

1 **BILL NO. S-22-03-16**

2 **SPECIAL ORDINANCE NO. S-44-22**

3  
4 **AN ORDINANCE** approving the awarding of ITB #8115675 -  
5 SERVICE AGREEMENT – 2022 COMMUNITY CENTER  
6 ROOF IMPROVEMENTS PHASE II - (\$322,200.00)  
7 between DAHM BROTHERS, INC. and the City of Fort  
8 Wayne, Indiana, by and through its Board of Park  
9 Commissioners.

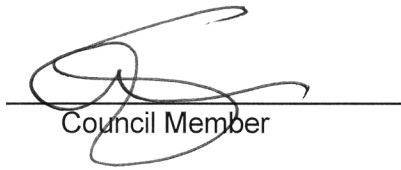
10 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE**  
11 **CITY OF FORT WAYNE, INDIANA;**

12 **SECTION 1.** That ITB #8115675 - SERVICE AGREEMENT – 2022 COMMUNITY  
13 CENTER ROOF IMPROVEMENTS PHASE II - (\$322,200.00) between DAHM  
14 BROTHERS, INC. and the City of Fort Wayne, Indiana, by and through its Board of Park  
15 Commissioners, is hereby ratified, and affirmed and approved in all respects, respectfully  
16 for:

17 All labor, insurance, material, equipment, tools, power, transportation,  
18 miscellaneous equipment, etc., necessary for to the removal of the existing  
19 roof system, and replace with a new fully adhered 2-ply modified bitumen  
20 roof system. The contractor will be responsible for the raising and  
21 lowering of the RTU curbs where necessary as well as the installation of  
22 new metal copings. Areas included in this project are; the office area, the  
23 front, west and rear entrances and the multipurpose room;

24 involving a total cost of THREE HUNDRED TWENTY-TWO THOUSAND TWO HUNDRED  
25 AND 00/100 DOLLARS – (\$322,200.00) all as more particularly set forth in said ITB  
26 #8115675 - SERVICE AGREEMENT – 2022 COMMUNITY CENTER ROOF  
27 IMPROVEMENTS PHASE II which is on file in the Office of the City Clerk, and is by  
28 reference incorporated herein, made a part hereof, and is hereby in all things ratified,  
29 confirmed and approved.  
30

1                                   **SECTION 2.** That this Ordinance shall be in full force and effect from and  
2 after its passage and any and all necessary approval by the Mayor.

3  
4                                     
5                                   \_\_\_\_\_  
6                                   Council Member

7                                   APPROVED AS TO FORM AND LEGALITY

8                                     
9                                   \_\_\_\_\_  
10                                  Carol Helton, City Attorney

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

# **Bid/Quote Tabulation**

**Project Name: Community Center Roof Improvements Phase II**

**Project No.: 2022024**

**QestCDN.#: 8115675**

**Bids Due: 02/24/2022**

| <b>CONTRACTOR:</b>                   | <b>CentiMark</b> | <b>Dahm Brothers</b> | <b>Fort Wayne Roofing,<br/>Tecta America</b> |
|--------------------------------------|------------------|----------------------|--|
| <b>Base Bid</b>                      | \$289,000.00     | \$268,500.00         | \$276,600.00                                 |
| <b>Alternate 1 (Roof area 6)</b>     | \$39,000.00      | \$53,700.00          | \$54,400.00                                  |
| <b>Alternate 2 (Masonry Repairs)</b> | \$70,000.00      | \$53,900.00          | \$72,200.00                                  |

Base Bid + ALT.1+ALT2 total: \$398,000.00 \$376,100.00 \$403,200.00

Base Bid +ALT.1 total: \$328,000.00 \$322,200.00 \$331,000.00



SERVICE AGREEMENT: 2022 Community Center Roof Improvements Phase II  
Project #: 2022024, Quest vBid # 8115675 & Q#:0209

|  |  |
|--|--|
| SUPPLIER NAME<br><b>Dahm Brothers, Inc.</b>              | CITY DEPARTMENT<br><b>Parks and Recreation</b>       |
| STREET ADDRESS<br><b>2009 Lakeview Drive</b>             | STREET ADDRESS<br><b>705 E. State Blvd.</b>          |
| CITY, STATE, ZIP CODE<br><b>Fort Wayne, IN 46808</b>     | CITY, STATE, ZIP CODE<br><b>Fort Wayne, IN 46805</b> |
| ATTENTION/ PHONE<br><b>Thomas J. Dahm (260) 432-4552</b> | ATTENTION<br><b>Troy Bates</b>                       |

| Service Description  | Rates               |
|--|---------------------|
| Improvements to the Downtown Community Center include, tear of existing roof sections to metal decking and install new per drawings and specifications |                     |
| <b>Aggregate Price</b>   | <b>\$322,200.00</b> |

The following is made a part of this Agreement:

**Base Bid**  
**Alternate 1**

This Agreement is entered into between Supplier and the City. The additional terms and conditions on the reverse side hereof are part of this Agreement. Capitalized terms on this page are used as defined terms when the context so requires. The City may extend the Contract at its option, for an equivalent period, by written notice to the Supplier not less than thirty days prior to the expiration date.

**SUPPLIER:**

For Independent Contractors: Will any individuals other than yourself perform work on this project? Yes  No   
 o If yes, see reverse side for Worker's Comp. requirement.

By (Signature): *Thomas J. Dahm / Pres.*

Printed Name: **Thomas J. Dahm / Pres.**

Date: **3/7/2022**

**BOARD OF PARK COMMISSIONERS:**

By (Signature):

Printed Name:

Date:



2022 Community Center Roof Improvements Phase II  
Project #: 2022024, Quest vBid # 8115675 & Q#:0209

## E.B.E. RIDER

THIS AGREEMENT made and entered into by and between the CITY OF FORT WAYNE, hereinafter referred to as OWNER and Dahm Brothers, Inc., hereinafter referred to as CONTRACTOR,

### WITNESSETH:

WHEREAS, the CONTRACTOR is the apparent low bidder on construction project commonly referred to as the 2022 Community Center Roof Improvements Phase II, which project was bid under QuestCDN Number QuestCDN# 8115675.

WHEREAS, CONTRACTOR agrees that the goal for qualified Emerging Business Enterprises, hereinafter sometimes referred to as E.B.E.'s as subcontractors on this project is 10% of the contract amount; and

WHEREAS, OWNER has, pursuant to Executive Order 90-01 (as amended 05-08-06), adopted a goal of at least 10% of the contract amount to Emerging Business Enterprises as defined under said Executive Order (as amended 05-08-06); and

WHEREAS, said Executive Order (as amended 05-08-06) states:

"Section 2, Paragraph C. Each contractor shall be required to make a good faith effort to subcontract 10% of the contract amount to Emerging Business Enterprises on each construction contract he/she is awarded. In the event a contractor is unable to subcontract 10% of the contract amount or secure services of an Emerging Business Enterprise, he/she will be required to submit a completed Request for Waiver form on which he/she will provide a written description of the efforts taken to comply with the participation goals."

NOW, THEREFORE, in consideration of the foregoing and of the mutual agreements hereinafter contained, the sufficiency of which consideration is hereby acknowledged, the parties hereto agree as follows:

1. Conditional Award - Subject to approval by the Common Council of the City of Fort Wayne as stipulated in the construction contract to which this Rider is attached, OWNER awards the construction contract to the CONTRACTOR.
2. E.B.E. Retainage requirements - If the contractor is in compliance with the provisions of the construction contract to which this Rider is attached, the Owner will make payments for such work performed and completed. However, in any such case, the Owner will retain five percent (5%) of the total amount owing to insure compliance with this E.B.E. Rider. Upon final inspection and acceptance of the work, and determination by the Fort Wayne Board of Public Works that the contractor has made a good faith effort to subcontract 10% of the contract amount to emerging business enterprises, the contractor will be paid in full.

