

ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted electronically through “E-Bidding” on DemandStar.com to:

City of Gainesville

200 East University Avenue, Room 339 – Gainesville, Florida 32601

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER’S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 120 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER’S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

<u>Addendum No.</u>	<u>Addendum, Date</u>
01	11/17/2022
02	11/18/2022

- B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Instructions to Bidders, especially with respect to Technical Data in such reports and drawings
- E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2)

the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.

- F. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Project Manager written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Project Manager acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

ARTICLE 4 – BIDDER'S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
 - 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

Lump Sum Bid Price for Forest Park Improvements	\$ 2,667,877. ⁰⁰
Bid Total:	\$ 2,667,877. ⁰⁰

Total number of calendar days to substantially complete the Work: 210 days.

Liquidated Damages Rate (from Agreement): \$ 1,000.00 /day.

Bonds required under Paragraph 6.01 of the General Conditions will be based on the Contract Price.

ARTICLE 6 – TIME OF COMPLETION

6.01 Bidder agrees that the Work will be substantially complete within 210 calendar days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 240 calendar days after the date when the Contract Times commence to run.

6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 – ATTACHMENTS TO THIS BID

7.01 The following documents are submitted with and made a condition of this Bid:

- A. Bidder Qualifications Statement
- B. Evidence of authority for individuals listed in Section 6 of the Qualifications Statement to bind organization to an agreement
- C. General Contractor’s License OR Building Contractor’s License
- D. Evidence of Bidder’s authority to do business in the state where the Project is located
- E. Letter from Bonding Company; Evidence that Bidder can obtain a Payment and Performance Bond on the project if it is awarded the bid
- F. Drug Free WorkPlace Form
- G. Affidavit of Non-Collusion
- H. Certification of Compliance with Living Wage

ARTICLE 8 – DEFINED TERMS

8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, and the General Conditions.

ARTICLE 9 – BID SUBMITTAL

BIDDER: *[Indicate correct name of bidding entity]*

Blackwater Construction Services LLC

By:
[Signature]

[Printed name] Derek Dykes

(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest:
[Signature]

[Printed name] Hannah Dykes

Title: Vice President

Submittal Date: 11/28/2022

Address for giving notices:

3715 NW 97th Blvd Suite B

Gainesville FL 32606

Telephone Number: 352-372-7220

Fax Number:

Contact Name and e-mail address: Derek Dykes

derek@blackwatercsllc.com

Bidder's License No.: CBC 1262173

(where applicable)

DRUG FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that

Blackwater Construction Services LLC does:
(Name of Business)

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 of nolo contendere to, any violation of Chapter 893, Florida Statutes, or of any controlled substance law of the United State or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

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


Bidders Signature

11/28/2022

Date

CITY OF GAINESVILLE

AFFIDAVIT OF NON-COLLUSION


I hereby swear (or affirm) under the penalty of perjury:

(1) That I am the bidder (if the bidder is an individual), a partner of the bidder (if the bidder is a partnership), or an officer or employee of the bidding corporation with authority to sign on its behalf (if the bidder is a corporation);

(2) That the attached bid or bids have been arrived at by the bidder independently, and have been submitted without collusion with, and without any agreement, understanding, or planned common course of action with any other vendor of materials, supplies, equipment, or services described in the invitation to bid, designed to limit independent bidding or competition.


(3) That the contents of the bid or bids have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid or bids; and

(4) That I have fully informed myself regarding the accuracy of the statements made in this affidavit.

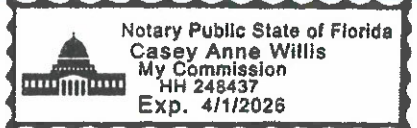
Signed: 

Firm Name: Blackwater Construction Services LLC

Subscribed and sworn to before me this 28TH day of November 20 22


Notary Public

My Commission expires April 1, 20 28.



Proposer's E.I. Number: 82-2712584

(Number used on Employer's Quarterly Federal tax return)

CITY OF GAINESVILLE

CERTIFICATION OF COMPLIANCE WITH LIVING WAGE

The undersigned hereby agrees to comply with the terms of the Living Wage Ordinance and to pay all covered employees, set forth in Chapter 2, Article IX, Division 2, Section 2-619 of the City's Code of Ordinances (Living Wage Ordinance), during the time they are directly involved in providing covered services under the contract with the City of Gainesville for **Forest Park Improvements** a living wage of \$ **12.3798** per hour to covered employees who receive Health Benefits from the undersigned employer and \$ **13.6298** per hour to covered employees not offered health care benefits by the undersigned employer.

Name of Service Contractor/Subcontractor: Blackwater Construction Services LLC

Address: 3715 NW 97th BLVD Suite B Gainesville FL 32606

Phone Number: 352-372-7220

Name of Local Contact Person Derek Dykes

Address: same as above

Phone Number: 352 644 3453

\$ 2.6 million

(Amount of Contract)

Signature:  Date: 11/28/2022

Printed Name: Derek Dykes

Title: President

QUALIFICATIONS STATEMENT

1. SUBMITTED BY:

Official Name of Firm: Blackwater Construction Services LLC

Address: 3715 NW 97th Blvd Suite B

2. SUBMITTED TO:

City of Gainesville, Florida

3. SUBMITTED FOR:

Owner City of Gainesville, Florida

Project Name: Forest Park Improvements

TYPE OF WORK: Reconstruction of soccer fields, dog park, volleyball, and basketball courts.
Add site and parking lot lighting.

4. CONTRACTOR'S CONTACT INFORMATION

Contact Person/Title: Derek Dykes

Phone/Email: 352-644-3453

5. AFFILIATED COMPANIES:

Name: N/A

Address: _____

6. TYPE OF ORGANIZATION:

SOLE PROPRIETORSHIP

Name of Owner: _____

Doing Business As: _____

Date of Organization: _____

PARTNERSHIP

Date of Organization: _____

Type of Partnership: _____

Name of General Partner(s): _____

CORPORATION

State of Organization: _____

Date of Organization: _____

Executive Officers:

- President: _____

- Vice President(s): _____

- Treasurer: _____

- Secretary: _____

LIMITED LIABILITY COMPANY

State of Organization: FLORIDA

Date of Organization: 09/2017

Members: Derek Dykes- Hannah Dykes

JOINT VENTURE

Sate of Organization: _____

Date of Organization: _____

Form of Organization: _____

Joint Venture Managing Partner

- Name: _____

- Address: _____

Joint Venture Managing Partner

- Name: _____

- Address: _____

Joint Venture Managing Partner

- Name: _____

- Address: _____

7. LICENSING / CERTIFICATIONS

In order to perform this work the bidder must have a General Contractor's License OR Building Contractor's License

8. RELEVANT EXPERIENCE

The bidder must demonstrate that they've **worked on three projects similar in both size and scope in the past 5 years**. Please use the space below to communicate such experience.

Project 1, Narrative description of project: Thermofisher cGMP Warehouse

Renovations

Explanation of relevance/similarity to the Forest Park Improvements

It was over a \$3 million dollar project with more than 10 subcontractors that worked on the project over the 7 month project span

Final Contract Value: \$3.4 MIL Project Address: Alachua, FL

Construction Start (NTP Date): 01/2022 Construction Completion Date: 08/2022

Project Owner/Client Contact (Name/Number): Bradley Metzler- 352-359-1297

Project 2, Narrative description of project: ALAM Diborane Phase 1 Expansion

Explanation of relevance/similarity to the Forest Park Improvements

Large site work and clearing needed for the new gas storage buildings. Three new buildings 10,000sf in total.

Final Contract Value: \$2.9 mil Project Address: High Springs, FL

Construction Start (NTP Date): 01/2020 Construction Completion Date: 12/2020

Project Owner/Client Contact (Name/Number): Frank Smith -409-939-3969

Project 3, Narrative description of project: Clearence R Kelly Park and Community

Center

Explanation of relevance/similarity to the Forest Park Improvements

New 5,500 sf community center and new 2 acre community park with with new parking spots and site work grading

Final Contract Value: \$2.02 mil Project Address: Gainesville FL

Construction Start (NTP Date): 04/2021 Construction Completion Date: 06/2022

Project Owner/Client Contact (Name/Number): Peter McNiece- 352-514-8992

9. BONDING INFORMATION

Bonding Company: Nielson, Wojtowicz, Neu, & Associates

Address: 1000 Central Ave Suite 200

St Petersburg, FL 33705

Bonding Agent: Jessica Reno

Address: _____

Contact Name: _____

Phone: 904-314-9819

Aggregate Bonding Capacity: \$24 million

Available Bonding Capacity as of date of this submittal: \$3 million

10. INTENTIONALLY LEFT BLANK

11. CONSTRUCTION EXPERIENCE:

Has firm listed in Section 1 ever failed to complete a construction contract awarded to it?

YES NO

If YES, attach as an Attachment details including Project Owner's contact information.

Has any Corporate Officer, Partner, Joint Venture participant or Proprietor ever failed to complete a construction contract awarded to them in their name or when acting as a principal of another entity?

YES NO

If YES, attach as an Attachment details including Project Owner's contact information.

Are there any judgments, claims, disputes or litigation pending or outstanding involving the firm listed in Section 1 or any of its officers (or any of its partners if a partnership or any of the individual entities if a joint venture)?

YES NO

If YES, attach as an Attachment details including Project Owner's contact information.

12. INTENTIONALLY LEFT BLANK

13. INTENTIONALLY LEFT BLANK

I HEREBY CERTIFY THAT THE INFORMATION SUBMITTED HERewith, INCLUDING ANY ATTACHMENTS, IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NAME OF ORGANIZATION: Blackwater Construction Services LLC
BY: [Signature]
TITLE: President
DATED: 11/28/2022

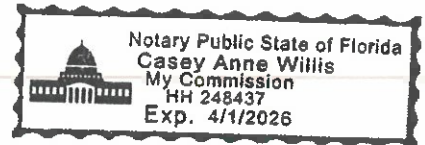
NOTARY ATTEST:

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 28 DAY OF November, 2022

[Signature]
NOTARY PUBLIC - STATE OF FL

MY COMMISSION EXPIRES: 4/1/2026



ATTACHMENT CHECKLIST

- Evidence of authority for individuals listed in Section 6 to bind organization to an agreement
- General Contractor's License OR Building Contractor's License
- Evidence of Bidder's authority to do business in the state where the Project is located
- Letter from Bonding Company; Evidence that Bidder can obtain a Payment and Performance Bond on the project if it is awarded the bid
- Drug Free Workplace Form
- Affidavit of Non-Collusion
- Certification of Compliance with Living Wage

IF APPLICABLE

- N/A Additional information on failure to complete a construction contract
- N/A Additional information on any judgments, claims, disputes or litigation pending or outstanding



City of Gainesville

Department of Financial Services
Procurement Division

u. Question: We are going to bid on the sports equipment, site furnishings and shade structures for Forest Park. I have the plans but don't see anything with quantities?

Answer: Note that one of the benches in the pavilion is an ADA bench.

Item No.	Item	Qty	Unit
A	Table	14	EA
B	Bench	12	EA
C	Player Bench	22	EA
D	Bleachers	30	EA
E	Grill	1	EA
F	Trash Receptacle	8	EA
H	Water Fountain	7	EA
I	Dog Washing Station	1	EA
J	Shade Structure	13	EA
K	Pavilion	1	EA
Y	Bollard	130	EA
Z	Removable Bollard	9	EA
AA	Storage Bin	1	EA

Additional Changes:

Please incorporate the attached photometric plan and six power sheets (P-1, P-2, P-3, P-4, P-5, and P-6) dated 11-16-22 into the bid set of drawings. There has been a substantial redesign of the electrical system to accommodate the increased lighting requirements. The system was converted to 480V.

The fencing on the west side of the basketball/pickleball courts will be 10' tall with windscreens instead of the 4' tall fencing called for on the plans.

ACKNOWLEDGMENT: Each Proposer shall acknowledge receipt of this Addendum No. 1 by his or her signature below, **and a copy of this Addendum to be returned with proposal.**

CERTIFICATION BY PROPOSER

The undersigned acknowledges receipt of this Addendum No. 1 and the Proposal submitted is in accordance with information, instructions, and stipulations set forth herein.

PROPOSER COMPANY NAME: Blackwater ^{Construction} Services LLC

SIGNATURE:

LEGIBLY PRINT NAME: Derek Dykes

DATE: 11/28/2022



City of Gainesville

Department of Financial Services
Procurement Division

ADDENDUM NO. 2

Addendum Publish Date: November 18, 2022
Bid Questions Due Date: November 15, 2022, 3:00pm EST
Bid Due Date: ~~November 22, 2022, 3:00pm EST~~ November 28, 2022, 2:00pm EST
Bid Name: FOREST PARK IMPROVEMENTS
Bid Number: WSPP-230023-GD

NOTE: The original Specifications remain in full force and effect except as revised by the following changes which shall take precedence over anything to the contrary.

1. Please find attached:
 - a. A copy of the Cone of Silence period information (Financial Procedures Manual Section 41-424 Prohibition of lobbying in procurement matters).
2. **DEADLINE FOR SUBMITTALS HAS BEEN EXTENDED**
All bids must be loaded into Demandstar by the date and time listed below.
(Make sure to note the new time, 2:00pm EST)

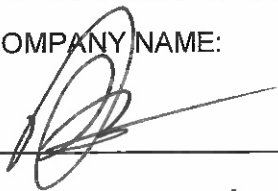
NOVEMBER 28, 2022
2:00PM EST

ACKNOWLEDGMENT: Each Proposer shall acknowledge receipt of this Addendum No. 2 by his or her signature below, **and a copy of this Addendum to be returned with proposal.**

CERTIFICATION BY PROPOSER

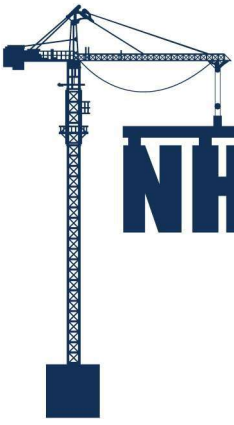
The undersigned acknowledges receipt of this Addendum No. 2 and the Proposal submitted is in accordance with information, instructions, and stipulations set forth herein.

PROPOSER COMPANY NAME: Blackwater Construction Services LLC

SIGNATURE:  _____

LEGIBLY PRINT NAME: Derek Dylus

DATE: 11/28/2022



NHC

NIELSON, WOJTOWICZ, NEU & ASSOCIATES
A NIELSON HOOVER GROUP COMPANY



November 28, 2022

City of Gainesville
Procurement Department

RE: Blackwater Construction Services, LLC
Forest Lake Improvements,

To Whom It May Concern:

This is to advise you that our office provides bid, performance, and payment bonds for Blackwater Construction Services, LLC. The name of their surety is Philadelphia Indemnity Insurance Company which carries an A.M. Best Rating of A++ XV, and it is listed in the Department of Treasury's Federal Register at \$ 304,546,000.

Based upon normal and standard underwriting criteria at the time of the request, Philadelphia Indemnity Insurance Company should be in a position to provide Blackwater Construction Services, LLC bonds for a single projects in the amount of \$12,000,000.00 and an aggregate in excess of \$24,000,000. We reserve the right to review final contractual documents, bond forms, and obtain satisfactory evidence of funding prior to final commitment to issue bonds, and we cannot assume liability to any third party, including you, if we do not execute said bonds.

Blackwater Construction Services, LLC is an excellent contractor and we hold them in highest regard. We feel extremely confident in our contractor and encourage you to offer them an opportunity to execute any upcoming projects.

If you should have any questions, please do not hesitate to give me a call.

Sincerely,

Jessica Reno
License Agent and Surety Specialist

2022 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L17000188326

Entity Name: BLACKWATER CONSTRUCTION SERVICES, LLC

Current Principal Place of Business:

3715 NW 97TH BLVD
SUITE B
GAINESVILLE, FL 32606

Current Mailing Address:

3715 NW 97TH BLVD
SUITE B
GAINESVILLE, FL 32606 US

FEI Number: 82-2712584

Certificate of Status Desired: Yes

Name and Address of Current Registered Agent:

DYKES, DEREK
2307 SE 14TH STREET
OCALA, FL 34471 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: _____

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title	PRESIDENT	Title	VP
Name	DYKES, DEREK STEVEN	Name	DYKES, HANNAH RACHEL
Address	2307 SE 14TH STREET	Address	2307 SE 14TH STREET
City-State-Zip:	OCALA FL 34471	City-State-Zip:	OCALA FL 34471

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: DEREK DYKES

PRESIDENT

01/10/2022

Electronic Signature of Signing Authorized Person(s) Detail

Date



Ron DeSantis, Governor

Melanie S. Griffin, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE BUILDING CONTRACTOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

DYKES, DEREK STEVEN

BLACKWATER CONSTRUCTION SERVICES, LLC
3715 NW 97TH BLVD., STE. B
GAINESVILLE FL 32606

LICENSE NUMBER: CBC1262173

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.