addenda, and the cost, if any, of such revisions has been included in the price of the bid proposal.

Addendum Number: 1 Date: 4/25/23 Addendum Number: _____ Date: _____
Addendum Number: _____ Date: _____ Addendum Number: _____ Date: _____

Please note that the City may award contracts to multiple contractors.

BID

The undersigned offers to furnish all materials, equipment and labor for construction of the "BID NO. 23-B-011, James Street Park Splash Pad Renovation," for the City of South Daytona, Florida, complete in every respect in strict accordance with the drawings, specifications, exhibits, figures and any future changes therein.

The LUMP SUM bid total is:

two hundred forty three six hundred seventy six 56 Dollars
(In Words)

(In Figures) \$ 243,676 56

* Water Features to be purchased direct by city.

IN WITNESS WHEREOF, Bidder has hereunto executed this form this _____ day of _____, 20____.

(Name of Bidding Firm)

[Signature]
(Signature of person signing form)

Scott Giglio V.P.
(Printed name and Title of person signing form)

STATE OF Florida
COUNTY OF Levy

This document was sworn to (or affirmed) and subscribed before me by means of ✓ physical presence or _____ online notarization, this 24 day of April, 2023

he/she is personally known to me or has presented FL ID as identification.



[Signature]
Notary Public
My Commission Expires: 12-28-2025

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.

BID FORM 8C: Drug-Free Preference Statement

IDENTICAL TIE BIDS - Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids, proposals, statements, or replies that are equal with respect to price, quality, and service are received by the city for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program.

In order to have a drug-free workplace program, a business shall:

- (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 893 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 Section 287.087, Florida Statutes.

As an authorized representative of the firm, I certify that this firm complies fully with the above requirements.

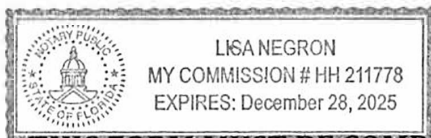
Western Aquatic Construction & Development
(Name of Bidding Firm)

[Signature]
(Signature of person signing form)

Scott Giglio V.P.
(Printed name and Title of person signing form)

STATE OF Florida
COUNTY OF Way

This document was sworn to (or affirmed) and subscribed before me by means of X physical presence or ___ online notarization, this 24 day of May, 2023 he/she is personally known to me or has presented Id. DL as identification.



[Signature]
Notary Public
My Commission Expires: 12-28-2025

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.

**BID FORM 8D:
Public Entity Crimes Statement**

(To be signed in the presence of notary public or other officer authorized to administer oaths.)

Before me, the undersigned Authority, personally appeared affiant who, being by me first duly sworn, made the following statement:

This sworn statement is submitted with Bid, Proposal **or** Contract No. 23-B-011 for

James St. Park Splash Pad Renovation. This sworn statement is submitted by

Western Aquatic Construction & Development Inc. whose business address

is 360 Bridgewater Dr Davenport FL 33897 and (if applicable)

its Federal Employer Identification Number (FEIN) is 86-0764336. (If the

entity has no FEIN, include the Social Security Number of the individual signing this sworn statement:

_____.)

My name is Scott Giglio and my relationship to the entity named above is

Vice President
(relationship such as sole proprietor, partner, president, vice president)

- (1) I understand that a public entity crime as defined in Section 287.133 of the Florida Statutes includes 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 in Florida or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any proposal or contract for goods or services to be provided to any public entity or such an agency or political subdivision and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.
- (2) I understand that "convicted" or "conviction" is defined by the Florida Statutes to mean 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 or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilt or nolo contendere.
- (3) I understand that "affiliate" is defined by the Florida Statutes to mean (1) a predecessor or successor of a person or a corporation 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, or (3) those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate, or (4) a person or corporation who knowingly entered into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months.
- (4) I understand that a "person" as defined in Paragraph 287.133(i)(e), 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.
- (5) 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).

No 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.

No 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 and convicted of a public entity crime subsequent to July 1, 1989, AND (Please indicate which additional statement applies.)

