

RESOLUTION NO. 2018-11- 818R

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TONTITOWN TO AWARD A BID FROM AND ENTER INTO AN AGREEMENT WITH BROTHERS CONSTRUCTION, INC FOR THE HIGHWAY 412 BYPASS GRAVITY SEWER EXTENSIONS.**

**WHEREAS**, the City Council of the City of Tontitown has determined that betterments and improvements to the sewer facilities should be made in order that the City and its inhabitants may have adequate and proper sewer facilities;

**WHEREAS**, in furtherance of these betterments and improvements, the City of Tontitown has authorized the undertaking of a project to consist of the installation of gravity sewer extensions;

**WHEREAS**, the Mayor and City Council of the City of Tontitown, in accordance with state law, advertised for bids from contractors interested in performing said construction services and received many qualified candidates;

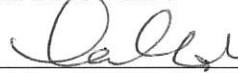
**WHEREAS**, the lowest and best bid was submitted by Brothers Construction, Inc., for \$499,460.00 and the City Council for the City of Tontitown desires that the Mayor award this bid and proceed with an agreement with Brothers Construction, Inc as the City Council finds that they are the best qualified to provide construction services for this project; and

**WHEREAS**, the City engineer, Garver USA, LLC recommends that this bid of Brothers Construction, Inc., be awarded by the City and that the City Council authorizes the Mayor of the City of Tontitown to award this bid and enter into an Agreement for Construction Services.


**NOW, THEREFORE, BE IT RESOLVED**, that in connection with the selection of Brothers Construction, Inc., as the lowest bid and best qualified to provide construction services for the project, the Mayor of Tontitown, Arkansas, on behalf of the City of Tontitown, Arkansas, is authorized to award this bid and enter into an Agreement for Construction Services (the "Agreement") with Brothers Construction, Inc for the Highway 412 Bypass Gravity Sewer Extension.

**PASSED and APPROVED** this 6th day of Nov, 2018.

**APPROVED:**

  
\_\_\_\_\_  
Paul Colvin, Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
Rhonda Ardemagni, City Recorder-Treasurer





2049 E. Joyce Blvd.  
Suite 400  
Fayetteville, AR 72703  
TEL 479.527.9100  
FAX 479.527.9101  
www.GarverUSA.com

October 15, 2018

City of Tontitown  
James Clark, Public Works Director  
235 E. Henri de Tonti Blvd.  
PO Box 305  
Tontitown, AR 72770

Re: City of Tontitown, Arkansas  
Highway 412 Bypass Gravity Sewer Extensions  
Recommendation of Award

Dear Mr. Clark (James):

Bids were opened for the referenced project at the City of Tontitown at 2:00 p.m. on Thursday, October 4, 2018. The bids have been checked for accuracy and for compliance with the contract documents. A detailed tabulation of the bids received and bid documents received by the low bidder (generally including the Bid Form, Bid Bond, and Qualifications) are enclosed with this letter.

A total of eight bids were received on the project. Brothers Construction, Inc. of Van Buren, Arkansas submitted the low bid for the project in the amount of \$499,460. Brothers Construction also plans to open a new office in the City of Tontitown.

We believe that the bid submitted by Brothers Construction represents a good value for the City of Tontitown. We recommend that the construction contract for the Highway 412 Bypass Gravity Sewer Extensions be awarded to Brothers Construction, and we recommend not accepting the deductive alternate (reduction in the bid amount of \$74,892 by eliminating approximately 1,400 feet of gravity sewer, or eastern extension to Liberty Avenue).

Please call me if you have any questions.

Sincerely,

GARVER, LLC

Chris Buntin, P.E.  
Senior Project Manager

Attachments: Bid Tabulation  
Brothers Construction Bid Documents  
L:\2018\18048110 - Hwy 412 Bypass Gravity Sewer Extensions\Bidding\Recommendation of Award\2018-10-15 Clark  
Recommendation of Award.docm





Highway 412 Bypass Gravity Sewer Extension  
City of Tontitown, Arkansas  
Bid Opening - October 4, 2018



Item Number	Description	Unit	Estimated Quantity	Brothers Construction Van Buren, AR		KAJACS Contractors Poplar Bluff, MO		Ground Zero Construction Siloam Springs, AR		Rosetta Construction Springfield, MO		Diamond C Construction Gentry, AR	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	MOBILIZATION	LS	1	\$20,000.00	\$20,000.00	\$	\$25,000.00	\$	\$25,000.00	\$	\$25,000.00	\$	\$25,000.00
2	EROSION CONTROL	LS	1	\$17,500.00	\$17,500.00	\$	\$30,000.00	\$	\$30,000.00	\$	\$15,000.00	\$	\$15,000.00
3	TRENCH EXCAVATION	LS	1	\$5,000.00	\$5,000.00	\$	\$5,000.00	\$	\$5,000.00	\$	\$10,000.00	\$	\$10,000.00
4	TRAFFIC CONTROL	LS	1	\$2,000.00	\$2,000.00	\$	\$2,500.00	\$	\$2,500.00	\$	\$1,000.00	\$	\$1,000.00
5	CONSTRUCTION STAKING	LS	1	\$2,000.00	\$2,000.00	\$	\$17,500.00	\$	\$17,500.00	\$	\$10,000.00	\$	\$10,000.00
6	BONDS AND INSURANCE	LS	1	\$15,000.00	\$15,000.00	\$	\$7,500.00	\$	\$7,500.00	\$	\$10,416.35	\$	\$10,416.35
7	SITE RESTORATION	LS	1	\$2,500.00	\$2,500.00	\$	\$20,000.00	\$	\$20,000.00	\$	\$4,126.79	\$	\$4,126.79
8	MATERIAL AND ACCEPTANCE TESTING	LS	1	\$10,000.00	\$10,000.00	\$	\$5,000.00	\$	\$5,000.00	\$	\$2,500.00	\$	\$2,500.00
9	TEMPORARY FENCING	LS	1	\$1,000.00	\$1,000.00	\$	\$6,500.00	\$	\$6,500.00	\$	\$1,000.00	\$	\$1,000.00
10	12" PVC GRAVITY SEWER LINE AND APPURTENANCES	LF	5540	\$45.00	\$249,300.00	\$	\$37.00	\$	\$204,980.00	\$	\$50.00	\$	\$277,000.00
11	INSTALL NEW 4' DIAMETER MANHOLE (0' TO 6' DEEP)	EA	16	\$3,800.00	\$60,800.00	\$	\$3,500.00	\$	\$56,000.00	\$	\$4,100.00	\$	\$65,600.00
12	INSTALL NEW 4' DIAMETER EXTRA DEPTH (0' TO 6' DEEP)	VF	52	\$200.00	\$10,400.00	\$	\$250.00	\$	\$13,000.00	\$	\$421.27	\$	\$21,906.04
13	INSTALL NEW 5' DIAMETER MANHOLE (0' TO 6' DEEP)	EA	5	\$4,500.00	\$22,500.00	\$	\$4,000.00	\$	\$20,000.00	\$	\$5,200.00	\$	\$26,000.00
14	INSTALL NEW 5' DIAMETER MANHOLE EXTRA DEPTH	VF	18	\$235.00	\$4,230.00	\$	\$350.00	\$	\$6,300.00	\$	\$481.45	\$	\$8,696.10
15	HINGED WATERTIGHT MANHOLE LIDS	EA	4	\$1,300.00	\$5,200.00	\$	\$500.00	\$	\$2,000.00	\$	\$444.61	\$	\$1,778.44
16	DROP INLET AT MANHOLE	EA	1	\$1,500.00	\$1,500.00	\$	\$3,500.00	\$	\$3,500.00	\$	\$1,585.00	\$	\$1,585.00
17	SEWER SERVICE	EA	3	\$550.00	\$1,650.00	\$	\$700.00	\$	\$2,100.00	\$	\$501.00	\$	\$1,503.00
18	SEWER LINE	LF	30	\$20.00	\$600.00	\$	\$12.50	\$	\$375.00	\$	\$26.23	\$	\$786.90
19	TOPSOIL AND SEEDING	LS	1	\$7,500.00	\$7,500.00	\$	\$18,500.00	\$	\$18,500.00	\$	\$22,340.00	\$	\$22,340.00
20	WATER MITIGATION DAMS	EA	15	\$200.00	\$3,000.00	\$	\$500.00	\$	\$7,500.00	\$	\$866.13	\$	\$12,991.95
21	BANK STABILIZATION	SY	200	\$40.00	\$8,000.00	\$	\$65.00	\$	\$13,000.00	\$	\$95.00	\$	\$17,000.00
22	FLOWABLE FILL BEDDING	LF	380	\$21.00	\$7,980.00	\$	\$35.00	\$	\$13,300.00	\$	\$29.56	\$	\$11,232.80
23	TREE REMOVAL 6" - 12" DIAMETER	LS	1	\$2,000.00	\$2,000.00	\$	\$10,000.00	\$	\$10,000.00	\$	\$1,000.00	\$	\$1,000.00
24	TREE REMOVAL GREATER THAN 12" DIAMETER	LS	1	\$2,000.00	\$2,000.00	\$	\$20,000.00	\$	\$20,000.00	\$	\$1,000.00	\$	\$1,000.00
25	WATER	LS	1	\$3,000.00	\$3,000.00	\$	\$495.00	\$	\$495.00	\$	\$1,000.00	\$	\$1,000.00
26	24" STEEL ENCASUREMENT PIPE	LF	40	\$96.00	\$3,840.00	\$	\$130.00	\$	\$5,200.00	\$	\$155.16	\$	\$6,206.40
27	UNDERCUT AND STONE BACKFILL	CY	150	\$20.00	\$3,000.00	\$	\$35.00	\$	\$5,250.00	\$	\$70.00	\$	\$2,800.00
28	ROCK EXCAVATION	CY	300	\$100.00	\$30,000.00	\$	\$15.00	\$	\$4,500.00	\$	\$5.00	\$	\$1,500.00
Total Base Bid				\$	\$499,460.00	\$		\$	\$525,000.00	\$		\$	\$561,354.64
Total Base Bid				\$	\$499,460.00	\$		\$	\$619,430.00	\$		\$	\$625,059.34
Mobilization (5% max)				4.00%		4.76%		2.67%		4.68%		1.05%	
Deductive Alternate				\$	\$74,892.00	\$		\$	\$99,787.00	\$		\$	\$60,670.82
Total Base Bid Less Deductive Alternate				\$	\$424,568.00	\$		\$	\$461,567.64	\$		\$	\$564,388.52



Highway 412 Bypass Gravity Sewer Extension  
City of Tontitown, Arkansas  
Bid Opening - October 4, 2018



Item Number	Description	Unit	Estimated Quantity	Goins Enterprises Joplin, MO		Tri Star Contractors Siloam Springs, AR		Goodwin & Goodwin Fort Smith, AR	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	MOBILIZATION	LS	1	\$	40,000.00	\$	41,812.50	\$	60,000.00
2	EROSION CONTROL	LS	1	\$	28,700.00	\$	25,000.00	\$	35,000.00
3	TRENCH EXCAVATION	LS	1	\$	50,000.00	\$	9,900.00	\$	85,000.00
4	TRAFFIC CONTROL	LS	1	\$	3,500.00	\$	4,500.00	\$	15,000.00
5	CONSTRUCTION STAKING	LS	1	\$	8,000.00	\$	4,500.00	\$	25,000.00
6	BONDS AND INSURANCE	LS	1	\$	12,000.00	\$	16,500.00	\$	85,000.00
7	SITE RESTORATION	LS	1	\$	20,000.00	\$	17,000.00	\$	88,000.00
8	MATERIAL AND ACCEPTANCE TESTING	LS	1	\$	17,000.00	\$	10,200.00	\$	10,000.00
9	TEMPORARY FENCING	LS	1	\$	4,000.00	\$	9,500.00	\$	8,000.00
10	12" PVC GRAVITY SEWER LINE AND APPURTENANCES	LF	5540	\$	75.00	\$	415,500.00	\$	105,000.00
11	INSTALL NEW 4' DIAMETER MANHOLE (0' TO 6' DEEP)	EA	16	\$	4,000.00	\$	3,100.00	\$	4,800.00
12	INSTALL NEW 4' DIAMETER EXTRA DEPTH	VF	52	\$	200.00	\$	675.00	\$	20,800.00
13	INSTALL NEW 5' DIAMETER MANHOLE (0' TO 6' DEEP)	EA	5	\$	5,000.00	\$	4,500.00	\$	34,000.00
14	INSTALL NEW 5' DIAMETER MANHOLE EXTRA DEPTH	VF	18	\$	300.00	\$	875.00	\$	10,800.00
15	HINGED WATERTIGHT MANHOLE LIDS	EA	4	\$	700.00	\$	1,000.00	\$	4,000.00
16	DROP INLET AT MANHOLE	EA	1	\$	3,000.00	\$	3,500.00	\$	3,000.00
17	SEWER SERVICE	EA	3	\$	1,500.00	\$	1,100.00	\$	700.00
18	SERVICE LINE	LF	30	\$	40.00	\$	30.00	\$	1,050.00
19	TOPSIL AND SEEDING	LS	1	\$	16,000.00	\$	12,000.00	\$	50,000.00
20	WATER MITIGATION DAMS	EA	15	\$	2,000.00	\$	5,000.00	\$	12,000.00
21	BANK STABILIZATION	SY	200	\$	22.00	\$	200.00	\$	9,000.00
22	FLOWABLE FILL BEDDING	LF	380	\$	32.00	\$	200.00	\$	20,900.00
23	TREE REMOVAL 6" - 12" DIAMETER	LS	1	\$	5,300.00	\$	7,500.00	\$	800.00
24	TREE REMOVAL GREATER THAN 12" DIAMETER	LS	1	\$	2,600.00	\$	10,000.00	\$	1,500.00
25	WATER	LF	40	\$	178.00	\$	200.00	\$	150.00
26	24" STEEL ENCASUREMENT PIPE	CY	150	\$	45.00	\$	8,250.00	\$	6,000.00
27	UNDERCUT AND STONE BACKFILL	CY	300	\$	175.00	\$	100.00	\$	40.00
28	ROCK EXCAVATION	CY	300	\$	52,500.00	\$	30,000.00	\$	100.00
				\$	853,830.00	\$	965,812.49	\$	1,281,450.00
				4.68%		4.33%		4.68%	
				\$	141,248.00	\$	131,550.00	\$	220,000.00
				\$	712,582.00	\$	834,262.49	\$	1,061,450.00



Digitally Signed 10/05/2018

Seal (if incorporated)

Bidder Name: Brothers Construction, Inc.

Address: P.O. Box 1763

City, State, Zip Code: Van Buren, AR 72957

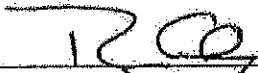
Contractor Number: 479-474-5716

Contact Name: Ryan Falk

Title: Project manager

Contact Number: 479 561-6292

Contact Email: ryan@brothersconstine.com

Signature of Authorized Agent for Bidder: 

Date: 10/4/18



## ARTICLE 1 – BID RECIPIENT

- 1.01 This Bid is submitted to:

*City of Tontitown  
Attn: James Clark  
235 E. Henri de Tonti Blvd.  
Tontitown, AR 72770*

- 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 90 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.
- 2.02 In submitting this Bid, Bidder acknowledges and accepts Contractor's representations as more fully set forth in the Agreement Form.
- 2.03 In submitting this Bid, Bidder certifies Bidder is qualified to do business in the State of Arkansas as required by laws, rules and regulations or, if allowed by statute, covenants to obtain such qualification prior to contract award.

## 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>
<u># 1</u>	<u>9/27/18</u>
<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>

- 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 Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, 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

## ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete within 90 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 120 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. Required Bid security in the form of a certified or bank check, or a Bid Bond, issued by a surety meeting the requirements of the General Conditions.
  - B. List of Project References;
  - C. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such license within the time for acceptance of Bids;
  - D. Contractor's License No. 055440319 or Evidence of Bidder's ability to obtain a State Contractor's License and a covenant by Bidder to obtain said license within the time for acceptance of Bids; and
  - E. Required Bidder Qualifications Statement (Section 00 45 13) with supporting data.

## 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, the General Conditions, and the Supplementary Conditions.

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ARTICLE 9 – BID SUBMITTAL

BIDDER: [Indicate correct name of bidding entity]

Brothers Construction, Inc.

By:

[Signature]

Terry Mooney / President

[Printed name]

Terry Mooney

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

Attest:

[Signature]

Laurie Mooney

[Printed name]

Laurie Mooney

Title:

Pres. Office manager

Submittal Date:

10/4/18

Address for giving notices:

Brothers Construction, Inc.

PO Box 1763

Van Buren, AR 72957

Telephone Number:

479-474-5716

Fax Number:

479-471-9912

Contact Name and e-mail address:

Ryan Jak

ryan@brothersconstinc.com

Bidder's License No.:

0055490319

(where applicable)

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CITY OF TONTITOWN  
HIGHWAY 412 BYPASS GRAVITY SEWER EXTENSIONS  
UNIT PRICE SCHEDULE 1

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	BID AMOUNT
1	MOBILIZATION (NOT TO EXCEED 5%)	LS	1	20,000 <sup>00</sup>	20,000 <sup>00</sup>
2	EROSION CONTROL	LS	1	17,500 <sup>00</sup>	17,500 <sup>00</sup>
3	TRENCH EXCAVATION SAFETY	LS	1	3,000 <sup>00</sup>	3,000 <sup>00</sup>
4	TRAFFIC CONTROL	LS	1	2,000 <sup>00</sup>	2,000 <sup>00</sup>
5	CONSTRUCTION STAKING	LS	1	2,000 <sup>00</sup>	2,000 <sup>00</sup>
6	BONDS AND INSURANCE	LS	1	15,000 <sup>00</sup>	15,000 <sup>00</sup>
7	SITE RESTORATION	LS	1	2,500 <sup>00</sup>	2,500 <sup>00</sup>
8	MATERIAL AND ACCEPTANCE TESTING	LS	1	10,000 <sup>00</sup>	10,000 <sup>00</sup>
9	TEMPORARY FENCING	LS	1	1,000 <sup>00</sup>	1,000 <sup>00</sup>
10	12" PVC GRAVITY SEWER LINE AND APPURTENANCES	LF	5,540	45 <sup>00</sup>	249,300 <sup>00</sup>
11	INSTALL NEW 4 FT. DIAMETER MANHOLE (0' TO 6' DEEP)	EA	16	3,800 <sup>00</sup>	60,800 <sup>00</sup>
12	INSTALL NEW 4 FT. DIAMETER MANHOLE EXTRA DEPTH	VF	52	200 <sup>00</sup>	10,400 <sup>00</sup>
13	INSTALL NEW 6 FT. DIAMETER MANHOLE (0' TO 6' DEEP)	EA	5	4,500 <sup>00</sup>	22,500 <sup>00</sup>
14	INSTALL NEW 6 FT. DIAMETER MANHOLE EXTRA DEPTH	VF	18	235 <sup>00</sup>	4,230 <sup>00</sup>
15	HINGED WATERTIGHT MANHOLE LIDS	EA	4	1,300 <sup>00</sup>	5,200 <sup>00</sup>
16	DROP INLET AT MANHOLE	EA	1	1,500 <sup>00</sup>	1,500 <sup>00</sup>
17	SEWER SERVICE	EA	3	550 <sup>00</sup>	1,650 <sup>00</sup>
18	SERVICE LINE	LF	30	20 <sup>00</sup>	600 <sup>00</sup>
19	TOPSOIL AND SEEDING	LS	1	7,500 <sup>00</sup>	7,500 <sup>00</sup>
20	WATER MITIGATION DAMS	EA	15	200 <sup>00</sup>	3,000 <sup>00</sup>
21	BANK STABILIZATION	SY	200	40 <sup>00</sup>	8,000 <sup>00</sup>
22	FLOWABLE FILL BEDDING	LF	380	21 <sup>00</sup>	7,980 <sup>00</sup>
23	TREE REMOVAL 6"-12" DIAMETER	LS	1	2,000 <sup>00</sup>	2,000 <sup>00</sup>
24	TREE REMOVAL GREATER THAN 12" DIAMETER	LS	1	2,000 <sup>00</sup>	2,000 <sup>00</sup>
25	WATER	LS	1	3,000 <sup>00</sup>	3,000 <sup>00</sup>
26	24" STEEL ENCASEMENT PIPE	LF	40	75 <sup>00</sup>	3,000 <sup>00</sup>
27	UNDERCUT AND STONE BACKFILL	CY	150	20 <sup>00</sup>	3,000 <sup>00</sup>
28	ROCK EXCAVATION	CY	300	100 <sup>00</sup>	30,000 <sup>00</sup>

Total Bid - Schedule 1

499,460

- B. Deductive Alternate: Remove Sewer Line B, Plan Sheets SP110, SP111, and SP112 from the project and Schedule 1 Price.

A.	Schedule 1 Unit Price (from previous page)	Price:	499,460
B.	Total Amount to Deduct to Remove Sewer Line B from Schedule 1:	Amount:	74,892
C.	Adjusted Price (Line A minus Line B)	Amount:	424,568

# AIA<sup>®</sup> Document A310<sup>™</sup> – 2010

## Bid Bond

**CONTRACTOR:**

*(Name, legal status and address)*

Brothers Construction, Inc.  
P. O. Box 1763  
Van Buren, AR 72957

**SURETY:**

*(Name, legal status and principal place of business)*

Granite Re, Inc  
14001 Quailbrook Dr.  
Oklahoma City, OK 73134

**OWNER:**

*(Name, legal status and address)*

City of Tontitown, Arkansas  
P. O. Box 305  
Tontitown, AR 72770

**BOND AMOUNT:** \$Five Percent of Bid Amount----(5%)

**PROJECT:**

*(Name, location or address, and Project number, if any)*

412 Bypass Gravity Sewer Extensions

**ADDITIONS AND DELETIONS:**

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.



Signed and sealed this 4th day of October, 2018

Terry Mooney  
(Witness)

David Holts  
(Witness)

Brothers Construction, Inc.  
(Contractor as Principal) (Seal)

Joel Mooney  
(Title)

Granite Re, Inc  
(Surety) (Seal)

Pamela K. Hays  
(Title) Pamela K. Hays, Attorney-in-Fact



# GRANITE RE, INC.

## GENERAL POWER OF ATTORNEY

### Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of OKLAHOMA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

WILLIAM H. GRIFFIN; CYNTHIA L. TRICKEY; NICK W. PETERS; JAMES R. RAMSAY; PAMELA K. HAYS its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

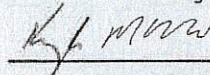
WILLIAM H. GRIFFIN; CYNTHIA L. TRICKEY; NICK W. PETERS; JAMES R. RAMSAY; PAMELA K. HAYS may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary/Treasurer, this 14<sup>th</sup> day of June, 2017.

STATE OF OKLAHOMA )  
 ) SS:  
COUNTY OF OKLAHOMA )



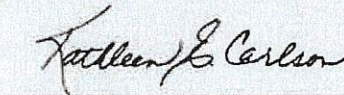
  
Kenneth D. Whittington, President

  
Kyle P. McDonald, Treasurer

On this 14<sup>th</sup> day of June, 2017, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Secretary/Treasurer of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Secretary/Treasurer of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Secretary/Treasurer, respectively, of the Company.

My Commission Expires:  
August 8, 2021  
Commission #: 01013257



  
Notary Public

### GRANITE RE, INC. Certificate

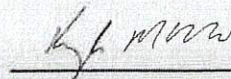
THE UNDERSIGNED, being the duly elected and acting Secretary/Treasurer of Granite Re, Inc., an Oklahoma Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this

4th day of October, 2018



  
Kyle P. McDonald, Secretary/Treasurer



## QUALIFICATIONS STATEMENT

THE INFORMATION SUPPLIED IN THIS DOCUMENT IS CONFIDENTIAL TO THE EXTENT PERMITTED BY LAWS AND REGULATIONS

### 1. SUBMITTED BY:

Official Name of Firm:

Brothers Construction, Inc.

Address:

3918 Binter Trail E

Van Buren, AR 72956

### 2. SUBMITTED TO:

Garver LLC

### 3. SUBMITTED FOR:

Owner:

City of Tontitown

Project Name:

Highway 412 Bypass

Gravity Sewer Extensions

TYPE OF WORK:

Gravity Sewer

### 4. CONTRACTOR'S CONTACT INFORMATION

Contact Person:

Ryan Fark

Title:

Project manager

Phone:

479-561-6292

Email:

ryan@brothersconstinc.com

### 5. AFFILIATED COMPANIES:

Name:

None

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: \_\_\_\_\_

Date of Organization: \_\_\_\_\_

Members: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Arkansas

3/12/98

Terry W. Mooney

N/A

N/A

Todd Mooney



☐ JOINT VENTURE

State 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**

Jurisdiction:

Arkansas Contractors License

Type of License:

municipal + utility construction

License Number:

0055490319

Jurisdiction:

\_\_\_\_\_

Type of License:

\_\_\_\_\_

License Number:

\_\_\_\_\_

Has firm listed in Section 1 ever been fined or suspended by a Contractor's licensing board?

☐ YES ☒ NO

If YES, attach as an Attachment details including where and why.

8. CERTIFICATIONS

CERTIFIED BY:

Disadvantage Business Enterprise:

Minority Business Enterprise:

Woman Owned Enterprise:

Small Business Enterprise:

Other ( ):

9. BONDING INFORMATION

Bonding Company:

Address:

Bonding Agent:

Address:

Contact Name:

Phone:

Aggregate Bonding Capacity:

Available Bonding Capacity as of date of this submittal:

10. FINANCIAL INFORMATION

Financial Institution:

Address:

Account Manager:

Phone:

Credit available:

## 11. CONSTRUCTION EXPERIENCE:

Current Experience:

List on **Schedule A** all uncompleted projects currently under contract (If Joint Venture list each participant's projects separately).

Previous Experience:

List on **Schedule B** all projects completed within the last 5 Years (If Joint Venture list each participant's projects separately).

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. SAFETY PROGRAM:

Name of Contractor's Safety Officer:

Skip Howard

Include the following as attachments:

Provide as an Attachment Contractor's (and Contractor's proposed Subcontractors and Suppliers furnishing or performing Work having a value in excess of 10 percent of the total amount of the Bid) OSHA No. 500- Log & Summary of Occupational Injuries & Illnesses for the past 5 years.

Provide as an Attachment Contractor's (and Contractor's proposed Subcontractors and Suppliers furnishing or performing Work having a value in excess of 10 percent of the total amount of the Bid) list of all OSHA Citations & Notifications of Penalty (monetary or other) received within the last 5 years (indicate disposition as applicable) - IF NONE SO STATE, None

Provide as an Attachment Contractor's (and Contractor's proposed Subcontractors and Suppliers furnishing or performing Work having a value in excess of 10 percent of the total amount of the Bid) list of all safety citations or violations under any state all received within the last 5 years (indicate disposition as applicable) - IF NONE SO STATE, None

Provide the following for the firm listed in Section V (and for each proposed Subcontractor furnishing or performing Work having a value in excess of 10 percent of the total amount of the Bid) the following (attach additional sheets as necessary):



TODD MOONEY

**MUNICIPAL & UTILITY**

TERRY MOONEY

October 4th, 2018

City of Tontitown  
PO Box 305  
235 E. Henri de Tonti Blvd.  
Tontitown, AR 72770

RE: Hwy 412 Bypass Gravity Sewer Extensions

To Whom It May Concern:

Brothers Construction was established in 1994 by two brothers, Terry & Todd Mooney. Approximately 4 years later, in 1998, the business incorporated to become Brothers Construction, Inc. Over the last 24 years Brothers Construction has strived to provide a safe work place, perform quality work, and always put our customers' satisfaction first.

The main focus of our company is municipal & utility construction, as indicated by our work on hand as well as our recently completed projects. We are also equipped to do site prep, subdivisions as well as heavy hauling. Brothers Construction, Inc. has never failed to complete any work and has never defaulted on any contract.

The officers are Terry Mooney, President, with over 30 years of utility experience, overseeing daily operations in the field. Todd Mooney, Secretary, with over 25 years of experience in estimating & project management.

We take pride in our experienced field staff.

Josh Lamance- Job Supervisor- 18 years of experience with Brothers Construction

Nathan Allen- Pipe layer- 19 years of experience with Brothers Construction

Bill Collins- Driver with 16 years of experience

Frankie Slavens- Operator with 35 years of experience

David Black- Operator with 10 years of experience with Brothers Construction

John Harrison- Job Supervisor with 17 years of experience

Chuck Sandlin-Operator with 40 years of experience

Christopher Scrivner- Job Supervisor with 14 years of experience

**P.O. Box 1763 • 3918 E. Pointer Trail • Van Buren, Arkansas 72957  
Phone (479) 474-5716 • Fax (479) 471-9912**



Current work:

Van Buren Municipal Utilities Sanitary Sewer Improvements \$628,503.00  
Hawkins Weir Engineers/Josh Durham 474-1227 (estimated start date 10/2018)

Tyson Heights Phase II Springdale, AR \$368,510.00 water & drainage  
Rausch Coleman Homes LLC 844-472-4663 (estimated start date 10/2018)

Fuller Estates in Fort Smith, AR \$348,298.00 site work, streets & all utilities  
Charles Palmer/owner 918-671-9246 (estimated completion 12/2018)

Preston Park in Bentonville, AR \$3,026,783.00 site work & all utilities  
Buffington Homes/Jim Phelan 479-251-1106 (estimated completion 5/2019)

Heritage Village at Chaffee Crossing Fort Smith, AR \$750,000 site work  
Meadows Construction/Jim Meadows 479-478-6788 (estimated completion 12/2018)

Allen's Mill at Cave Springs, AR \$3,086,698.00 site work & all utilities  
Buffington Homes/Jim Phelan 479-251-1106 (estimated completion 11/2018)

Grand Retirement in Fayetteville, AR \$3,397,517 site work & all utilities  
Rick Mooney Construction (GC) 479-929-5577 (estimated completion 12/2018)

Farmington Heights (subdivision) Farmington, AR \$3,200,000 site work & all utilities  
Civil Design Engineers, Inc. Ferdinand Fourie 479-381-1066  
Indian Territory LLC- Charles Palmer/owner (estimated completion 11/2018)

Red Barn in Bentonville, AR \$538,214 water & sewer  
Crossland Construction- Tom Keller 479-464-7077 (estimated completion 10/2018)

Completed Projects

Pinnacle Foods Fayetteville, AR \$369,526.00 waterline installation  
ARCO Excavation, Derek Espolt, 479-451-8000  
ESI PO Box 282 Springdale, AR 72765 (Completed 9/2018)

City of Bentonville- 8<sup>th</sup> Street Water & Sewer Relocate \$1,679,167.00  
USI Consulting Engineers 479-872-7114 (Completed 7/2018)

Guyll Ridge & Dixieland Rd Waterline Replacement \$578,537.00  
Benton County Water District Avoca, AR  
Plymouth Engineering, David Gilbert P.E. 479-595-5934 (Completed 6/3/18)

City of Gravette Sanitary Sewer Improvements \$634,075.00  
Morrison Shipley 479-273-2209 (Completed 1/2018)

The Mansions at Mill Creek Springdale, AR- Water & Sewer \$374,148.00  
ARCO Excavation 479-451-8000 (Completed 10/2017)

The Greens at Fort Chaffee Fort Smith, AR \$780,000.00 Site work & Utilities  
Meadows Construction 479-478-6788 (Completed 9/2017)

Emma Ave Water Improvements in Springdale, AR \$1,043,691.00  
Springdale Water Utilities – Rick Pulvirenti, 479-751-5751 (Completed 4/20/17)

Cambridge Street Utilities – Water and Sewer Improvements, \$1,512, 062.00  
City of Springdale – (ARCO Tony White) 479-451-8000 (Completed 7/2017)

Scissortail Subdivision -Sanitary sewer \$875,094.00  
ARCO Excavation Tony White 479-451-8000 (Completed 1/31/2017)

The Villas at Forest Hills in Fayetteville, AR site work & utilities \$2,080,949  
Morrison Shipley Engineers- Patrick Foy 479-273-2209 (Completed 5/2017)

Emma Avenue Sewer Rehab in Springdale, AR \$1,003,241  
Springdale Water Utilities- Rick Pulvirenti 479-751-5751 (Completed 1/2017)

Mt Carmel @ Bentonville – Dirt work and utilities, \$1,186,268.00  
Rick Mooney Construction, 479-929-5577 (Completed 12/2016)

The Pointe at Bentonville- Site work & utilities \$705,000  
Ridge Construction- Rick McReynolds 501-758-0050 (completed 10/2016)

City of Springdale Northern Bypass water & sewer Relocate \$1,324,584  
City of Springdale- Tom Talley 479-751-5751 (completed 5/3/16)

Watermark @ Walnut Creek in Rogers, AR-water, sewer, and storm drain \$1,165,875  
Thompson Thrift Construction- Andrew Lehr 317-853-5490 (completed 11/2016)

Mercy Clinic at Chaffee Crossing water line improvements \$198,594 (completed 7/2016)  
Degen Foundation (owner) Mickle Wagner Coleman Engineers 479-649-8484

ACOM @ Chafee Crossing- water & sewer relocate \$749,184 (completed 2/16)  
City of Fort Smith/Mickle, Wagner, Coleman Engineers 479-649-8486

Bentonville Lift Station \$317,500 (complete 11/15)  
City of Bentonville- subcontractor for Forsgren, Inc. 782-1061

City of Fayetteville Water & Sewer Relocate Maple Street & Razorback Rd \$1,299,000  
City of Fayetteville -Jim Beavers 479-684-8287 (complete 7/15/15)

Mt. Carmel Assisted Living Center Rogers, AR \$1,024,669.00  
Rick Mooney Construction 479-929-5577 (complete 10/15)

City of Fort Smith Drainage Improvements Job 13-06-B2 \$510,379 (2014)  
City of FS Engineering Department -Matt Meeker 479-784-2225

City of Mountainburg Sewer Improvements- \$659,000 (2014)  
Engineer- Hawkins Weir Engineers -Brett Peters 479-474-1227

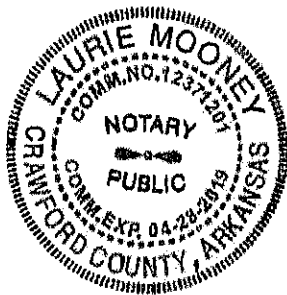
Vian Wastewater Treatment Plant/Vian, OK \$1,359,935 (2013)  
Engineer- Neel Harvell & Associates -Scott Neel 918-775-7731

City of Fort Smith-Haven Hill water improvements \$1,158,000 (2014)  
Engineer- Hawkins & Weir Engineers- Brett Peters 479-474-1227

City of Barling, AR- 18" Gravity Outfall-sewer improvements \$722,000 (2013)  
Engineer- EDM Consultants- Danny Bird 479-782-0474

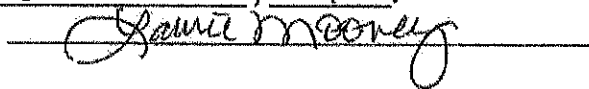
Sincerely,

  
Terry Mooney  
Brothers Construction, Inc.



State of Arkansas County of Crawford

Subscribed & sworn to me on the 4<sup>th</sup> day of  
October, 2018.



Unit #	Description
T1	2015 Doosan 225 Excavator
T4	2016 Doosan 85R-3 Excavator
T7	2015 Case CX 210C Excavator
T8	2016 Komatsu PC 290LC-11 Excavator
T9	2016 Doosan DX 225LC-3 Excavator
T10	2016 Kobelco SK-210lc-9 Excavator
T12	2015 Kobelco 85CS
T14	Komatsu PC 138USLC-11
T15	2018 Kobelco SK55
T16	2015 Case CX 210C Excavator
T17	2018 Doosan DX300 LC-5 Excavator
T18	Kobelco SK350 LC
L3	2008 GEHL CTL65 Skid Steer Track Loader
L4	2013 GEHL RT 210 Skid Steer Track Loader
L5	2016 Komatsu WA 200-7 Wheel Loader
L6	2016 Komatsu WA 200-7 Wheel Loader
L7	2015 Case 580N Backhoe
L8	2012 Volvo Backhoe
L9	2017 Komatsu WA-200 Wheel Loader
D4	2016 Komatsu D61 EX-24 Dozer
D5	2013 Komatsu D51 EX-22
D6	2016 CASE 750M
D7	John Deere 550K XLT
D8	2016 John Deere 700K Dozer
R1	2007 SD77 Ingersol Rand Roller
R2	Ingersol Rand S54 Roller
R3	2012 SD105DX Volvo Roller
R4	2011 SD100 Volvo Roller
R5	Trench Roller 32" RX1575
G2	2011 John Deere 672 GP Grader
Misc	Breaker FX275
Misc	F9 Kent Breaker
C1	Curb Machine
Misc	Volvo A40 Articulated Truck
Misc	2014 Turbo Turf HS
Misc	Insight Camera
BR1	Broom RJ 350



## BORING LOG CERTIFICATION

By signing below, the Contractor agrees and certifies that the Contractor may not rely upon or make any claim against Owner or Engineer, or any of their officers, directors, members, partners, employees, agents, consultants, or subcontractors, with respect to geotechnical information provided. The Contractor is responsible for evaluation of subsurface conditions.

Contractor name

Brothers Construction, Inc.

Contractor Signature: \_\_\_\_\_  
Signature must be hand written, in ink

*Ken Alonzo*

Date: \_\_\_\_\_

10/4/18

## RESTRICTION OF BOYCOTT OF ISRAEL CERTIFICATION

Pursuant to Arkansas Code Annotated § 25-1-503, a public entity **shall not** enter into a contract valued at \$1,000 or greater with a company unless the contract includes a written certification that the person or company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel.

By signing below, the Contractor agrees and certifies that they do not boycott Israel and will not boycott Israel during the remaining aggregate term of the contract.

If a company does boycott Israel, see Arkansas Code Annotated § 25-1-503.

Bid Number/Contract Number	Project number 18048110
Description of product or service	Gravity Sewer Extensions
Contractor name	Brothers Construction, Inc.

Contractor Signature: \_\_\_\_\_

Signature must be hand written, in ink



Date: \_\_\_\_\_

10/4/18