In the event there is a determination that good faith compliance with this E.B.E. Rider has not occurred, appropriate reduction in the final payment pursuant to paragraph 6 of this E.B.E. Rider will be made.

If the contract is in excess of \$100,000, the contract will be subject to the standard Board of Public Works escrow agreement. However, payments to the CONTRACTOR are not to exceed 95% of the total contract amount until the OWNER has verified that the CONTRACTOR has made good faith efforts to attain the E.B.E. goal stipulated in this E.B.E. Rider. Payment of the final 5% of the total contract amount will be dependent upon

good faith efforts to comply with this E.B.E. Rider, and subject to reduction in the event of non-compliance as provided in paragraph 6 of this E.B.E. Rider.

3. Request for Waiver - If, at the time final payment application is made, contractor has not attained the ten 10% E.B.E. goal, contractor shall file with the final payment application a "Request for Waiver." Said Request for Waiver shall contain a written description of the efforts taken by Contractor to attain the 10% E.B.E. goal.
4. Determination of Waiver Requests - The Contract Compliance Department of the City of Fort Wayne shall examine all Requests for Waiver to determine if Contractor's efforts constitute good faith efforts to attain such goal and shall submit recommendations concerning said requests for Waiver for the final determination of the Board of Public Works of the City of Fort Wayne.
5. Good Faith Per Se. - In any case, a Contractor shall be deemed to have made good faith efforts at compliance where E.B.E.'s have subcontracted for every sub-contract for which there are qualified E.B.E.'s available.
6. Consequence of noncompliance - In the event the Board of Public Works approves a recommendation that contractor failed to make good faith efforts at compliance, the contract shall be reduced by the amount calculated as the difference between 10% and the percentage level met. Said amount shall be added to the City of Fort Wayne E.B.E. Bond Guarantee Fund and contractor agrees to accept the reduced amount as full payment under the terms of his/her contract.
7. Waiver approved - In the event the Board of Public Works determines that a good faith effort to comply with this E.B.E. Rider has been made, the contract shall not be reduced, and the balance owing to the contractor shall be paid in full.

IN WITNESS WHEREOF,

The parties have executed the E.B.E. Rider this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CONTRACTOR

BY: Thomas J. Dahm Company Dahm Bros., Inc.

Name Printed Thomas J. Dahm

ATTEST:

\_\_\_\_\_  
Steve McDaniel, Director  
Fort Wayne Parks and Recreation

**CITY OF FORT WAYNE, INDIANA**

Dahm Brothers, Inc.  
**(Vendor Name)**

**VENDOR DISCLOSURE STATEMENT RELATING TO:**

- 1. FINANCIAL INTERESTS;**
- 2. POTENTIAL CONFLICTS OF INTEREST;**
- 3. CURRENT AND PENDING CONTRACTS OR PROCUREMENTS**

Vendors desiring to enter into certain contracts with the City of Fort Wayne, Indiana (the "City") shall disclose their financial interests, potential conflicts of interest and current and pending contract or procurement information as set forth below.

The following disclosures by Vendors are required for all contracts with annual payments by the City in the amount of \$50,000 or more. Vendors shall disclose their financial interests, potential conflicts of interest and other contract and procurement information identified in Sections 1, 2 and 3 below as a prerequisite for consideration for a contract awarded by the City. This Disclosure Statement must be completed and submitted together with the Vendor's contract, bid, proposal or offer.

A publicly traded entity may submit its current 10K disclosure filing in satisfaction of the disclosure requirements set forth in Sections 1 and 2 below.

**Section 1: Disclosure of Financial Interest in Vendor**

a. If any individuals have either of the following financial interests in Vendor (or its parent), please check all that apply and provide their names and addresses (attach additional pages as necessary):

- (i) Equity ownership exceeding 5%
- (ii) Distributable income share exceeding 5%
- (iii) Not Applicable (If N/A, go to Section 2)

|  |  |
|--|--|
| Name: <u>Thomas J. Dahm</u>                                | Name: <u>Kelly M. Dahm</u>                                     |
| Address: <u>704 Rollingwood Lane, Fort Wayne, IN 46845</u> | Address: <u>704 Rolling wood Lane<br/>Fort Wayne, IN 46845</u> |

b. For each individual listed in Section 1a. show his/her type of equity ownership:

|   |   |
|---|---|
| sole proprietorship <input type="checkbox"/>  | stock <input checked="" type="checkbox"/> |
| partnership interest <input type="checkbox"/> | units (LLC) <input type="checkbox"/>      |
| other (explain) _____                         |   |

c. For each individual listed in Section 1a. show the percentage of ownership interest in Vendor (or its parent): ownership interest:

|                             |           |   |
|-----------------------------|-----------|---|
| Name: <u>Thomas J. Dahm</u> | <u>61</u> | % |
| Name: <u>Kelly M. Dahm</u>  | <u>39</u> | % |

**Section 2: Disclosure of Potential Conflicts of Interest (not applicable for vendors who file a 10K)**

For each individual listed in Section 1a. check "Yes" or "No" to indicate which, if any, of the following potential conflict of interest relationships apply. If "Yes", please describe using space under applicable subsection (attach additional pages as necessary):

- a. City employment, currently or in the previous 3 years, including contractual employment for services:  
Yes \_\_\_\_\_ No X

---

---

- b. City employment of "Member of Immediate Family" (defined herein as: *Spouse, Child, Step Child, Parent or Step Parent, Father-in-law or Mother-in-law, Brother or Sister, Step Brother or Step Sister, Half Brother or Half Sister, Brother-in-law or Sister-in-law, Son-in-law or Daughter-in-law, Grandparent or Step Grandparent, Grandparent or Step Grandparent of Spouse, Grandchild*)  
Including contractual employment for services in the previous 3 years:  
Yes \_\_\_\_\_ No X

---

---

- c. Relationship to Member of Immediate Family holding elective City office currently or in the previous 3 years: Yes \_\_\_\_\_ No X

---

---

**Section 3: DISCLOSURE OF OTHER CONTRACT AND PROCUREMENT RELATED INFORMATION**

- a. Does Vendor have current contracts (including leases) with the City? Yes \_\_\_\_\_ No X

If "Yes", identify each current contract with descriptive information including purchase order or contract reference number, contract date and City contact below (attach additional pages as necessary).

---

---

---

- b. Does Vendor have pending contracts (including leases), bids, proposals, or other pending procurement relationship with the City? Yes \_\_\_\_\_ No X

If "Yes", identify each pending matter with descriptive information including bid or project number, contract date and City contact using space below (attach additional pages as necessary).

---

---

---

- c. Does vendor have any existing employees that are also employed by the City of Fort Wayne?

Yes \_\_\_\_\_ No X

If "Yes", provide the employee's name, current position held at vendor, and employment payment terms (hourly, salaried, commissioned, etc.).

Name / Position / Payment Terms:

\_\_\_\_\_

Name / Position / Payment Terms:

\_\_\_\_\_

Name / Position / Payment Terms:

\_\_\_\_\_

- d. Does vendor's representative, agent, broker, dealer or distributor (if applicable) have any existing employees that are also employed by the City of Fort Wayne? For each instance, please provide the name of the representative, agent, broker, dealer or distributor; the name of the City employee, and the payment terms (hourly, salaried, commissioned, etc.).

Company / Name / Payment Terms: N/A

Company / Name / Payment Terms: \_\_\_\_\_

**Section 4: CERTIFICATION OF DISCLOSURES**

**In connection with the disclosures contained in Sections 1, 2 and 3 Vendor hereby certifies that, except as described in attached Schedule A:**

- a. Vendor (or its parent) has not, within the five (5) year period preceding the date of this Disclosure Statement, been debarred, suspended, proposed for debarment declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
- b. No officer or director of Vendor (or its parent) or individual listed in Section 1a. is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offense;
- c. Vendor (or its parent) has not, within the five (5) year period preceding the date of this Disclosure Statement, had one or more public transactions (federal, state or local) terminated for cause or default;
- d. No officer or director of Vendor (or its parent) or individual listed in Section 1a. has, within the five (5) year period preceding the date of this Disclosure Statement, been convicted, adjudged guilty, or found liable in any criminal or civil action instituted by the City, the federal or state government or any other unit of local government; and
- e. Neither Vendor, nor its parent, nor any affiliated entity of Vendor, or any of their respective officers, directors, or individuals listed in Section 1a. is barred from contracting with any unit of any federal, state or local government as a result of engaging in or being convicted of: (i) bid-rigging; (ii) bid-rotating; or (iii) any similar federal or state offense that contains the same elements as the offense of bid-rigging or bid-rotating
- f. Pursuant to IC 5-22-16.5, Vendor hereby certifies they do NOT provide \$20 million dollars or more in goods or services to the energy sector of Iran. Vendor also certifies it is not a financial institution that extends \$20 million dollars or more in credit that will provide goods or services to the energy sector of Iran or extends \$20 million dollars or more in credit to a person identified on the list as a person engaging in investment activities in Iran.



# COUNCIL DIGEST SHEET

Enclosed with this introduction form is a tab sheet and related material from the vendor(s) who submitted bid(s). Purchasing Department is providing this information to Council as an overview of this award.

## RFPs & BIDS

|                               |   |
|-------------------------------|---|
| Quest vBid #                  | 8115675   |
| Awarded To                    | Dahm Brothers   |
| Amount                        | \$322,200.00  |
| Conflict of interest on file? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Number of Registrants         | 3   |
| Number of Bidders             | 3   |
| Required Attachments          | ITB – attached; Bids – attach Tab Sheet                             |

## EXTENSIONS

|                              |   |
|------------------------------|---|
| Date Last Bid Out            | 0 |
| # Extensions Granted To Date | 0 |

## SPECIAL PROCUREMENT

|  |     |
|--|-----|
| Contract #/ID<br><i>(State, Federal, Piggyback--Authority)</i> | n/a |
| Sole Source/<br>Compatibility Justification                    |     |

## BID CRITERIA *(Take Buy Indiana requirements into consideration.)*

|                                     |   |
|-------------------------------------|---|
| Most Responsible, Responsive Lowest | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If no, explain below</i> |
| If not lowest, explain              |   |

# COUNCIL DIGEST SHEET

## COST COMPARISON

|  |     |
|--|-----|
| <i>Increase/decrease amount from prior years For annual purchase (if available).</i> | n/a |
|--|-----|

## DESCRIPTION OF PROJECT / NEED

|  |   |
|--|---|
| <i>Identify need for project &amp; describe project; attach supporting documents as necessary.</i> | Work includes but is not limited to the removal of the existing roof system, and replace with a new fully adhered 2-ply modified bitumen roof system. The contractor will be responsible for the raising and lowering of the RTU curbs where necessary as well as the installation of new metal copings. Areas included in this project are; the office area, the front, west and rear entrances and the multipurpose room. |
|--|---|

## REQUEST FOR PRIOR APPROVAL

|  |  |
|--|--|
| <i>Provide justification if prior approval is being requested.</i> |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

## FUNDING SOURCE

|                             |  |
|-----------------------------|--|
| <i>Account Information.</i> | Funding source comes out of the Parks Cumulative Capital Funds. This project number is 2022024 |
|                             |  |
|                             |  |
|                             |  |
|                             |  |
|                             |  |

# MEMORANDUM

**To:** City Council Members, City of Fort Wayne  
**From:** Mike Gore  
**CC:** File  
**Subject:** Council Approval for Parks Department Community Center Roof Improvements  
Phase II  
**Date:** March 10, 2022

Work includes but is not limited to the removal of the existing roof system, and replace with a new fully adhered 2-ply modified bitumen roof system. The contractor will be responsible for the raising and lowering of the RTU curbs where necessary as well as the installation of new metal copings. Areas included in this project are; the office area, the front, west and rear entrances and the multipurpose room

Funding Source: Parks Cumulative Capital Funds

We respectfully request your approval of this contract so that we may proceed with the work. If you have any questions, please feel free to contact me at 427-6406 or Steve Schuhmacher at 427-6401. I will also be available at the Council meeting to answer any questions you may have.

Thank you in advance.

Mike Gore

**BILL NO. S-22-03-16**

**REPORT OF COMMITTEE ON FINANCE**

**April 12, 2022**

**Sharon Tucker Chair**

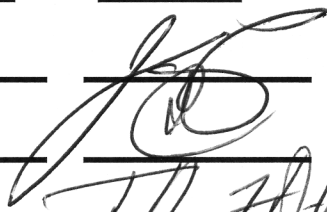
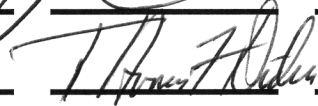

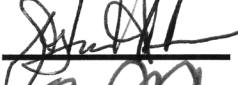

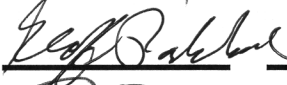

**Russ Jehl Co-Chair**

**All Council Members**

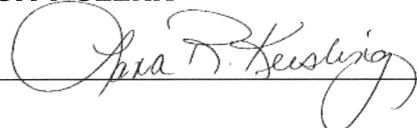
An Ordinance approving the awarding of ITB #8115675 - Service Agreement – 2022 Community Center Roof Improvements Phase II - between Dahm Brothers, Inc. and the City of Fort Wayne, Indiana, by and through its Board of Park Commissioners

*Involving a total cost of \$322,200.00*

**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

| <u>COUNCIL MEMBER</u> | <u>DO PASS</u>  | <u>DO NOT PASS</u> | <u>ABSTAIN</u> |
|-----------------------|---|--------------------|----------------|
| ARP                   |  |                    |                |
| CHAMBERS              |   |                    |                |
| DIDIER                |  |                    |                |
| ENSLEY                |   |                    |                |
| FREISTROFFER          |  |                    |                |
| HINES                 |  |                    |                |
| JEHL                  |  |                    |                |
| PADDOCK               |  |                    |                |
| TUCKER                |  |                    |                |

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilperson Tucker.

Read the second time by title and referred to the Finance Committee.

Read the third time in full and on motion by Councilperson Tucker, placed on passage by the following vote:

| <u>TOTAL VOTES</u> | <u>AYES</u>                         | <u>NAYS</u>              | <u>ABSTAINED</u>         | <u>ABSENT</u>                       |
|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| ARP                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| CHAMBERS           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| DIDIER             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| ENSLEY             | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| FREISTROFFER       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| HINES              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| JEHL               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| PADDOCK            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| TUCKER             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

DATED: April 12, 2022

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Special Ordinance No. S-22-03-16 on the 12th day of April, 2022

ATTEST:

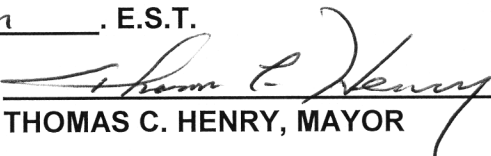
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th of April 2022, at the hour of 9:05 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13<sup>th</sup> day of APRIL 2022, at the hour of 11:30 o'clock Am E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR

