

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251
FAX 574/ 235-9171

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

September 14, 2021

Mr. Rich Kujawa
Custom Fencing Company
2265 Reum Rd.
Niles, MI 49120
info@customfencemichiana.com

RE: Quotation Award – El Campito Fencing – Project No. 121-043

Dear Mr. Kujawa:

At its September 14, 2021 meeting, the Board of Public Works awarded the above referenced quotation to you in an amount not to exceed \$23,994.

Please forward the following documents **in one submittal by September 28, 2021** to my attention for Board of Public Works approval at lhensley@southbendin.gov :

- 1) One (1) signed original of the Contract (enclosed); and
- 2) Certificate of Insurance naming the City of South Bend as an additional insured.

If you have any further questions regarding this matter, please call this office at (574) 235-9251.

Sincerely,

/s/ Anne Fuchs

Anne Fuchs, Clerk

Enclosures
AF/lh



INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS DIVISION OF ENGINEERING

TO: Anne Fuchs, Clerk
Board of Public Works

FROM: Finn Cavanaugh, Project Engineer, Division of Engineering

SUBJECT: Award Memo 121-043 El Campito Fencing

DATE: September 1st, 2021

On August 24th, 2021, the Board of Public Works opened and read quotes for the above project.

The bidders ranked as follows:

<u>Bidder</u>	<u>Total Quote Amount</u>
1. Custom Fence Michiana	\$23,994.00

One addendum was issued to all planholders on Friday, August 20th, 2021 prior to the bid. The addendum contained clarifications and answers to questions presented at the on-site pre-quote walkthrough, held Thursday, August 19th, 2021. The addendum did not constitute a change to the scope of work but primarily clarified material specifications for the fence.

Only one planholder, Custom Fence Michiana, submitted a quote to the Board of Public Works by the deadline. This quote submission did not contain the required Acknowledgement of Receipt of Addendum form.

At the advice of the Board's legal representative, Engineering contacted the bidder. The bidder stated that the form was omitted in error – they had received the addendum upon its issuance, signed the Acknowledgment form, and prepared their quote with the addendum in mind, but neglected to attach said form with their submission. The quote Custom Fence had submitted to the Board contained notes and calculations referencing the material specifications given in the addendum, and Custom Fence was present at the pre-bid meeting at which these specifications were discussed, so Engineering and Legal found a level of assurance that Custom Fence prepared their quote with the addendum in mind. Custom Fence Michiana provided the necessary form with its original dated signature following this communication with Engineering.

Considering the totality of all circumstances, including the nature of information given in the addendum, as well as the assurance given in the submitted quote that the correct material specifications were considered, and that no other quotes were received by the deadline, Engineering and Legal determined that the quote should be considered responsive.

Engineering recommends award of the quote to the lowest responsive and responsible bidder, **Custom Fence Michiana**, in the amount of **\$23,994.00**.

The Department of Public Works has appropriated sufficient funds from Fund 422 - 2020 (Fund #422-10-102-121-431000--PROJ00000233) (Requisition #PR-00010211).

Please respond with any questions.

Enclosure
Bid Tabulation



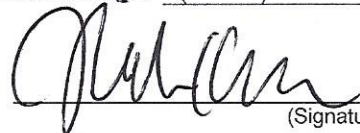
QUOTE/PROPOSAL CITY OF SOUTH BEND

PROJECT NAME El Campito Fencing
 PROJECT NO. 121-043
 QUOTES DUE 9:00am Local Time, August 24th, 2021. Electronic quotes are due to bpwbids@southbendin.gov.

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Install 4' tall black vinyl chain link fence at El Campito community garden according to plan and site visit	1	LS	\$23,994.00	\$23,994.00
Total Amount of Quote					\$23,994.00

Firm: Custom Fence Company
 Address: 2265 Reum Rd.
 City/State/Zip: Niles, MI 49120 Telephone Number: (269) 683.2892

Fax Number: ()

By 
 (Signature)

Rich Kujawa
 (Printed Name of Person Signing)


CITY OF SOUTH BEND, INDIANA
 BOARD OF PUBLIC WORKS



 Elizabeth A. Maradik, President


 Gary A. Gilot, Member


 Joseph R. Molnar, Member


 Jordan V. Gathers, Member


 Murray L. Miller, Member


 Attest: Anne Fuchs, Clerk

BOARD OF PUBLIC WORKS
CITY OF SOUTH BEND, INDIANA
PUBLIC WORKS CONTRACT

This Agreement is made and entered into this 14th Day of September, 2021, by and between Custom Fencing Company, 2265 Reum Rd., Niles, MI 49120 (the "Contractor"), and the Board of Public Works (the "Board").