No There has been a proceeding concerning the conviction before a hearing officer 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.)

No The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State 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).

As an authorized representative of the firm, I certify that this firm complies fully with the above requirements.

Western Aquatic
(Name of Bidding Firm)

[Signature]
(Signature of person signing form)

Scott Giglio V.P.
(Printed name and Title of person signing form)

STATE OF Florida
COUNTY OF Lake

This document was sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 21 day of May, 2023 he/she is personally known to me or has presented Florida D.C. as identification.



[Signature]
Notary Public
My Commission Expires: 12.28.2025


THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.

**BID FORM 8E:
Anti-Collusion Statement**

By signing this form, the Proposer agrees that this Bid is made without any other understanding, agreement, or connection with any person, corporation, or firm submitting a bid for the same purpose and that the bid is in all respects fair and without collusion or fraud.

SIGN in ink in the space provided below. Unsigned Bids will be considered incomplete, and will be disqualified, and rejected.

IT IS AGREED BY THE UNDERSIGNED VENDOR THAT THE SIGNING AND DELIVERY OF THE BID REPRESENTS THE VENDORS ACCEPTANCE OF THE TERMS AND CONDITIONS OF THE FOREGOING SPECIFICATIONS, CONTRACT AND PROVISIONS, AND IF AWARDED, THIS CONTRACT WILL REPRESENT THE AGREEMENT BETWEEN THE VENDORS AND THE CITY OF SOUTH DAYTONA.


(Signature of person signing form)

Scott Giglio V.P.
(Printed name and Title of person signing form)

Name of Bidder: Western Aquatic Construction & Development, Inc.

Address: 17602 N. 36th Lane

City/State/Zip: Glendale, AZ 85308

Phone Number: (602) 509-9272 FAX Number: (____) _____

FEIN Number: 866-0964336

NO Bid may be withdrawn for a period of ninety (90) days subsequent to the submittal of the Bids, without the consent of the City of South Daytona.

NO BID (REASON): _____

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.

BID FORM 8F:
Statement of Vendor Qualifications

The undersigned warrants that he or she is duly authorized to complete this document, and hereby affirms that the information contained in this Form is complete, true, and correct to the best of their knowledge and belief. If necessary, questions may be answered on separate paper and attached, with any additional information that may be pertinent.

- (1) Name of Vendor.
- (2) Permanent main office address.
- (3) Date organized.
- (4) If a corporation, where incorporated.
- (5) How many years have you been engaged in the contracting business under your present firm or trade name?
- (6) Contracts on hand: (Schedule these, showing amount of each contract and the appropriate anticipated dates of completion.)
- (7) General character of work performed by your company.
- (8) Have you ever failed to complete any work awarded to you? If so, where and why?
- (9) Have you ever defaulted on a contract? If so, where and why?
- (10) List the more important projects recently completed by your company, stating the approximate cost for each and the month and year completed.
- (11) List your major equipment currently owned or leased.
- (12) Experience in work similar to this type of project.
- (13) Background and experience of the principal members of your organization, including the officers.
- (14) The undersigned hereby authorizes and requests any person, firm, or corporation to furnish any information requested by the City in verification of the recitals comprising this Statement of Vendor Qualifications.

Western Aquatic
(Name of Bidding Firm)

[Signature]
(Signature of person signing form)

Scott Higley V.P.
(Printed name and Title of person signing form)

STATE OF Florida
COUNTY OF Lake

This document was sworn to (or affirmed) and subscribed before me by means of X physical presence or ___ online notarization, this 24 day of May, 2023, he/she is personally known to me or has presented W-10 as identification.



[Signature]
Notary Public
My Commission Expires: 12-28-2025

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.

