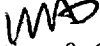




**Parks, Recreation and Cultural Services Department**  
**Memorandum #09-18**

**DATE:** October 22, 2009

**TO:** Honorable Mayor Kathleen M. Novak and City Council Members

**FROM:** William Simmons, City Manager   
Amanda J. Peterson, Parks, Recreation & Cultural Services Director   
David Willett, Public Works Director 

**SUBJECT:** City Wide Fence Follow Up

**RECOMMENDATION:** Attached is a resolution which, if approved, would authorize the Mayor to execute a contract between the City of Northglenn and Earth Green Soil Amenities, Inc. in the amount of \$49,994.88, and authorize the City Manager to approve minor changes in the scope of work and execute relevant change orders up to the contingency amount of \$14,698.73. Staff recommends approval of the proposed resolution.

**BACKGROUND:** This item was brought forward to Council at the October 8, 2009 City Council meeting. Motion for approval was withdrawn due to concerns regarding the name of the company providing the bid, as compared to the statement of the name on the proposed contract. The bid was submitted as "Earth Green Soil Amenities, dba Fence Products International." A contract has been submitted for approval under only the name "Earth Green Soil Amenities." The bid should have been submitted only as "Earth Green Soil Amenities." A letter stating such, and confirming that the contract would be fulfilled only by Earth Green Soil Amenities, is attached. This letter has been reviewed by the City Attorney, and provides the required documentation for the City of Northglenn's bid procedures.

In addition, Council requested that two additional segments of arterial fence be included within the scope of this project. The abovementioned contingency shows an increase of \$9,698.73, as compared to the contingency that was presented on October 8. This amount allows for the inclusion of the fence on 120<sup>th</sup> Avenue between Sylvia and Claude Court, as well as the fence on Huron Street between 116<sup>th</sup> Avenue and 118<sup>th</sup> Avenue.

**STAFF REFERENCE:** Please contact Amanda Peterson at [apeterson@northglenn.org](mailto:apeterson@northglenn.org) or by phone at 303.450.8950 or Amy Ward at [award@northglenn.org](mailto:award@northglenn.org) or by phone at 303.450.8837 for any further questions.



Earth Green  
Soil Amenities  
Incorporated  
187 SE 12<sup>th</sup> St.  
Loveland, Co 80537  
Phone: 970-667-2259  
Fax: 970-669-1004



City of Northglenn  
11701 Community Center Dr  
Northglenn, Co 80233

10/14/09

Subject: 2009 Citywide Fence Maintenance

Att: Amy Ward

As you have requested, the following statement is true and fact:

In regards to the bid for the fence maintenance, please remove the dba (Fence Products International) from all documents. For this project, Earth Green Soil Amenities is solely the company for which the contract should be made, and is ready and able to complete the work in accordance with its bid.


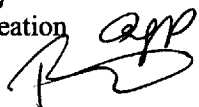
Respectfully signed,

A handwritten signature in black ink, appearing to read "Paul Hein", is written over a horizontal line.

Paul Hein, President

E-mail:  
[earthgreenoffice@yahoo.com](mailto:earthgreenoffice@yahoo.com)  
Website: [www.fpi.biz](http://www.fpi.biz)

**PUBLIC WORKS DEPARTMENT  
MEMORANDUM #09-45**

**DATE:** October 8, 2009  
**TO:** Honorable Mayor Kathleen M. Novak and City Council Members  
**FROM:** William A. Simmons, City Manager   
Amanda Peterson, Director of Parks and Recreation   
David Willett, P.E., Director of Public Works  
**SUBJECT:** CR-09-114 2009 Citywide Fence Maintenance

**RECOMMENDATION:**

Attached to this memorandum is a Council Resolution which, if approved would authorize the Mayor to execute a contract between the City of Northglenn and Earth Green Soil Amenities, Inc. dba Fence Products International for the 2009 Citywide Fence Maintenance Project in the amount of \$49,994.88 and authorize the City Manager to approve minor changes in the scope of work and execute relevant change orders up to the contingency amount of \$5,000.00. Staff recommends approval of the proposed resolution.

**BACKGROUND:**

The City of Northglenn's (City) existing arterial fence along 104<sup>th</sup> Avenue and Washington Street was installed and has remained untreated since its phased installation between the years 1997 and 2007. The City Staff, with the input from City Council and concerned residents, identified the need to treat the existing arterial fence. In order to continue efforts to improve and maintain the City's infrastructure, the project includes cleaning, staining and sealing of the cedar fence. The proposed treatment includes pressure washing the fence and then the application of two coats of an oil based stain and one coat of wood preservative/sealant. This proposed treatment will potentially remove and/or mask existing stains and create an aesthetically pleasing and consistent appearance to the City's arterial fence, as well as provide some level of protection against the elements. It is anticipated that this coating project will last for approximately 3 to 5 years, at which time the fence will need to be recoated.

On September 17, 2009, the City accepted eight (8) formal bids. The low bid contractor is Earth Green Soil Amenities, Inc. with a bid of \$49,994.88. City staff has contacted the submitted references and determined the Contractor's past performance meets the City's standards. Results of the reference checks are on file at City Hall. Copies of the standard construction agreement and bid tabulation are attached.

**BUDGET/TIME IMPLICATIONS:**

The cost of Citywide Fence Maintenance as proposed is \$49,994.88 with a 10% contingency in the amount of \$5000.00 for a total project cost of \$54,994.88. Adequate funding for this project was appropriated in the Conservation Trust Fund 2009 budget in the amount of \$150,000.00 (Account No. 210.69237.000.3999.540).

**STAFF REFERENCE:**

Amanda Peterson, Director of Parks and Recreation  
David H. Willett, P.E., Director of Public Works  
Amy L. Ward, P.E., Civil Engineer II

[apeterson@northglenn.org](mailto:apeterson@northglenn.org) or 303.450.8950  
[dwillett@northglenn.org](mailto:dwillett@northglenn.org) or 303.450.8783  
[award@northglenn.org](mailto:award@northglenn.org) or 303.450.8837

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-114  
Series of 2009

\_\_\_\_\_  
Series of 2009

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NORTHGLENN AND EARTH GREEN SOIL AMENITIES, INC. FOR THE 2009 CITYWIDE FENCE MAINTENANCE PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Agreement between the City of Northglenn and Earth Green Soil Amenities, Inc., attached hereto, in the amount of \$49,994.88 with a ten percent (10%) contingency of \$5,000.00 for a total amount not to exceed \$54,994.88 for the 2009 Citywide Fence Maintenance Project is hereby approved and the Mayor is authorized to execute same on behalf of the City of Northglenn.

DATED at Northglenn, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
KATHLEEN M. NOVAK  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

## AGREEMENT

**PROJECT NAME: 2009 Citywide Fence Maintenance**

**PROJECT NUMBER: 2009 IFB-27**

**PROJECT MANAGER: Amy Ward**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the City of Northglenn, hereinafter called "CITY", and Earth Green Soil Amenities Inc., hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete the project named:

**"2009 Citywide Fence Maintenance 2009 IFB-27"**

2. The CONTRACTOR will furnish all of the materials, supplies, tools, equipment, labor supervision, and other services necessary for the completion of the PROJECT described herein.

3. The CONTRACTOR will provide performance and payment bonds and a certificate of insurance naming the City as an additional insured for purposes of said project within 10 days after the date of the NOTICE OF AWARD.

4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of \$49,994.88, or as shown in the BID schedule. The CONTRACTOR will commence the work within 7 calendar days after the date of NOTICE TO PROCEED. The CONTRACTOR will complete the work within 30 working days after the date of NOTICE TO PROCEED unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.

5. The term "CONTRACT DOCUMENTS" means and includes all items as set forth in Section 1.01 of the General Conditions.

6. The CITY will pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions such amounts as required by the CONTRACT DOCUMENTS.

7. This AGREEMENT shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in TWO copies, each of which shall be deemed an original on the date first above written.

**CITY:**

City of Northglenn  
By \_\_\_\_\_  
Name Kathleen M. Novak Date \_\_\_\_\_  
Title Mayor

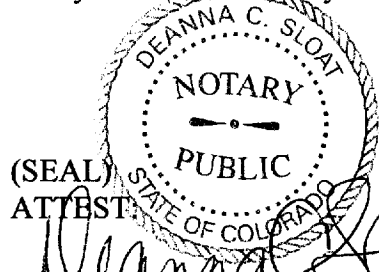
**ATTEST:**

\_\_\_\_\_  
Name Johanna Small, CMC Date \_\_\_\_\_  
Title City Clerk

(SEAL)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Corey Y. Hoffmann, City Attorney Date \_\_\_\_\_



(SEAL)  
ATTEST

Deanna C. Sloat  
Name (Please Print or Type) Deanna C. Sloat Date 9/23/09  
Title Notary - Senior Loan Assistant

**My Commission Expires 12/29/2011**

**CONTRACTOR:**

By \_\_\_\_\_  
Name Paul Hein Date 9-23-09  
(Please Type or Print)

Title President  
Address 187 SE 17th St  
Lowland, Co. 80537

**CITY's CONTRACT #** \_\_\_\_\_

Amy Ward  
Print Name of City's Project Manager



**CITY OF NORTHGLENN  
FORMAL BID SUMMARY**

**BID NUMBER RFP 2009-27**

**PAGE 1 OF 2**

**BID NAME: 2009 Citywide Fence Maintenance**

**DEPARTMENT: Comm Development**

	Hcc Surety Group/Split Rail Fence	Price cutters Painting, Inc.	Fence Products International	Highlands Ranch Painting, Inc.	Landmark Landscapes LLC
<b>DATE DUE 9/17/09</b>	<b>BID RECEIVED:</b> DATE: 9/16/09 TIME: 11:02am	<b>BID RECEIVED:</b> DATE: 9/16/09 TIME: 1:06pm	<b>BID RECEIVED:</b> DATE: 9/16/09 TIME: 1:56pm	<b>BID RECEIVED:</b> DATE: 9/17/09 TIME: 8:31am	<b>BID RECEIVED:</b> DATE: 9/17/09 TIME: 12:47pm
<b>TIME: 2:00 P.M.</b>					
TOTAL	\$139,618.35	\$66,754.40	\$49,994.88	\$58,338.50	\$157,658.00
Illegal Affidavit	No	Yes	Yes	Yes	Yes
Addendum Acknowledged	Yes	Yes	Yes	Yes	Yes

Kathleen Pramula  
Buyer

Crystal Messick  
City Clerk, Deputy

9/17/09  
Date



**CITY OF NORTHGLENN  
FORMAL BID SUMMARY**

**BID NUMBER RFP 2009-27**

**PAGE 2 OF 2**

**BID NAME: 2009 Citywide Fence Maintenance**

**DEPARTMENT: Comm Development**

	Quality painting & Restoration LLC ✓	Pca construction Services, Inc.	NCT Painting LLC ✓		
DATE DUE 9/17/09	BID RECEIVED: DATE: 9/17/09	BID RECEIVED: DATE: 9/17/09	BID RECEIVED: DATE: 9/17/09	BID RECEIVED: DATE:	BID RECEIVED: DATE:
TIME: 2:00 P.M.	TIME: 12:54pm	TIME: 1:32pm	TIME: 1:48pm	TIME:	TIME:
TOTAL	\$89,890.00	\$270,801.00	\$72,163.34		
Illegal Affidavit	Yes	Yes	Yes		
Addendum Acknowledged	Yes	Yes	Yes		

Buyer Kathleen Kozanule

Crystal Messick  
City Clerk, Deputy

Date 9/17/09



### Reference Check

Project: Citywide Fence Maintenance  
Consultant/Contractor: Earth Green Soil Amenities Inc.  
Date: 9/30/09  
Page 1

<b>Project Name:</b>	<b>Contact for Reference:</b>	<b>Contact Phone Number:</b>	<b>Reference:</b>
Dynamic Homes	Travis Tucker	(307) 286-4129	They do an excellent job.
Monument Homes	Dean Thompson	(307) 631-4243	The quality of work is excellent and they meet all the construction deadlines.
Annual Fence Maintenance Program	Matt Rarick	(303) 499-1723	They do a really good job of notifying the City of any issues.