The Contractor covenants and agrees to make the following improvement, as fully set out in the Request for Quotations, Standard Specifications, Special Provisions, Plans, and Bid Proposals, all of which are set forth as a part of this Contract, for:

<u>PROJECT NO.</u>	<u>121-043</u>
<u>DESCRIPTION:</u>	<u>EL CAMPITO FENCING</u>
<u>COMPLETION DATE:</u>	<u>SEE SPECIFICATIONS</u>
<u>AMOUNT:</u>	<u>NTE \$23,994</u>
<u>FUNDING:</u>	<u>PR-00010211</u>

The unit prices for this improvement were those prices as received and accepted by the Board on the 24th Day of August, 2021.

The Contractor further agrees to notify the assigned Engineer when this improvement is completed. This notification shall be in the form of a Project Completion Affidavit, signed by the Contractor. Upon final acceptance of the improvement by the Engineer, the Contractor's final estimate will be presented to the Board for final Payment with one (1) copy of the Project Completion Affidavit and one (1) copy of a Waiver of Lien.

Each of the Parties, by signing below, represents and warrants to the other Party that he/she/it has the authority to bind the named person or entity to this Agreement.

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

CUSTOM FENCING COMPANY



Elizabeth A. Maradik, President




Jordan V. Gathers, Member

Printed Name



Gary A. Gilot, Member




Murray L. Miller, Member

Signature



Joseph R. Molnar, Member



Attest: Anne Fuchs, Clerk

QUOTE TABULATION
 #121-043 El Campito Fencing




#121-043 El Campito Fencing

Item No.	Line Item	Quantity	Unit	Engineer's Estimate		Custom Fence Michiana	
				Unit Price	Cost	Unit Price	Cost
1	Install 4' tall black vinyl chain link fence at El Campito community garden according to plan and site visit	1	LS	\$25,000.00	\$25,000.00	\$23,994.00	\$23,994.00
	Total				\$25,000.00		\$23,994.00

Non-Collusion Affidavit		YES
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I hereby certify that the above truly and accurately represents quotes received for this project on August 24th, 2021



 Finnian Cavanaugh, Project Engineer

Custom Fence Company
Niles, MI
Rich: 269.221.9891
Fax: 574.217.4757
info@customfencemichiana.com

Job Name: Goshen Commons

Material Specs:

#1: Jimmy Johns gate 1 - Double gate only
18' opening 7' tall x 9ga galv clc
tan PDS Slats - 2" x SS 20 frame

#2: Louies Tax Shop gate
24' x SS 20 frame new 4" x 4" x SS 20 posts
6' tall x 9ga galv clc hinges, latch 2 drop rods
tan PDS Slats 10' 6" opening Gate Bolt

#3: Same specs as Gate #2
10' opening ~~10'~~ opening - need gate
only - ~~no~~ ~~tan~~ ~~w/~~ ~~PDS~~ PDS
Slats too

#4: Same Specs @ as Gate #1
10' 3" need gate only
w/ PDS Slats too

When the prospective Contractor is unable to certify to any of the statements below, it shall attach an explanation to this Affidavit.

**CONTRACTOR'S NON-COLLUSION AND NON-DEBARMENT AFFIDAVIT,
CERTIFICATION REGARDING INVESTMENT WITH IRAN, EMPLOYMENT ELIGIBILITY
VERIFICATION, NON-DISCRIMINATION COMMITMENT AND CERTIFICATION OF USE
OF UNITED STATES STEEL PRODUCTS OR FOUNDRY PRODUCTS**

(Must be completed for all quotes and bids. Please type or print)

STATE OF MT)
Berrien COUNTY) SS:

The undersigned Contractor, being duly sworn upon his/her/its oath, affirms under the penalties of perjury that:

1. Contractor has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding. Contractor further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale; and
2. Contractor certifies by submission of this proposal that neither contractor nor any of its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency; and
3. Contractor has not, nor has any successor to, nor an affiliate of, Contractor, engaged in investment activities in Iran.
 - a. For purposes of this Certification, "Iran" means the government of Iran and any agency or instrumentality of Iran, or as otherwise defined at Ind. Code § 5-22-16.5-5, as amended from time-to-time.
 - b. As provided by Ind. Code § 5-22-16.5-8, as amended from time-to-time, a Contractor is engaged in investment activities in Iran if either:
 - i. Contractor, its successor or its affiliate, provides goods or services of twenty million dollars (\$20,000,000) or more in value in the energy sector of Iran; or
 - ii. Contractor, its successor or its affiliate, is a financial institution that extends twenty million dollars (\$20,000,000) or more in credit to another person for forty-five (45) days or more, if that person will (i) use the credit to provides goods and services in the energy sector in Iran; and (ii) at the time the financial institution extends credit, is a person identified on list published by the Indiana Department of Administration.
4. Contractor does not knowingly employ or contract with an unauthorized alien, nor retain any employee or contract with a person that the Contractor subsequently learns is an unauthorized

alien. Contractor agrees that he/she/it shall enroll in and verify the work eligibility status of all of Contractor's newly hired employees through the E-Verify Program as defined by I.C. 22-5-1.7-3. Contractor's documentation of enrollment and participation in the E-Verify Program is included and attached as part of this bid/quote; and

5. Contractor shall require his/her/its subcontractors performing work under this public contract to certify that the subcontractors do not knowingly employ or contract with an unauthorized alien, nor retain any employee or contract with a person that the subcontractor subsequently learns is an unauthorized alien, and that the subcontractor has enrolled in and is participating in the E-Verify Program. The Contractor agrees to maintain this certification throughout the term of the contract with the City of South Bend, and understands that the City may terminate the contract for default if the Contractor fails to cure a breach of this provision no later than thirty (30) days after being notified by the City.

6. Persons, partnerships, corporations, associations, or joint venturers awarded a contract by the City of South Bend through its agencies, boards, or commissions shall not discriminate against any employee or applicant for employment in the performance of a City contract with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of race, sex, religion, color, national origin, ancestry, age, gender expression, gender identity, sexual orientation or disability that does not affect that person's ability to perform the work.

In awarding contracts for the purchase of work, labor, services, supplies, equipment, materials, or any combination of the foregoing including, but not limited to, public works contracts awarded under public bidding laws or other contracts in which public bids are not required by law, the City, its agencies, boards, or commissions may consider the Contractor's good faith efforts to obtain participation by those Contractors certified by the State of Indiana as a Minority Business ("MBE") or as a Women's Business Enterprise ("WBE") as a factor in determining the lowest, responsible, responsive bidder.

In no event shall persons or entities seeking the award of a City contract be required to award a subcontract to an MBE/WBE; however, it may not unlawfully discriminate against said WBE/MBE. A finding of a discriminatory practice by the City's MBE/WBE Utilization Board shall prohibit that person or entity from being awarded a City contract for a period of one (1) year from the date of such determination, and such determination may also be grounds for terminating the contract for which the discriminatory practice or noncompliance pertains.

7. The undersigned contractor agrees that the following nondiscrimination commitment shall be made a part of any contract which it may henceforth enter into with the City of South Bend, Indiana or any of its agencies, boards or commissions.

Contractor agrees not to discriminate against or intimidate any employee or applicant for employment in the performance of this contract with privileges of employment, or any matter directly or indirectly related to employment, because of race, religion, color, sex, gender expression, gender identity, sexual orientation, handicap, national origin or ancestry. Breach of this provision may be regarded as material breach of contract.

I, the undersigned bidder or agent as contractor on a public works project, understand my statutory obligations to the use of steel products or foundry products made in the United States (I.C. 5-16-

8-1). I hereby certify that I and all subcontractors employed by me for this project will use steel products or foundry products made in the United States on this project if awarded. I understand I have an affirmative duty to notify the City in my bid that my proposal does not include the use of steel products or foundry products made in the United States. I understand it is my sole obligation and responsibility to provide a justification to the City, subject to review and approval, why the cost of United States made steel or foundry products is unreasonable. Prior to award and upon submission of bid which does not use steel products or foundry products made in the United States, the City, through its director of public works, shall make a determination if the price of United States made steel or foundry is unreasonable. I understand that violations hereunder may result in forfeiture of contractual payments.

I hereby affirm under the penalties of perjury that the facts and information contained in the foregoing bid for public works are true and correct.

Dated this 23rd day of August, 2021

Custom Fence Company
Contractor/Bidder (Firm)

[Signature]
Signature of Contractor/Bidder or Its Agent

Rich Kujawa - President
Printed Name and Title

Subscribed and sworn to before me this 23 day of August, 2021

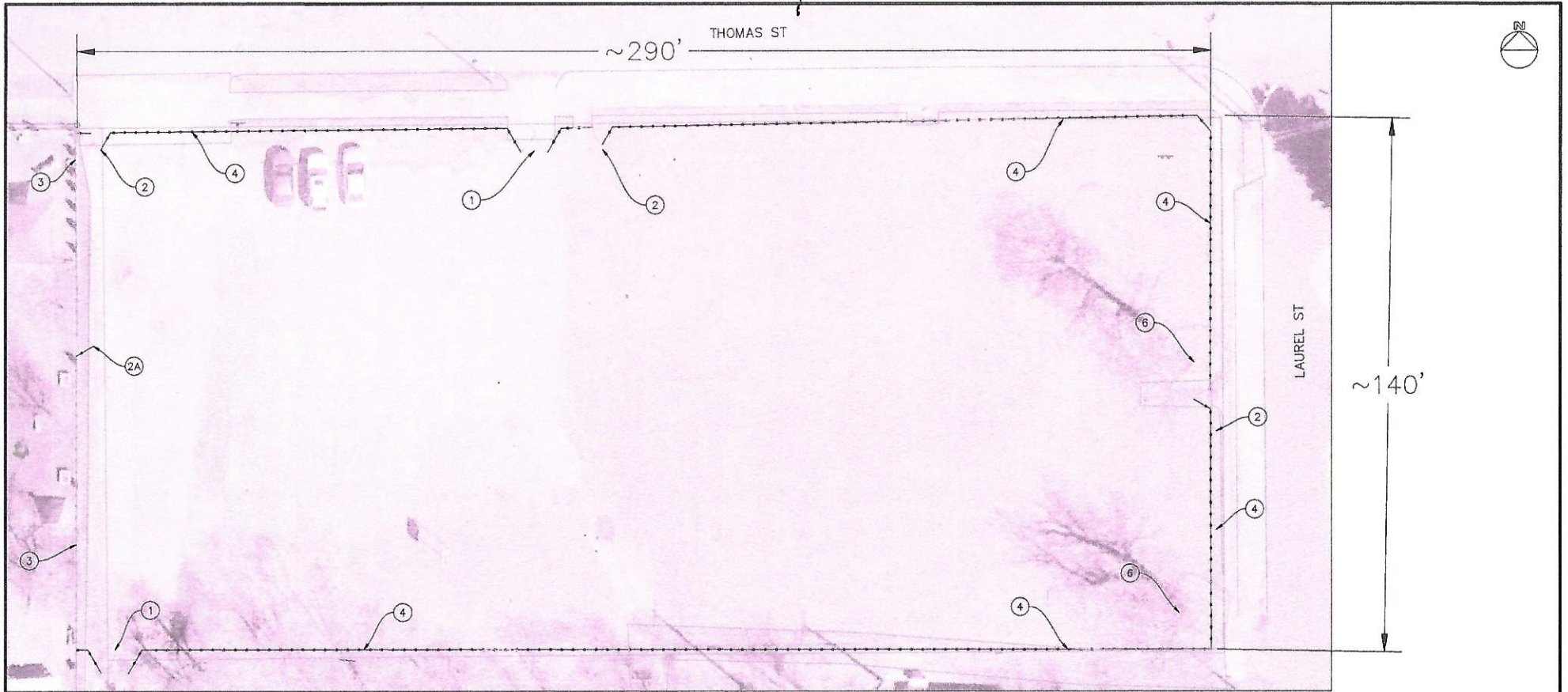
My Commission Expires 10/15/2022 [Signature]
Notary Public

County of Residence Berrien

JAIME KIRKENDALL
NOTARY PUBLIC - MICHIGAN
CASS COUNTY
MY COMMISSION EXPIRES 10/15/2022
ACTING IN CASS COUNTY

Acting in Berrien
County





- ① VEHICLE GATE, NEW, 14' WD
- ② PEDESTRIAN GATE, NEW, 5' WD
- ②A PEDESTRIAN GATE, NEW IN EXISTING FENCE, 5' WD
- ③ EXISTING FENCE, REMAIN
- ④ FENCE, CHAIN LINK BLACK VINYL, 4' HT
- ⑥ TREE, TO BE REMOVED BY OTHERS

NOTES

1. PLANS DESIGNATE LAYOUT ONLY AND ARE PROVIDED TO COMMUNICATE DESIGN INTENT. CONTRACTOR IS RESPONSIBLE FOR ALL MEASUREMENTS AND MATERIAL ESTIMATES.
2. CONTRACTOR MUST COORDINATE ALL UTILITY LOCATION.
3. FENCE LINE SHALL BE SET BACK 18" FROM PROPERTY LINE

SCALE	1" = 25'
DATE	7/16/2021
DRAWN	FPC
CHECKD	----
APRVD	KMB

PROJECT TITLE
121-043
EL CAMPITO
FENCING



DEPARTMENT OF PUBLIC WORKS
CITY OF SOUTH BEND, INDIANA

CATEGORY
<input type="checkbox"/> SEWER
<input type="checkbox"/> WATER
<input type="checkbox"/> TRAFFIC
<input type="checkbox"/> STREET
<input type="checkbox"/> OTHER

SHEET TITLE
FENCING PLAN

DIV./PHASE -----
SHEET NO. 1



1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830

PHONE 574/ 235-9251
FAX 574/ 235-9171
TDD 574/ 235-5567

CITY OF SOUTH BEND, JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

Date: August 20, 2021
To: All Planholders
From: Anne Fuchs, Clerk, Board of Public Works
Subject: Addendum Number: 1
Project Name: **El Campito Fencing**
Project Number: **121-043**

ACKNOWLEDGEMENT OF RECEIPT OF ADDENDUM

Date Received: 8/20/2021

This addendum is being forwarded to you for the above referenced project.

Please sign below and acknowledge receipt of this Addendum by faxing this sheet to the Board of Public Works at (574) 235-9171 within 48 hours of receipt. A copy MUST also be included with your quote package upon submittal.

THIS ADDENDUM MAY AFFECT YOUR QUOTE.

Notes:

The attached documents are hereby added to the Specifications and Contract Documents and become a part of herein.

Company: Custom Fence Company

Authorized Signature: 

Date: 8/23/2021



**PROJECT NAME: 121-043 EL CAMPITO FENCING
ADDENDUM NO. 1**

Date: August 20, 2021
To: All Plan Holders
From: Finnian Cavanaugh, Project Engineer

The following clarifications and material specifications are intended to supplement the site plan provided in the Request for Quotes, and contains answers to questions asked at the on-site meeting held Thursday, August 19th.

A revised plan sheet is attached showing an additional pedestrian gate at the northeast corner of the property. This revised plan sheet shall supersede the previous plan sheet.

General Project Clarifications

1. The project has a budget of \$25,000.00. To be eligible for award, quotes must not exceed this amount.
2. The completion date for this project shall be October 15th, 2021.
3. The contractor shall coordinate work scheduling with the site owner, El Campito Child Development Center, to avoid construction or unsafe site conditions during scheduled community events on the site.
4. A Pre-Construction meeting shall be held following the award of the quote. The contractor shall submit a schedule of work to the City of South Bend, which must be approved by the City of South Bend and El Campito prior to beginning work.

Material Specifications

5. Fence mesh shall be 9 gauge chain link with black vinyl finish (Type 2B).
6. 1 $\frac{5}{8}$ " top rail shall be provided on all fence spans.
7. 8 gauge bottom tension wire shall be provided on all fence spans.
8. All posts shall be set a minimum of 3 feet deep below grade and consisting of schedule 40 metal pipe.
9. Line posts shall be 2" pipe.
10. End posts and posts framing single (pedestrian) gates shall be 3" pipe.
11. Posts framing double (vehicle) gates shall be 4" pipe.
12. All gates shall be fitted with 2" framing.
13. The pedestrian gate to be installed in existing fencing on the west side of the property shall use galvanized mesh matching the wire gauge and post height of the existing fence.

You must acknowledge receipt of this addendum by signing the first page, returning it via facsimile to (574) 235-9171, and a copy of the first page must be included with your bid.

– This addendum consists of a total of 3 pages inclusive of revised site plan–



- ① VEHICLE GATE, NEW, 14' WD
- ② PEDESTRIAN GATE, NEW, 5' WD
- ②A PEDESTRIAN GATE, NEW IN EXISTING FENCE, 5' WD
- ③ EXISTING FENCE, REMAIN
- ④ FENCE, CHAIN LINK BLACK VINYL, 4' HT
- ⑥ TREE, TO BE REMOVED BY OTHERS

- NOTES**
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DATE	8/20/21
DRAWN	FPC
CHECKD	----
APRVD	KMB

PROJECT TITLE
121-043
EL CAMPITO
FENCING



DEPARTMENT OF PUBLIC WORKS
CITY OF SOUTH BEND, INDIANA

CATEGORY
<input type="checkbox"/> SEWER
<input type="checkbox"/> WATER
<input type="checkbox"/> TRAFFIC
<input type="checkbox"/> STREET
<input type="checkbox"/> OTHER

SHEET TITLE
FENCING PLAN

DIV./PHASE -----
SHEET NO. 1

**BOARD OF PUBLIC WORKS
AGENDA ITEM REVIEW REQUEST FORM**

Date: September 2, 2021
 Name: Finnian Cavanaugh Department of Public Works – Engineering Division
 Phone Extension: 5961 or
 BPW Date: September 14, 2021 fcavanau@southbendin.gov

Required Prior to Submittal to Board

BPW Attorney Attorney Name Clara McDaniels
 Dept. Attorney Attorney Name _____
 Purchasing _____

Check the Appropriate Item Type – Required for All Submissions

<input type="checkbox"/> Professional Services Agreement	<input type="checkbox"/> Contract	<input type="checkbox"/> Proposal
<input type="checkbox"/> Open Market Contract	<input type="checkbox"/> Amendment/Addendum	<input type="checkbox"/> Special Purchase, QPA
<input type="checkbox"/> Bid Opening	<input type="checkbox"/> Bid Award	<input type="checkbox"/> Req. to Advertise <input type="checkbox"/> Title Sheet
<input type="checkbox"/> Quote Opening	<input checked="" type="checkbox"/> Quote Award	<input type="checkbox"/> Reject Bids/Quotes
<input type="checkbox"/> Proposal Opening	<input type="checkbox"/> C/O & PCA No. _____	<input type="checkbox"/> PCA
<input type="checkbox"/> Chg. Order, No. _____	<input type="checkbox"/> Traffic Control	<input type="checkbox"/> Resolution
<input type="checkbox"/> Other: _____		<input type="checkbox"/> Ease./Encroach

Required Information

Company or Vendor Name Custom Fence Michiana (V-00000425)
 New Vendor Yes If Yes, Approved by Purchasing
 No
 MBE/WBE Contractor MBE WBE Completed E-Verify Form Attached Yes No
 Project Name El Campito Fencing
 Project Number 121-043
 Funding Source PR-00010211
 Account No. 422-10-102-121-431000--PROJ00000233 (Fund 422 – 2020)
 Amount \$23,994.00
 Terms of Contract NTE
 Purpose/Description Award quote to install fencing at El Campito Community Garden

For Change Orders Only

Amount of Increase \$ _____
 Decrease (\$ _____)
 Previous Amount \$ _____
 Increase % _____
 Decrease (%) _____
 Current Percent of Change: _____
 New Amount \$ _____
 Increase % _____
 Decrease (%) _____
 Total Percent of Change: _____
 Time Extension Amount: _____
 New Completion Date: _____