Statement of Vendor Qualifications

1. Western Aquatic Construction and Development, Inc.
2. 17602 N. 36th Lane. Glendale, AZ 85308
3. 09/1998
4. Arizona
5. 25 years
6. Pioneer Park – Completion May 2023 Valuation: \$550,000
Grand Bohemian – Start Nov 2023-Nov 2023 Valuation: \$300,000
7. Commercial Aquatic Construction – Interactive water features, Water slides, Splash Pads, Pools, Etc.
8. We have never failed to complete a project.
9. We have never defaulted on a contract.
10. Please see reference sheet.
11. Any necessary equipment to complete the project will be leased.
12. Mike Giglio – President/project manager 35+ years
Scott Giglio – Vice President/project manager 15+ years

BID FORM 8G:
Professional References for Previous Experience

The Vendor proposes that he/she is qualified to perform the referenced work and has successfully done so on recent projects similar in nature and size. The City reserves the right to check references and confirm information provided herein.

Please provide three (3) current and correct references from clients for similar services. (Do not include the City of South Daytona)

Reference 1:

Company Name:	City of Port St. Lucie
City, State:	Port St. Lucie, FL
Contact Person:	Roger Jacob
Telephone Number:	772-281-9252
Email Address:	Roger.Jacob@cityofpsl.com
Description of Goods or Services provided:	Splash Pad / Fountain Renovation
Contract Amount:	\$350,000
Start/End Date of Contract:	9/2021 - 9/2022

Reference 2:

Company Name:	City Homes
City, State:	Kissimmee, FL
Contact Person:	Jim Bagley
Telephone Number:	407-446-8250
Email Address:	JBagley@cityhomes-us.com
Description of Goods or Services provided:	Splash pad & water slides @ Reunion Encore Resort
Contract Amount:	\$600,000
Start/End Date of Contract:	

Reference 3:

Company Name:	Burkhardt Construction
City, State:	West Palm Beach, FL
Contact Person:	CJ Rhoady
Telephone Number:	561-291-5589
Email Address:	CJ@BurkhardtConstruction.com
Description of Goods or Services provided:	Rosemary Fountain plumbing/mechanical
Contract Amount:	1,000,000
Start/End Date of Contract:	

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.

BID FORM 8H: Listing of Subcontractors

The Vendor proposes that the following subcontractors are qualified to perform the referenced work and have successfully done so on recent projects similar in nature and size. All subcontractors whose work product accounts for 5% or more of the total contract value shall be listed. Upon approval of subcontractors listed, the successful Vendor shall not substitute subcontractors without approval from the City. Vendor shall attach additional sheets as necessary.

Subcontractor 1:

Name:	Lotus Engineering & Construction Inc.		
City, State:	Ponce Inlet, FL		
Description of Work:	Demo and Concrete		
Percent of Contract Price:	10.1%	Previous Experience Together:	<input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No

Subcontractor 2:

Name:			
City, State:			
Description of Work:			
Percent of Contract Price:		Previous Experience Together:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Subcontractor 3:

Name:			
City, State:			
Description of Work:			
Percent of Contract Price:		Previous Experience Together:	<input type="checkbox"/> Yes <input type="checkbox"/> No

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.

**BID FORM 8I:
Required Project Milestones**

The Vendor agrees to complete the required project milestones listed below within the time frame specified.

Milestone #1: Substantial Completion

Required Milestone #1 Completion Time*: 120 days

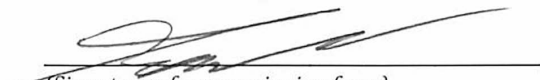
Milestone #2: Final Completion

Required Milestone #2 Completion Time*: 150 days

Required Substantial Completion Time*: **120 Days**

Required Final Completion Time*: **150 Days**

The Vendor agrees to accept liquidated damages and pay the City **Five Hundred Dollars (\$500)** for each consecutive calendar day, including rain days and holidays, that expires after each of the required project milestone completion times listed above until each are completed or, if no construction milestones are listed, the time specified for final completion until the Work has been fully completed. All milestone completion dates, including substantial and final completion, will be determined solely by the City. The City has the option to retain this amount from the compensation otherwise paid to the Vendor. Should the total amount chargeable as liquidated damages exceed the amount due or payable to the Vendor or his/her Surety, then such excess shall be paid to the City by the Vendor or his/her Surety.


(Signature of person signing form)

Scott Giglio V.P.
(Printed name and title of person signing form)

Name of Bidder: Western Aquatic Construction & Development, Inc.

Address: 17102 N 36th Lane

City/State/Zip: Glendale AZ 85308

Phone Number: (602) 509-9272 FAX Number: ()

* All completion times listed are consecutive calendar days, including rain days and holidays, that expire from (and including) the date when the Contract Time commences to run as written in the Notice to Proceed.

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.

BID FORM 8J:
Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we Western Aquatic Construction & Design, Inc.
(hereinafter called the Principal) and First Indemnity of America Insurance Company
(hereinafter called the Surety) are held and firmly bound unto the City of South Daytona, Florida
(hereinafter called the Owner) in the sum of 5% of the amount bid not to exceed \$35,750.00 Dollars
(\$ 35,750.00) lawful money of the United States of America, for the payment of which sum well
and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors,
jointly and severally, firmly by these presents:

WHEREAS, the Principal contemplates submitting or has submitted a bid to the City of South Daytona, Florida, for

James Street Park Splash Pad Renovation
BID NO. 23-B-011

WHEREAS, the Principal desires to file this bond in accordance with the law, in lieu of a certified or cashier's check otherwise required to accompany this Bid.

NOW, THEREFORE: the conditions of this obligation are such that if the Bid be accepted the Principal shall within ten (10) days after the receipt of notification of the acceptance thereof execute a contract in accordance with the Bid and upon the terms, conditions and unit or lump sum prices set forth therein, in the form and manner required by the City, and execute a sufficient and satisfactory Contract Bond payable to the City, in an amount not less than the total contract price, as indicated by the approximate quantities shown in the Bid, in form and with security satisfactory to the said City, then this obligation be void; otherwise to be and remain in full force and virtue in law; and the Surety shall upon the failure of the Principal to comply with any or all of the foregoing requirements within the time specified above, immediately pay to the aforesaid City upon demand the amount hereof in good and lawful money of the United States of America, not as a penalty, but as liquidated damages.

IN TESTIMONY WHEREOF, the Principal and Surety have caused these presents to be duly signed and sealed this 26th day of May, 2023.

Western Aquatic Construction & Design, Inc.
(Principal)

By: First Indemnity of America Insurance Company

ATTEST:

Cristina Carpenter
Cristina Carpenter

(Surety)

By:

Michele Charette
Michele Charette, Attorney-in-Fact

Seal

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.

SURETY ACKNOWLEDGEMENT

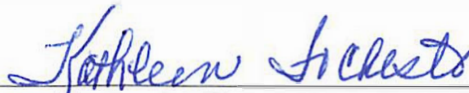
State of New Jersey

ss:

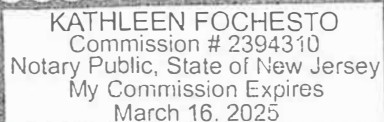
County of Morris

On this 26th day of May, 2023, before me personally comes

Michele Charette to me known; who, being by me duly sworn, deposes and says that he/she resides in Bartonsville, PA, that he/she is the Attorney-in-Fact of the First Indemnity of America Insurance Company the Corporation described in and which executed the foregoing instrument; that he/she knows the seal of the said Corporation; that the seal affixed to the said instrument is such Corporate seal; that it was so affixed by the order of the Board of Directors of the said Corporation, and that he/she signed his/her name thereto by like order.



(Signature & Title of Official Taking Acknowledgment)



KATHLEEN FOCHESTO
Commission # 2394310
Notary Public, State of New Jersey
My Commission Expires
March 16, 2025

**FIRST INDEMNITY OF AMERICA
INSURANCE COMPANY**
2740 Rt. 10 West, Suite 205 Morris Plains, New Jersey 07950
Telephone: (973) 402-1200

POWER OF ATTORNEY FOR BONDS AND UNDERTAKINGS

Know All Men By These Presents: That First Indemnity of America Insurance Company, a Corporation of the State of New Jersey does hereby appoint: Michele Charette, its true and lawful Attorneys-in-Fact: to make, execute, sign, acknowledge, affix the Company Seal to, deliver any and all surety bonds, undertakings, recognizances, and other contracts of indemnity and writings obligatory in the nature of a bond, for and on behalf of said Company and as an act and deed of said Company.

IN WITNESS WHEREOF, First Indemnity of America Insurance Company of the State of New Jersey has executed these presents this 25th day of November, 2019.



Patrick J. Lynch

Patrick J. Lynch, President

STATE OF NEW JERSEY)
COUNTY OF MORRIS) ss:

On this 25th day of November, 2019, before me came the above named officer of First Indemnity of America Insurance Company of New Jersey, to me personally known to be the individual and officer described herein, and acknowledge that he executed the foregoing instrument and affixed the seal of said corporation thereto by authority of this office.



CERTIFICATE

Excerpts of Resolutions (Article V, Paragraph 5, of the By-Laws of said Company) adopted by the Board of Directors of the First Indemnity of America Insurance Company of the State of New Jersey, November 25, 2019.

RESOLVED, on November 25, 2019, that the President, or any one of the Vice Presidents specially authorized to do so by the Board of Directors, or by the Executive Committee, shall have power to appoint Attorneys-in-Fact as the business of the company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and release and assignment of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require and to affix the Seal of the Company thereto.

FURTHER RESOLVED, that the signatures and attestations of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating to the Power of Attorney by facsimile and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond, undertaking, recognizances or other contract of indemnity of writing obligatory in the nature thereof.

I, Jane E. Lynch, Secretary of First Indemnity of America Insurance Company of New Jersey, do hereby certify that the foregoing excerpts of the Resolution adopted by the Board of Directors of the Corporation and the Powers of Attorney issued pursuant thereto, are true and correct and that both the Resolution and the Powers of Attorney are in full force and effect.

IN WITNESS WHEREOF, I have herewith set my hand and affixed the seal of said Corporation this 26th day of May, 2023.



Jane E. Lynch
Jane E. Lynch, Secretary

FIRST INDEMNITY OF AMERICA INSURANCE COMPANY
2740 Route 10 West, Suite 205, Morris Plains, N.J. 07950
STATEMENT OF FINANCIAL CONDITION AS OF DECEMBER 31, 2022

Assets:

Bonds	\$ 12,198,446
Preferred & Common Stocks	6,489,595
Mortgage Loans	100,146
Real Estate	1,397,778
Cash and Short Term Investments	3,129,169
Investment Income Due and Accrued	149,222
Premiums in the Course of Collection (under 90 days)	789,024
Reinsurance Recoverable on Loss and LAE Payments	47,205
Deferred Tax Asset	883,530
Other Assets	36,524

Total Admitted Assets \$ 25,220,639

Liabilities and Surplus:

Reserve for Loss and Loss Adjustment Expenses	6,910,282
Other Expenses	435,513
Taxes Licenses and Fees	43,374
Federal Income Tax Payable	186,964
Unearned Premium	2,396,899
Amounts Withheld or Retained for Others	3,797,782
Ceded Reinsurance Balances Payable	349,296
Security Deposits	12,600

Total Liabilities 14,132,710

Capital & Surplus:

Common Stock, Paid Up	2,500,000
Paid in and Contributed Surplus	1,480,945
Unassigned Surplus	7,106,984

Surplus as Regards to Policyholders 11,087,929

Total Liabilities and Surplus \$ 25,220,639

I, Glenn A. Runne, Chief Financial Officer of First Indemnity of America Insurance Company, do hereby certify that the foregoing statement is a correct exhibit of the assets and surplus of the said company, on the 31st day of December, 2022, according to the best information, knowledge, and belief.


Glenn A. Runne
Chief Financial Officer

State of New Jersey)
County of Morris) SS:

Subscribed and sworn to, before me, a Notary Public of the State of New Jersey in the Township of Morris Plains, this 13th day of March, 2023.


Kathleen Fochesto
My Commission Expires March 16, 2025



BID FORM 8K:

Important Information for this Bid/RFP

This project utilizes Community Development Block Grant Funds



County of Volusia
Community Assistance
110 W. Rich Avenue
DeLand, FL 32720



Section 3 Business Concern Certification

This document must be completed and returned from the primary bidder with their bid submission. Bids submitted for certain federally assisted projects that do not include this completed document may be considered non-responsive and not be eligible for award.

This document may be required from all sub-contractors prior to project award as well.

Project Name: James Street Park Splashpad
Agency Name: Western Aquatic Constructors Devel. Inc.
Contact person: Scott Gaglio Title: V. President
Address of business: 17602 N. 536th Ave Glendale, AZ 85308
Telephone number: 602-509-9212 Fax number: _____
E-mail address: GETWAC@aol.com
Federal Employer Identification Number/SSN: 86-0964336

1. Type of business:

(Check one) ☒ Corporation ☐ Sole Proprietorship ☐ Partnership ☐ Joint Venture

2. Type of Contractor for project: (Check one) ☐ Prime Contractor ☐ Sub-Contractor

3. Check where applicable and provide required documentation*:

☒ The business is NOT claiming a Section 3 Business Concern status.

☐ The business IS claiming a Section 3 Business Concern status based on the following:

☐ 51% or more of the business is owned and controlled by low- or very low-income persons

2021 AMI → Maximum annual gross income for very low-income individual: \$ 22,900
Maximum annual gross income for very low-income individual: \$ 36,650

☐ Over 75% of the labor hours performed for the business over the prior three-month period were performed by Section 3 workers

☐ 51% or more of the business is owned and controlled by current public housing residents or residents currently living in Section-8 assisted housing

*To be considered; documentation from within the last six-month period for the criteria selected must be provided.

I certify to the best of my knowledge that the information contained here within is true and correct.

Print name: Scott Gaglio
Signature: [Signature]
Title: V.P.

Date: 5/21/2023

NOTE: Volusia County shall maintain this form and supporting documentation a minimum of five years in the project files for review during monitoring. The contractor must retain a copy of the reports in their files for a minimum of five years after completion of the project.

Schedule of Values

Owners to purchase Water Features direct	\$75,000.00
Engineering Completion and drawings ready for city submittal	\$23,745.00
Demolition Completion	\$29,390.00
Plumbing Completion includes electrical bonding, main drains, pressure tests, etc.	\$35,245.00
Steel/Concrete Completion	\$56,771.00
Concrete Staining/Water Feature Installation	\$23,525.00
Total	\$243,676.00

Once awarded, the applicant will enter an Agreement similar to the one below:

STANDARD AGREEMENT FOR SERVICES

THIS Standard Agreement for Services (hereinafter this "Agreement") is made and entered into this 24 day of May, 2023, by and between the **CITY OF SOUTH DAYTONA**, a Florida municipality, whose principal address is 1672 S. Ridgewood Avenue, South Daytona, Florida 32119 (hereinafter the "CITY") and Western Acoustic, a corporation, whose principal address is 17002 N 36th Ln, Glendale, AZ (hereinafter "CONTRACTOR"). The CITY and CONTRACTOR are collectively referred to herein as the "PARTIES."

WITNESSETH

WHEREAS, the CITY is a political subdivision of the State of Florida, having a responsibility to provide certain services to benefit the citizens of the City of South Daytona; and

WHEREAS, the CITY has the full power and authority to enter into the transactions contemplated by this Agreement; and

WHEREAS, CONTRACTOR is in the business of providing the equipment, materials, labor and other such service as identified in Exhibit "A" in the City of South Daytona and elsewhere in the State of Florida; and

WHEREAS, CONTRACTOR is competent and has sufficient manpower, training, and technical expertise to perform the services contemplated by this Agreement in a timely and professional manner consistent with the standards of the industry in which CONTRACTOR operates; and

WHEREAS, Section 448.095, Fla. Stat., imposes certain obligations on public agencies with regard to the use of the E-Verify system by their contractors and subcontractors.

WHEREAS, CONTRACTOR was the successful bidder of a project competitively bid and identified as Invitation to Bid (Exhibit "A") for City of South Daytona which satisfies the CITY's Procurement Policy; and

WHEREAS, CONTRACTOR agrees to provide such goods and services as more particularly described in this Agreement, as well as in any bid or quotation documents issued in connection with this project.

NOW THEREFORE in consideration of the premises, and in consideration of the mutual conditions, covenants, and obligations hereafter expressed, the parties agree as follows:

1. **Recitals.** The foregoing recitals are true and correct, constitute a material inducement to the parties to enter into this Agreement, and are hereby ratified and made a part of this Agreement.

WESTERN AQUATIC CONSTRUCTION & DEVELOPMENT INC.

AZ Licenses: B-01 147138 A-09 147137
FL License: CPC1458811

Scott Giglio
360 Bridgewater Dr.
Davenport, FL 33897
Phone (602) 509-9272
Getwacd@aol.com
www.westernaquaticconstruction.com

May 23, 2023

BID PROPOSAL

BID PROPOSAL Date: 5/23/2023
Project: James Street Park Splash Pad Renovation
To: City of South Daytona
Architect/Engineer: NA
Plans Dated: NA

Western Aquatic Construction and Development, Inc. proposes to furnish all labor, materials, and equipment to complete the above referenced project.

Base Bid \$ 243,676.00

Proposal Inclusion:

1. Permit Fees including city and DOH
2. Splash Pad Engineering
3. Demolition of current splash pad area including 5 foot walk way around pad.
4. Any Plumbing work necessary from existing pipes in the splash pad to final locations of new water features.
5. Any Electrical bonding per local code.
6. New Main drains and installation
7. New water toys per rendition submitted in bid proposal.
8. New activation bollard.
9. Rebar and Concrete construction of new splash pad 1440 square feet plus walk way around the splash pad for a total of 2058 sq. ft.
10. Concrete staining in baseball themed colors on wet play area 1440 sq. ft.
11. Any Rental Equipment needed to complete the project.
12. Any Labor/Supervision necessary to complete the project.
13. All Travel and Per Diems necessary to complete the project.
14. Performance Bond
15. Start up and Staff training on installed components.

Proposal Exclusion:

1. Any mechanical equipment is assumed to be adequate and functional.

Western Aquatic Construction and Development, Inc. would like to thank you for the opportunity to bid on this project. We look forward to working with you very soon.

Scott Giglio
Vice President
Western Aquatic Construction and Development, Inc.



Ron DeSantis, Governor

Melanie S. Griffin, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE COMMERCIAL POOL/SPA CONTRACTOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

GIGLIO, SCOTT

WESTERN AQUATIC CONSTRUCTION & DEVELOPMENT, INC.
17602 N 36TH LANE
GLENDALE AZ 85308

LICENSE NUMBER: CPC1458811

EXPIRATION DATE: AUGUST 31, 2024

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.



WESTAQU-01

AWALTERS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/18/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hill & Usher Insurance & Surety 3033 N 44th St Ste 300 Phoenix, AZ 85018	CONTACT NAME:	
	PHONE (A/C, No, Ext): (800) 956-4220	FAX (A/C, No): (602) 956-4418
	E-MAIL ADDRESS: doccontrol@hillusher.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Clear Blue Specialty Insurance	37745
	INSURER B: AIG Specialty Insurance Company	26883
	INSURER C: Technology Insurance Company	42376
	INSURER D:	
	INSURER E:	
	INSURER F:	

INSURED

Western Aquatic Construction & Development Inc
17602 N 36th Ln
Glendale, AZ 85308-3205

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WRD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			AR01RS230225002	2/6/2023	2/6/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			BE020635828	2/6/2023	2/6/2024	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input checked="" type="checkbox"/> Y <input type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		TWC4189685	1/30/2023	1/30/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: PROOF OF INSURANCE

CERTIFICATE HOLDER

CANCELLATION

CITY OF SOUTH DAYTONA
1672 SOUTH RIDGEWOOD AVE
SOUTH DAYTONA, FL 32119

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE