



## CITY COMMISSION MEETING AGENDA

CITY COMMISSION

DAYTON, OHIO

AUGUST 3, 2016

6:00 P.M.

### I. AGENDA SCHEDULE

**Please register to speak on items 9, 11 and 13 with the Clerk of the Commission.**

**(Sign-up sheets at entrance of Commission Chambers.)**

1. Call Meeting to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes
6. Communications and Petitions Distribution (if any)
7. Special Awards/Recognition
8. Discussion of City Manager's Recommendations (See Section II)
9. Citizen Comments on City Manager's Recommendations
10. City Commission Action on City Manager's Recommendations
11. Public Hearing: N/A
12. Discussion Item: N/A
13. Comments by Citizens - Please register to speak with the Clerk of Commission - (Non - Calendar items) sign-up sheets at entrance of Commission Chambers
14. Comments by City Manager
15. Comments by City Commission
16. Work Session: **Finance Committee Briefing – (B. LaBrier) – 4:30 p.m.**  
**City Manager's Large Conference Room**
17. Miscellaneous (See Section VI)

### II. CITY MANAGER RECOMMENDATIONS (Item #8 above)

The following recommendations are offered for City Commission approval.

#### **A. Purchase Orders, Agreements and Contracts:**

(All contracts are valid until delivery is complete or through December 31<sup>st</sup> of the current year).

#### **1. Purchase Orders:**

##### **AVIATION**

- A1. Gem City Upholstery LLC** (upholstery services to reupholster 71 seats and six seat backs) **\$5,174.00**

1. (Cont'd):

**CENTRAL SERVICES**

<b>B1. Pickrel Brothers, Inc.</b> (two hot water boilers)	<b>\$38,950.00</b>
<b>B2. Triton Services, Inc.</b> (heating, ventilation and air conditioning – HVAC – preventive maintenance and repair services as needed through 12-31-16)	<b>150,000.00</b>
<b>B3. Proficient Information Technologies, Inc.</b> (professional technical consulting services as needed through 12-31-16)	<b>14,905.60</b>

**WATER**

<b>C1. OI Corporation DBA OI Analytical</b> (one total organic carbon analyzer)	<b>24,796.10</b>
-Depts. of Aviation, Central Services and Water.	<b>Total: \$233,825.70</b>

**B. Construction Contracts:**

- 2. Booher Blacktop – Award of Contract** – for the Lohrey Recreation Center Parking Lot Resurfacing (100% SBE Participation Goal/100% SBE Participation Achieved) – Dept. of Recreation & Youth Services. **\$64,295.10**
- 3. Super Sky Products Enterprises, LLC – Award of Contract** – for the Dayton Convention Center Skylight Repairs (Open Market) – Dept. of Recreation & Youth Services/Convention Center. **\$72,000.00**

**IV. LEGISLATION:**

**Emergency Ordinance – First and Second Reading:**

- 4. No. 31504-16** Authorizing the Disposition of Five Parcels and Declaring an Emergency.

**Resolution – Second Reading:**

- 5. No. 6201-16** Authorizing the Acceptance of a Grant in the Amount of Twenty-Two Thousand Seven Hundred Seventy-Two Dollars (\$22,772.00) from the Montgomery County Solid Waste District Incentive Grant Program and Authorizing the Required Matching Funds in the Amount of Nine Thousand Seven Hundred Sixty Dollars (\$9,760.00).

**Informal Resolution:**

6. **No. 925-16** Supporting 131-HB292 and 131-SB27 Supporting Firefighters Disabled by Specified Types of Cancer Incurred in the Line of Duty.

**VI. MISCELLANEOUS:**

**ORDINANCE NO. 31505-16**

**RESOLUTION NO. 6202-16**

**IMPROVEMENT RESOLUTION NO. 3598-16**

**INFORMAL RESOLUTION NO. 926-16**



# City Manager's Report

From **5530 - CS/Purchasing**

Date **August 3, 2016**

Expense Type **Purchase Order**

Total Amount **\$233,825.70**

**Supplier, Vendor, Company, Individual**

Name **See Below**

Address **See Below**

Fund Source(s)	Fund Code(s)	Fund Amount(s)
See below	See below	See below
Includes Revenue to the City <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      Affirmative Action Program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		

## Description

### AVIATION – AIRPORT FACILITIES AND OPERATIONS - TERMINAL

#### (A1) P1600788 – GEM CITY UPHOLSTERY LLC, CENTERVILLE, OH

- Upholstery services to reupholster 71 seats and 6 seat backs.
- These services are required to reupholster terminal passenger seats to extend their useful lives.
- Gem City Upholstery LLC is recommended to ensure continuity in materials and workmanship.
- This amendment increases the previously authorized amount of \$9,364.00 by \$5,174.00 for a total not to exceed \$14,538.00 and therefore requires City Commission approval.
- Gem City Upholstery, LLC was the low and successful bidder for terminal passenger seating reupholstery. The Department of Aviation identified additional seating that could remain serviceable with reupholstery since that bid was awarded. This is the first amendment to the original purchase order awarded March 11, 2016, for which the next lowest bid was \$12,826.50 (compared to \$9,364). The per unit prices remain as originally bid. For those reasons, no alternative to purchase order amendment were considered.
- The Department of Aviation recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2016	Other Maintenance of Facilities	51000-3220-1172-43	\$5,174.00

Division 

### Signatures/Approval

*Approved by City Commission*

Department   
City Manager

Clerk

Date

CENTRAL SERVICES – FACILITIES MANAGEMENT(B1) P1600144 – PICKREL BROTHERS, INC., DAYTON, OH

- Two (2) hot water boilers.
- These goods are required to replace equipment worn beyond economical repair located at 1010 Ottawa Street.
- Pursuant to Section 86 of the City of Dayton Charter, the Department of Central Services has declared an emergency, the necessary funds have been encumbered, and the supplier has been notified to proceed.
- Pickrel Brothers, Inc. qualifies as a Dayton local entity.
- This amendment increases the previously authorized amount of \$75,000.00 by \$38,950.00 for a total not to exceed \$113,950.00, and therefore requires City Commission approval.
- The need to replace these boilers was unforeseeable at the time the original purchase order was awarded and the City's price agreement established with Pickrel Brothers, Inc. on January 1, 2016. The items recommended for acquisition are covered by that price agreement. This is the first amendment to this purchase order, to date. The per unit costs are \$19,475, compared to the next low bid of \$21,515.75 for the next low bidder. For these reasons, no alternative to purchase order amendment were considered.
- The Department of Central Services recommends approval of this order.

<b>Fiscal Year</b>	<b>Fund Source(s)</b>	<b>Fund Code(s)</b>	<b>Fund Amount(s)</b>
2016	Supplies & Materials	66000-5540-1301-54	\$38,950.00

(B2) P1600543 – TRITON SERVICES, INC., MASON, OH

- Heating, ventilation and air conditioning (HVAC) preventive maintenance and repair services, as needed through 12/31/2016.
- These services are required to maintain and repair heating and cooling systems.
- Rates are in accordance with the City of Dayton's existing price agreement IFB 14001D, with pricing through 3/31/2017.
- This amendment increases the previously authorized amount of \$50,000.00 by \$150,000.00 for a total not to exceed \$200,000.00 and therefore requires City Commission approval.
- This purchase order amendment is required to provide adequate environmental conditioning in City-owned facilities. Rates are in accordance with the competitive bid and resulting price agreement, which was partially awarded to Triton Services, Inc. as the low bidder. This is the first amendment, to date. For these reasons, alternatives to amendment were not considered.
- The Department of Central Services recommends approval of this order.

<b>Fiscal Year</b>	<b>Fund Source(s)</b>	<b>Fund Code(s)</b>	<b>Fund Amount(s)</b>
2016	Other Professional Services	40003-5540-1159-54	\$60,000.00
2016	Other Maintenance of Facilities	40003-5540-1172-54	\$35,000.00
2016	Building Improvements	40003-5540-1425-54	\$55,000.00

CENTRAL SERVICES – INFORMATION TECHNOLOGY**(B3) P1601020 – PROFICIENT INFORMATION TECHNOLOGIES, INC., OAKWOOD, OH**

- Professional technical consulting services, as needed through 12/31/2016.
- These services are required to provide technology consultation and support services related to Payment Card Industry (“PCI”) standards compliance.
- Proficient Information Technologies, Inc. is recommended to ensure consistent quality, compatibility and operational continuity.
- Proficient Information Technologies, Inc. qualifies as a City Certified entity.
- The Department of Central Services recommends approval of this order.

<b>Fiscal Year</b>	<b>Fund Source(s)</b>	<b>Fund Code(s)</b>	<b>Fund Amount(s)</b>
2016	Other Professional Services	40018-5560-1159-65	\$14,905.60

WATER – WATER SUPPLY & TREATMENT**(C1) P1601019 – OI CORPORATION DBA OI ANALYTICAL, COLLEGE STATION, TX**

- One (1) total organic carbon analyzer.
- This equipment is required to perform water quality analyses to ensure compliance with applicable regulations.
- Twelve possible bidders were solicited and three bids were received. This order establishes a price agreement through 7/31/2017.
- The Department of Water recommends acceptance of the low bid.

<b>Fiscal Year</b>	<b>Fund Source(s)</b>	<b>Fund Code(s)</b>	<b>Fund Amount(s)</b>
2016	Furniture, Fixtures, & Equipment Assets	53000-3430-1411-54	\$24,796.10

The aforementioned departments recommend approval of these orders.

CITY OF DAYTON, OHIO - PURCHASING DIVISION - BID TABULATION

For: Total Organic Carbon Analyzer

Dept./Div.: Water/Water Supply & Treatment

Requisition No.: 105WTWS6

IFB No.: N16047

Bids Opened: 1:00P.M.;07-1-2016

No.:		1	2	3	
<b>BIDDER NAME &amp; STREET ADDRESS:</b>		Hach	OI Analytical	Shimadzu Scientific Instruments, Inc.	
<b>CITY:</b>		Loveland	College Station	Columbia	
<b>STATE &amp; ZIP:</b>		CO 80539	TX 77842	MD 21046	
Recommended for Award			X		
<b>QUALIFIES FOR LOCAL PREFERENCE?</b>		NO	NO	NO	
<b>QUALIFIES FOR CERTIFIED PREFERENCE?</b>		NO	NO	NO	
<b>/ CERTIFIED PREFERENCE A FACTOR IN AWARD?</b>					
Item No.	ITEM DESCRIPTION	U/M	UNIT /EXT	UNIT /EXT	UNIT /EXT

**PLEASE READ ALL BID/PROPOSAL RESPONSES TO ENSURE THAT ALL INFORMATION RECEIVED FROM VENDOR IS REVIEWED AND USED IN EVALUATION PROCESS**

**TOTAL ORGANIC CARBON ANALYZER**

1	Graphite Furnace Atomic Absorption Spectrophotometer		\$28,739.56	\$24,796.16	\$30,770.00
	Price to remain firm through 7-31-2017 If no, for how long?		Yes	Yes	Yes
	<b>TERMS:</b>		NET 30	NET 30	NET 30
	<b>F.O.B.:</b>		DEST	DEST	DEST
	<b>DELIVERY:</b>		30 Calendar Days	20 Calendar Days	30 Calendar Days

• = lowest bid X = vendor selected for award

**THE FOLLOWING VENDORS WERE SOLICITED BUT DID NOT BID:**

All solicited vendors submitted a bid.

1. Teledyne Tekmar 2. Environmental Express Inc. 3. Fisher Scientific Company LLC 4. Hach 5. VWR Scientific Products Corporation  
6. Thomas Scientific 7. Laboratory Products 8. PerkinsElmer LAS Inc 9. Agilent



# City Manager's Report

**From** 6510 - Recreation & YS Director

**Date** August 3, 2016

**Expense Type** Award of Contract

**Supplier, Vendor, Company, Individual**

**Total Amount** \$64,295.10

**Name** Booher Blacktop

**Address** 4715 Dayton Brandt Road  
New Carlisle, Ohio 45344

Fund Source(s)	Fund Code(s)	Fund Amount(s)
General Capital	41719-6510-1159-56	\$64,295.10

**Includes Revenue to the City**  Yes  No **Affirmative Action Program**  Yes  No  N/A

**Description**

**LOHREY RECREATION CENTER PARKING LOT RESURFACING**  
**(100% SBE PARTICIPATION GOAL/100% SBE PARTICIPATION ACHIEVED)**

The work to be performed under this project entails the resurfacing of the parking lot at Lohrey Recreation Center, located at 2366 Glenarm Avenue. Work includes grinding existing pavement, placing asphalt pavement, striping, and doing other work incidental thereto.

Three bids were received for this project. It is recommended that the contract be awarded to the lowest bidder, Booher Blacktop, in the amount of \$64,295.10. This amount includes the base bid in the amount of \$58,450.10 and Alternate No. 1 Contingency Allowance in the amount of \$5,845.00. The estimated cost for the project was \$70,000.00. The time bid for completion is September 1, 2016.

This project is being funded using General Capital Funds.

A Certificate of Funds, Tabulation of Bids, Human Relations Council's verification letter, the Bid Form from the firm recommended for award, and Location Map are attached.

**Signatures/Approval**

*Approved by City Commission*

Division

Department

City Manager

Clerk

Date







## MEMORANDUM

July 19, 2016

TO: Frederick Stovall, Director  
Department of Public Works

FROM: RoShawn Winburn, Business and Technical Assistance Administrator   
Human Relations Council (HRC)

SUBJECT: **Lorey Recreation Center Parking Lot Resurfacing 100% SBE**

The apparent low bidder, Booher Blacktop submitted a bid utilizing their own certification status to meet the participation goals. The HRC contract compliance analysis of the bids submitted verified the company is an approved bidder in the City of Dayton Affirmative Action Assurance program and that the authorized representative signed the Contractor's Certification to indicate fair hiring practices. The recommended company to receive the aforementioned construction award is as follows:

### RECOMMENDED RANK ORDER

### PERCENTAGE OF PARTICIPATION

- |                                      |      |
|--------------------------------------|------|
| 1. Booher Blacktop                   |      |
| A. MINORITY BUSINESS ENTERPRISE      |      |
| B. WOMEN BUSINESS ENTERPRISE         |      |
| C. SMALL BUSINESS ENTERPRISE         |      |
| Booher Blacktop                      | 100% |
| D. DAYTON LOCAL SMALL BUSINESS       |      |
| E. DISADVANTAGED BUSINESS ENTERPRISE |      |
| F. HUD SECTION 3 BUSINESS ENTERPRISE |      |

TOTAL PARTICIPATION

100.00% SBE

The attached participation verification letters should be included with the contract agreement. Contract Compliance will include meeting verified participation and minimal worker utilization goals as stated in the Affirmative Action Program Equal Employment Opportunity form certified in the bid submission. If you have any questions or need additional information please contact RoShawn Winburn at 333-1403.

**NOTE TO CONTRACTORS:**

Since there will be copies made of the bid form of this improvement, please use black ink or a typewriter to fill in the bid prices and extensions.

**CITY OF DAYTON, OHIO  
DEPARTMENT OF PUBLIC WORKS**

Bid Form

LOHREY RECREATION CENTER

PARKING LOT RESURFACING

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bidder

BOOTHER BLACKTOP

4715 DAYTON BRANDT RD.

NEW CARRISLE, OHIO 45344

\_\_\_\_\_

**BID FORM**

To: Director, Department of Public Works  
The City of Dayton

The undersigned, having full knowledge of the site and the provisions of the plans and specifications for the following improvement, and the conditions of this bid, hereby agrees to furnish all services, labor, materials and equipment, and to construct in every respect complete:

**LOHREY RECREATION CENTER PARKING LOT RESURFACING**

**(100% SBE PARTICIPATION)**

in accordance with said plans and specifications on file in the office of the City Engineer at the unit prices hereinafter set forth.

Bid Form (Continued)

LOHREY RECREATION CENTER  
PARKING LOT RESURFACING  
(100% SBE PARTICIPATION)

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QUANT.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL \$</u>
202	Grinding Butt Joints	30	S.Y.	<u># 24.95</u>	<u># 748.50</u>
407	Tack Coat	615	Gal	<u># 6.44</u>	<u># 3,960.60</u>
ODOT 448	Asphalt Concrete Surface Course	680	Tons	<u># 77.20</u>	<u># 52,496.00</u>
614	Maintenance of Traffic	1	Lump	<u># 375.00</u>	<u># 375.00</u>
642	Pavement Markings	1	Lump	<u># 495.00</u>	<u># 495.00</u>
836	Catch Basin Adjusted	1	Each	<u># 375.00</u>	<u># 375.00</u>
<b>TOTAL BASE BID</b>					<u>\$ 58,450.10</u>

**Bid Form (Continued)**

**LOHREY RECREATION CENTER**  
**PARKING LOT RESURFACING**  
**(100% SBE PARTICPATION)**

In determining the lowest and best bid the City Commission may give consideration to the following alternate bid:

This alternate is for a "CONTINGENCY ALLOWANCE" to be used in the event of unforeseen work which must be undertaken to complete this project. The work could be as additional quantities to the bid items or as non-bid items. The amount of this "ALLOWANCE" may vary as determined by the Engineer, but shall not exceed the maximum of \$20,000.00.

<b><u>ITEM NO.</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>EST. QUANT.</u></b>	<b><u>UNIT</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>TOTALS</u></b>
SPL	Contingency Allowance	1	Lump	<u>\$20,000.00</u>	<u>\$20,000.00</u>

**TOTAL ALTERNATE NO. 1 \$20,000.00**

The consideration to be paid for the performance of the Contract of the above described project is provided as follows: This information provides for the issuance of the tax-exempt form for the purchase of materials for this project.

<u>DESCRIPTION</u>	<u>CONSIDERATION FOR MATERIALS</u>	<u>CONSIDERATION FOR OBLIGATIONS</u>	<u>STOTAL</u>
TOTAL BASE BID	\$ <u>44,760.60</u>	\$ <u>13,689.50</u>	\$ <u>58,450.10</u>
TOTAL ALT. NO. 1 (Contingency Allowance)	\$ <u>-0-</u>	\$ <u>20,000.00</u>	\$ <u>20,000.00</u>

The time of completion fixed by the City is September 1, 2016.

Following are the names of all persons, firms, and corporations interested in the above bid as principals. If none, state that "No person or party other than the bidder is interested in this Bid."

NAME

ADDRESS

No person or party other than the bidder is interested in  
this bid.

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## DISCLOSURE OF LITIGATION

Disclosure of Litigation: Have you or any person, group, partnership, company, or corporation affiliated with you been engaged in the past three (3) years in litigation, mediation or any form of contractual dispute resolution with any state government or any political subdivision thereof including, without limitation, the State of Ohio, the City of Dayton, Ohio, or Montgomery County, Ohio? For the purpose of your response, "affiliated" means directly or indirectly controlling, controlled by, or under common control, with "control" meaning legally or operationally in a position to exercise restraint or direction over the other.

RESPONSE: YES \_\_\_\_\_ NO  X

If your response is "YES" please separately identify each lawsuit, mediation or dispute resolution process in which you or your affiliate have been engaged during the past three (3) years. Identify the nature of the dispute, the parties involved, and the current status of the dispute. Attach or include any information you believe pertinent to a full understanding of the disputed matters.

Bidder is

An Individual  
Firm Name

Business Address

Telephone

Partnership  
Firm Name

Members of Firm and  
Their Business Address

Telephone

Corporation  
Name

State of Incorporation

Name and Title of  
Officers with Authority  
to Sign Contract

Home Office Address

Local Address

BOOHER BLACKTOP

OHIO

MONTY D. SILVER PRESIDENT

4715 DAYTON BRANDT RD. NEW CANLISLE, OH 45344

SAME

Telephone 937-235-4395

Fax 937-235-9227

E-mail MONTY5149@AOL.COM

Federal I.D.# 31-1527205

Dated this 30 day of JUNE, 2016

Bidder: BOOHER BLACKTOP

(Person, Firm, or Corporation)

By: MJO. A. L.

Title: PRESIDENT



If a certified or cashier's check is submitted with Bid Form, please furnish the following information:

  x   Certified Check 2257513  
       Cashier's Check

Amount TEN THOUSAND Dollars  
on PNC Bank  
of DAYTON is Attached.

BODDEN BLACKTOP  
Bidder

Cash in the amount of \_\_\_\_\_  
Dollars is attached.

\_\_\_\_\_  
Bidder

**BID BOND**

Amount \$ \_\_\_\_\_

We, the undersigned, are held and firmly bound unto the City of Dayton, Ohio in the sum of \_\_\_\_\_ Dollars, for the payment of which well and truly to be made, we hereby, jointly and severally, bind ourselves, our heirs, executors, and administrators, firmly by these presents.

The condition of this obligation is such that, if the Bid attached hereto is accepted and the Contract award to the bidder, \_\_\_\_\_

named therein, and the said bidder shall within ten (10) days after being notified that said contract has been awarded to the bidder, enter into a Contract in the form acceptable to the Director and give bond in a form to be furnished by the Director, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

Signed and sealed at Dayton, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Bidder

\_\_\_\_\_

Surety

\_\_\_\_\_

Name of Insurance Agency

\_\_\_\_\_

Address of Insurance Agency

Telephone \_\_\_\_\_ FAX \_\_\_\_\_

CITY OF DAYTON, OHIO  
Department of Public Works

Responsible Contractor Bidding Requirements  
(Form 1 of 3)

In accordance with Ordinance No. 30575-06 of the City of Dayton, Ohio Revised Code of General Ordinances, I, MONTY D. SILVA PRESIDENT hereby certify that \_\_\_\_\_  
(print name – an Officer of the company)

BOOKER BLACKTOP meets the following Contractor requirements relating  
(company)

to this City of Dayton construction project (check all that apply):

- Comply with all City of Dayton income tax obligations and requirements
- Maintain worker's compensation insurance for all employees as required by the State of Ohio
- Comply with State or Federal prevailing wage rate laws, as applicable and required by the funding of this project
- Comply with the State of Ohio Bureau of Worker's Compensation Drug Free Workplace Policy
- Made a good faith effort to contract with one or more qualified minority business enterprises to perform work required by this project, in accordance with bid documents, ordinances, and applicable Federal and State law

By: M. D. Silva  
(signature)

Title: PRESIDENT

Date: JUNE 30, 2016

CITY OF DAYTON, OHIO  
Department of Public Works

Responsible Contractor Bidding Requirements  
(Form 2 of 3)

A. Please provide a complete listing of the fringe benefits provided to employees, including but not limited to health insurance and retirement benefits.

<u>HEALTH INSURANCE</u>	_____
<u>VACATION PAY</u>	_____
<u>HOLIDAY PAY</u>	_____
_____	_____
_____	_____
_____	_____

B. Please identify any "bona fide apprentice training program" in which this company participates in accordance with the Ohio Bureau of Apprenticeship Training and the U. S. Department of Labor.

<u>NONE</u>	_____
_____	_____
_____	_____

C. Please provide a list of subcontractors whose quotes or information are included or used in the bid submitted for this project.

<u>NONE</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CITY OF DAYTON, OHIO  
Department of Public Works

Responsible Contractor Bidding Requirements  
(Form 3 of 3)

D. Please provide a list of all minority business enterprises contacted for the purpose of obtaining quotes to perform work for this project.

<u>NONE</u>	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**CERTIFICATION**  
**OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13**  
**FOR CONTRACTS IN EXCESS OF FIVE HUNDRED DOLLARS (\$500.00)**

STATE OF OHIO,  
COUNTY OF MONTGOMERY, ss:

MONTY D. SILER being duly sworn, deposes and states as follows:

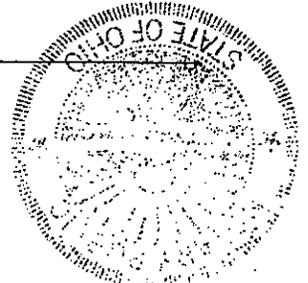
1. I am duly authorized to make the statements contained herein on behalf of BOOZER BLACKTOP ("the Contracting Party").
2. The Contracting Party is a/an (select one):
  - Individual, partnership, or other unincorporated business association (including without limitation, a professional association organized under Ohio Revised Code Chapter 1785), estate, or trust.
  - Corporation organized and existing under the laws of the State of OHIO.
  - Labor organization.
3. I hereby affirm that the Contracting Party and each of the individuals specified in R.C. 3517.93(I)(3) (with respect to non-corporate entities and labor organizations) or R.C. 3517.93(J)(3) (with respect to corporations) are in full compliance with the political contributions limitations set forth in R.C. 3517.93(I) and (J), as applicable. I understand that a false representation on this certification constitutes a felony of the fifth degree pursuant to R.C. 3517.93(AA) and 3517.992(R)(3). Any contract that contains a falsified certification shall be rescinded.

By: M.D. Siler  
Title: PRESIDENT

STATE OF OHIO  
COUNTY OF Montgomery, ss:

Sworn to before me and subscribe in my presence by Monty D. Siler  
this 30 day of June, 2016

Jerry W. Siler  
Notary Public  
JERRY W. SILER, Notary Public  
In and for the State of Ohio  
My Commission Expires 12-1-19





FAILURE TO SIGN AND SUBMIT THIS DOCUMENT WITH YOUR BID  
WILL RESULT IN YOUR BID NOT BEING READ

AFFIRMATIVE ACTION PROGRAM  
EQUAL EMPLOYMENT OPPORTUNITY

PROJECT: LOHNEY RECREATION CENTER PAVING LOT RESURFACING  
NAME LOCATION

During the performance of this contract:

BOOKER BLACKTOP 4715 DAYTON BLANDT RD. 937-235-6395  
CONTRACTOR ADDRESS TELEPHONE / FAX  
937-235-9227

being the general contractor, assumes the responsibility and obligation to institute an Affirmative Action Program which complies with revised City Ordinances 24059 and 26090 and Executive Order 11246 on any city, federal or federally-assisted construction project, to insure Equal Employment Opportunity regardless of race, color, religion, sex, national origin, ancestry, place of birth, age, or marital status.

The successful contractor using one or more trades of construction employees must comply with Part I of these Affirmative Actions Program conditions to each such trade.

**Part I: Requirements.** To be eligible for award of a contract under this Invitation to Bid, contractors must certify as prescribed in Paragraph 1a, of the certification specified in Part II hereof that it adopts the minimum goals and timetables of minority and female worker utilization, and specific Affirmative Action steps set forth in Sections 1 and 2 of this Part I.

1.) **Goals & Timetables.** The goals of minority and female worker utilization required of the contractor are applicable to each trade which will be used on any project in Greene, Miami, Montgomery, and Preble Counties, OH (hereinafter the Economic Area).

The required goals and timetables are as follows:

	Goals of Minority Worker Utilization Expressed in <u>Percentage Terms</u>
From 1/1/2000 to Present	11.5%
	Goals of Female Worker Utilization Expressed in <u>Percentage Terms</u>
From 4/1/80 to Present	6.9%

The percentage goals of minority and female worker utilization are expressed in terms of working hours of training and employment as a proportion of the total working hours to be worked by the contractor's entire work force in that trade on all projects (both federal and non-federal) in the Economic Area during the performance of this contract. The working hours for minority and female work and training must be uniform throughout the length of this contract, on all projects and for each of the trades. Further, the transfer of minority and/or female or trainee from employer-to-employer or from project-to-project for the sole purpose of meeting the contractor's goals shall be a violation of this Affirmative Action Program.

In reaching the goals for minority and female utilization, every effort shall be made to find and employ qualified journey-persons. Provided, however, and pursuant to the requirements of the Department of Labor Regulations, 29 CFR 5a.3, twenty-five percent (25%) of apprentices or trainees shall be employed on all projects and shall be in their first year of training, where feasible.

In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the contractor during the training period, and the contractor must have made a commitment to employ the apprentices and/or trainees at the completion of the training subject to the availability of employment opportunities. Apprentices and trainees must be trained pursuant to programs which have been approved by The U.S. Department of Labor and/or The State of Ohio.

A contractor shall be deemed to be in compliance with the terms and requirements of this Part I by the employment and training of minorities and females in the appropriate percentage of the contractor's aggregate work force in the Economic Area for each trade for which it is committed to the goals under Part I.

However, no contractor shall be found to be in noncompliance solely on account of the contractor's failure to meet the goals and timetables, but such contractor shall be given the opportunity to demonstrate that all of the specific Affirmative Action steps specified in Part I have been instituted and has made every "good faith" effort to make these steps work towards the attainment of the goals and timetables.

2.) **Specific Affirmative Action Steps.** A contractor subject to Part I, must engage in Affirmative Action directed at increasing minority and female utilization, which is at least as extensive and as specific as the following steps:

- a) The contractor shall notify community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' responses.
- b) The contractor shall maintain a file of the names and addresses of each minority and female referred and what action was taken with respect to each referred worker. If the worker was not employed, the reason therefor. If the worker was not sent to the union hiring hall for referral, the contractor's file shall document this and the reasons therefor.

- c) The contractor shall promptly notify the Dayton Human Relations Council (HRC) when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority and/or female, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.
- d) The contractor should participate in training programs in the area; especially those approved by the U.S. Department of Labor and/or the State of Ohio.
- e) The contractor shall disseminate the EEO Policy within the organization by including it in any policy manual, by publicizing it in company newspapers, annual reports, etc.; by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority and female employees.
- f) The contractor shall ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the contractor's employees are assigned to work. The contractor, where possible, will assign two or more women to all projects (both federal and non-federal) in the Economic Area during the performance of its contract or subcontract.
- g) The contractor shall make specific and constant personal (both written and oral) recruitment efforts directed at all minority and female organizations, schools, minority and female recruitment training organizations with the Dayton Economic Area.
- h) The contractor shall make specific efforts to encourage present minority and female employees to recruit other minorities and females.
- i) The contractor shall validate all tests and other selection requirements.
- j) The contractor should develop on-the-job training opportunities; participate and assist in any association or employer-group training programs relevant to the contractor's employees needs consistent with its obligations under Part I.
- k) The contractor shall evaluate all minority and female personnel for promotional opportunities and encourage employees to seek such opportunities.
- l) The contractor shall ensure that seniority practices, job classifications, etc., do not have a discriminatory effect.
- m) The contractor shall make certain that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- n) The contractor will monitor all personnel activities to ensure that its EEO Policy is being carried out.

o) The successful contractor shall solicit bids for work to be performed on this project under a subcontract from minority and female contractors and other business associations.

3.) Nothing herein is intended to relieve any contractor during the term of this project from compliance with any other local bid requirements. Further, it shall be the responsibility of each contractor to comply with all terms, conditions, and provisions of the Affirmative Action Programs.

**Part II: Contractor's Certification.** A contractor will not be eligible for award of a contract under this Invitation to Bid, unless such contractor has submitted as a part of the bid the following certification, which will be deemed a part of the resulting contract:

**CONTRACTOR'S CERTIFICATION**

BODDIER BLACKTOP \_\_\_\_\_ (Contractor)  
certifies that:

1. The following listed construction trades will be used in performance of this project.

<u>PAVING</u>	_____
<u>STRAPPING</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____

a) as to those trades set forth in the preceding paragraph one hereof, it adopts the minimum minority and female utilization goals and the specific Affirmative Action steps contained in this Affirmative Action Program. Compliance is measured in each trade of the contractor's aggregate work force for all construction work (both federal and non-federal) in the four Counties (Greene, Miami, Montgomery and Preble) subject to this Affirmative Action Program; and

b) the successful contractor will obtain from each subcontractor and submit to the contracting or administering agency prior to the award of any subcontract under this contract, the subcontractor certification required by the Affirmative Action Program.

SIGN: M. J. O. Hill  
(Signature of Authorized Representative of Bidder)

**FAILURE TO SUBMIT AND SIGN THIS DOCUMENT WITH YOUR BID  
WILL RESULT IN YOUR BID NOT BEING READ**



Project Name:

(Circle one) **SBE** MBE/WBE/DLSB/DBE/HUD Section 3) PARTICIPATION FORM

LOHREY RECREATION CENTER PARKING LOT RESURFACING

This form may be used for more than one funding source. City of Dayton general fund and State of Ohio funds: The City of Dayton has adopted procurement programs for Minority-owned, Woman-owned, Small Business Enterprises, and Dayton Local Small Business in accordance with Sections 35.30 -- 35.68 of the Revised Code of General Ordinances (R.C.G.O.), inclusively. Federal funds: The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. The City of Dayton is a recipient of Department of Transportation funds and complies with the DBE program. Authorization for the program comes from 49 Code of Federal Regulations Part 26 (49 CFR 26). State Funds: When determining the level of participation the, only the total work performed by the certified subcontractor either singularly or severally, will be considered. This form must be utilized to indicate your subcontractors and must be fully completed and returned with your bid proposal, i.e., you must list the name(s), address, etc. of the subcontractor, type of work to be performed, dollar amount of the subcontract and percentage of the base bid. Use as many copies of this form as necessary to list all subcontractors. Should you have questions regarding this form, please contact the Human Relations Council (HRC) Office. (937) 333-1403.

Firm Name, Tax I.D. Number and Mailing Address	Please Check One				Type of Service or Supply to be Provided	Type of Construction Work to be Performed
	Prime Contract Bid	Joint Venture Bid	Supply or Service Subcontract	Construction Subcontract		
Certified Business Firm Name: <u>BOODEN BLACKTOP</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		MILLING PAVING STRIPING
Tax I.D. Number: <u>31-1527205</u>						
Street Address: <u>4715 DAYTON BRANDT RD.</u>						
City/State/ Zip Code: <u>NEW CANLISLE, OHIO 45344</u>						
Phone (area code/#): <u>937-235-6395</u> E-mail: <u>MONTY5149@ADL.COM</u>						

Total \$ Amount of PRIME CONTRACTOR'S Base Bid: \_\_\_\_\_ Total \$ to subcontract \_\_\_\_\_ Total % subcontract: \_\_\_\_\_

PRIME CONTRACTOR'S REPRESENTATIVE		Street Address	
Print Name: <u>MONTY D. SILEN</u>		<u>4715 DAYTON BRANDT RD.</u>	
Sign Name: <u>M.D. Silen</u>			
		City/State/Zip	<u>NEW CANLISLE, OHIO 45344</u>

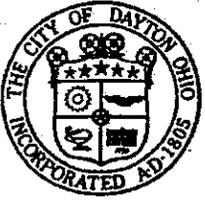
**WAIVER REQUEST DOCUMENTED ACTIVITY FORM**

Date \_\_\_\_\_

Project: \_\_\_\_\_ Participation Goal (list only one): \_\_\_\_\_

A bidder must submit a separate form for each goal for which you are requesting a waiver. A bidder requesting a total or partial waiver of the, **MBE/WBE/SBE/DLSB or HUD3** Participation Goal must maintain supporting documentation and will be required to provide such documentation within two days of its request. The bidder must provide a written explanation of the good faith effort for all activities listed on the wavier form at the time the bid is submitted. If no explanation is provided, the wavier form will not be accepted. The City of Dayton Human Relations Council (HRC) shall review and evaluate the bidder's efforts to meet and comply with the project participation goal. A bidder will be granted a waiver for the **MBE/WBE/SBE/DLSB or HUD3** goal based on your good faith efforts; and only where the HRC determines that the bidder has completed all items in the following list of activities. In determining whether a bidder has made good faith efforts, the Executive Director of the Council, or his/her designee, may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful lowest and best bidder fails to meet the contract goal, but others meet it, the Executive Director of the Council, or his/her designee, may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. **The waiver request form must be submitted with your bid if you are requesting a waiver of any goal.**

Check if completed	Activity Description
	Solicited the interest of all certified <b>MBE/WBE/SBE/DLSB or HUD3</b> having the capability to perform the work of the contract. The bidder must solicit this interest at least ten (10) business days before bid submittal deadline in order to allow the <b>MBE/WBE/SBE/DLSB or HUD3</b> sufficient time to respond to the solicitation. Electronic communication will not be deemed as sufficient good faith effort, if it is the sole method of communication used.
	Divided contract work items into economically feasible units to facilitate <b>MBE/WBE/SBE/DLSB or HUD3</b> participation, even when the bidder might otherwise prefer to perform these work items with its own forces.
	Negotiated with <b>MBE/WBE/SBE/DLSB or HUD3</b> subcontractors, and has taken the subcontractors' price and capabilities, as well as the contract goals, into consideration. Rejected <b>MBE/WBE/SBE/DLSB or HUD3</b> as being unqualified only with reasons based on a diligent investigation of their capabilities. The bidder's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's efforts to meet the project goal.
	Provided interested <b>MBE/WBE/SBE/DLSB or HUD3</b> with plans and specifications at no cost, or directed to, the Minority Business Assistance Center (MBAC) for information about the plans, specifications, and requirements of the contract at least ten (10) business days of the bid submittal deadline in order to assist them in responding to a solicitation.
	Sought the assistance of the Minority Business Assistance Center (MBAC) or used the services of community organizations, contractors' groups, local, state or federal business assistance offices, or similar organizations to find subcontractors certified as (circle one: <b>MBE/WBE/SBE/DLSB or HUD3</b> ). Contacting HRC for the certified list will not be deemed as sufficient good faith efforts.
<b>Bidding Company Name:</b>	



# CITY OF DAYTON, OHIO

## HUMAN RELATIONS COUNCIL

371 West Second Street, Suite 100, Dayton, OH 45402-1417

(937) 333-1403 • FAX 222-4589

[www.daytonohio.gov/departments/hrc](http://www.daytonohio.gov/departments/hrc)

June 15, 2016

Booher Blacktop  
Mr. Monty Siler  
4715 Dayton Brandt Rd  
New Carlisle, OH 45344

Dear Mr. Siler:

We have received your Affirmative Action Assurance Form and determined the following:

It is approved for one year and will expire

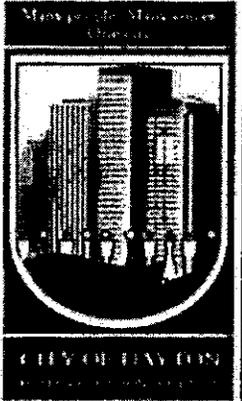
on June 1, 2017

If you have any questions, please contact me at (937)333-1430.

Sincerely,

Vicki Krapf  
Senior Contract Compliance Officer

NOTE: The above noted approval places your company on The City of Dayton's Approved Bidder's List. This does not certify your company as a Minority, Female or Small Disadvantaged Business



Catherine H. Crosby  
Executive Director

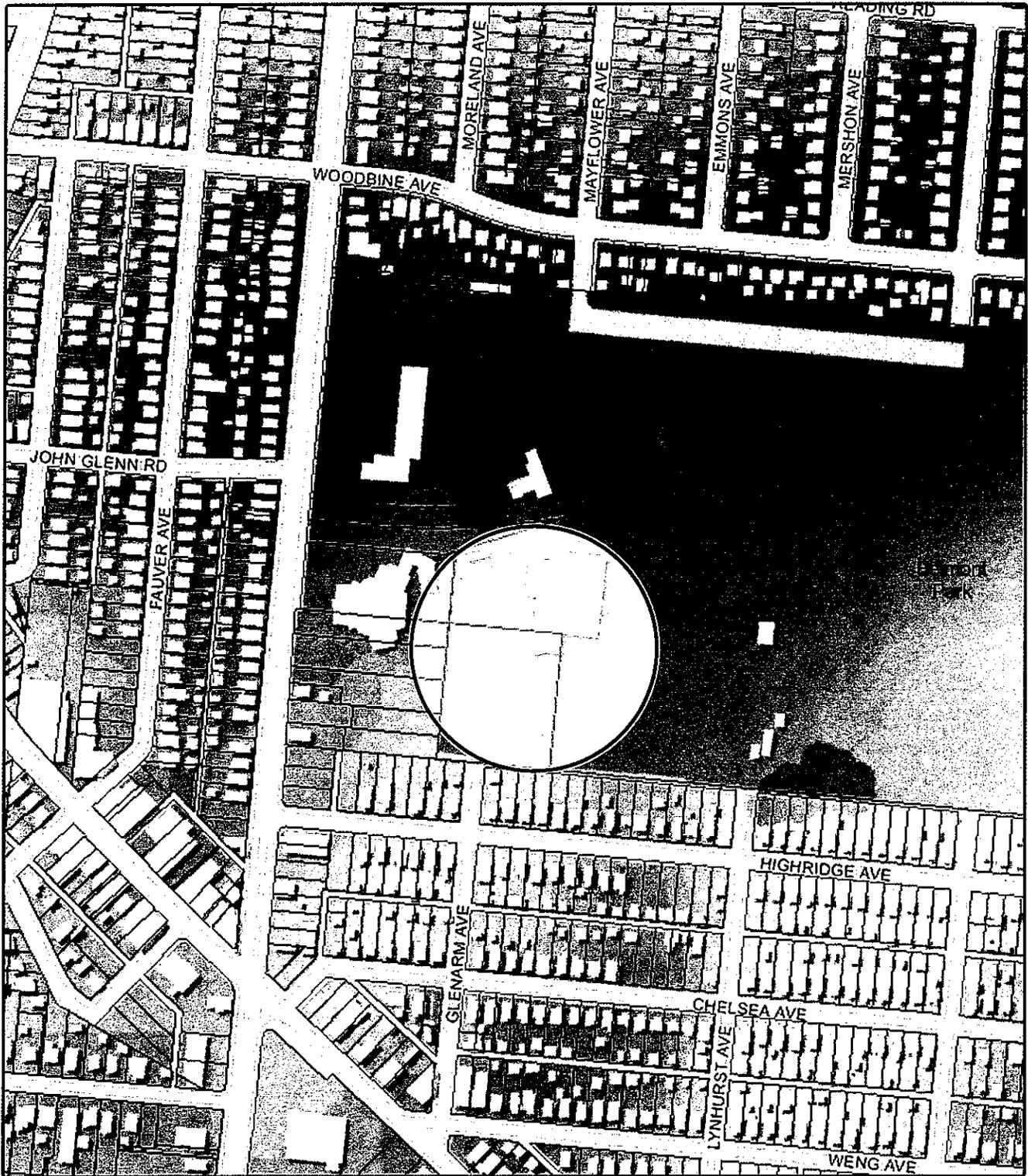
Board of Directors

Amaha Sellassie  
Chair

Rev. Dr. Sherry Gale  
Vice-Chair

Dr. Olatokunbo  
Awoshakin  
Scotty Didier  
Rev. Darryl Fairchild  
Dwayne Johnson  
Michelle Kaye  
Kiya Patrick  
Michael White

# Lohrey Recreation Center



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale  
1 inch = 351 feet  
7/15/2016

10-1-2016 10:13

10-1-2016 10:13



# City Manager's Report

3.

From 3500 - Rec YS/Convention Center

Date August 3, 2016

Expense Type Award of Contract

Supplier, Vendor, Company, Individual

Total Amount \$72,000.00

Name Super Sky Products Enterprises, LLC

Address 10301 North Enterprise Drive  
Mequon, Wisconsin 53092

Fund Source(s)	Fund Code(s)	Fund Amount(s)
Convention Center Reserve Fund	41459-3500-142341	\$72,000.00

Includes Revenue to the City  Yes  No Affirmative Action Program  Yes  No  N/A

Description

**DAYTON CONVENTION CENTER SKYLIGHT REPAIRS**  
**(OPEN MARKET)**

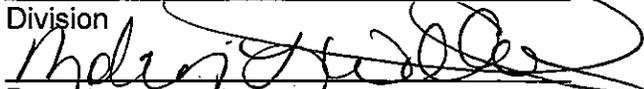
The work to be performed under this project entails the recapping and re-caulking of the skylight over the lobby at the Dayton Convention Center. This work includes installation of new caps, retainers, glazing strips, and sealant; removal of existing caps/retainers, and sealant to dumpster; addition of 70% PVDF stand color (2-coat) (1 of 20) (non-exotic, non-metallic non-bright white) to all exposed caps; clearing of glass perimeters for proper adhesion of new caulk; and one trip to field measure all glass and existing cap for re-fabrication of replacement materials.

One bid was received for this project. It is recommended that the contract be awarded to this bidder, Super Sky Products Enterprises, LLC, in the amount of \$72,000.00. This amount includes the base bid in the amount of \$71,350.00 and Alternate No. 2 Contingency Allowance in the amount of \$650.00. The estimated cost for the project was \$72,000.00. The time bid for completion is September 1, 2016.

A Certificate of Funds, Tabulation of Bids, Human Relations Council's verification letter, the Bid Form from the firm recommended for award, and Location Map are attached.

Signatures/Approval

Approved by City Commission

Division \_\_\_\_\_  
  
Department \_\_\_\_\_  
  
City Manager

Clerk \_\_\_\_\_  
Date \_\_\_\_\_



**Dayton, Ohio Public Works**

Department of Public Works  
Division of Civil Engineering

Proposal Tabulation For: Dayton Convention Center  
Skylight Repairs (Open Market)

Bid Opening Date:	Cost Estimate:	Estimated Time Of Completion:	
<u>June 30, 2016</u>	<u>\$72,000.00</u>	<u>September 1, 2016</u>	
<u>Bidders</u>	<u>Actual Amount Of Bid</u>	<u>Adjustment For Work Days</u>	<u>Adjustment For Comparison Purposes Only</u>
<u>*Super Sky Products Enterprises, LLC</u>	<u>\$71,350.00</u>	<u>\$0.00</u>	<u>\$71,350.00</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>



## MEMORANDUM

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July 20, 2016

TO: Frederick Stovall, Director  
Department of Public Works

FROM: Roshawn Winburn, Business & Technical Assistance Administrator (R)  
Human Relations Council (HRC)

SUBJECT: **Dayton Convention Center Skylight Repairs (OM)**

The apparent low bidder, Super Sky Products Enterprises, LLC, has been reviewed. The HRC contract compliance analysis of the bids submitted verified the company is an approved bidder in the City of Dayton Affirmative Action Assurance program and that the authorized representative signed the Contractor's Certification to indicate fair hiring practices. The recommended company to receive the aforementioned construction award is Super Sky Products Enterprises, LLC.

If you have any questions or need additional information contact Roshawn Winburn at 333-1439.

**NOTE TO CONTRACTORS:**

Since there will be copies made of the bid form of this improvement, please use black ink or a typewriter to fill in the bid prices and extensions.

**CITY OF DAYTON, OHIO**  
**DEPARTMENT OF PUBLIC WORKS**

Bid Form

**DAYTON CONVENTION CENTER**

**SKYLIGHT REPAIRS (OPEN MARKET)**

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Bidder **Super Sky Products Enterprises, LLC**

**10301 North Enterprise Drive**

**Mequon, Wisconsin 53092**

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**BID FORM**

To: Director, Department of Public Works  
The City of Dayton

The undersigned, having full knowledge of the site and the provisions of the plans and specifications for the following improvement, and the conditions of this bid, hereby agrees to furnish all services, labor, materials and equipment, and to construct in every respect complete:

**DAYTON CONVENTION CENTER SKYLIGHT REPAIRS**  
**(OPEN MARKET)**

in accordance with said plans and specifications on file in the office of the City Engineer at the unit prices hereinafter set forth.

DAYTON CONVENTION CENTER SKYLIGHT REPAIRS  
(OPEN MARKET)

<b>ITEM NO.</b>	<b>DESCRIPTION</b>	<b>EST. QUANT.</b>	<b>UNIT</b>	<b>UNIT PRICE</b>	<b>TOTALS</b>
1	Skylight Repair, as Per Specifications	1	L.S.	<u>\$71,350.</u>	<u>\$71,350.00</u>

TOTAL BASE BID      \$ 71,350.00

Bid Form (Continued)

**DAYTON CONVENTION CENTER SKYLIGHT REPAIRS**  
**(OPEN MARKET)**

**ALTERNATE NO. 1**  
**SKYLIGHT REPAIRS**

<b>ITEM NO.</b>	<b>DESCRIPTION</b>	<b>EST. QUANT.</b>	<b>UNIT</b>	<b>UNIT PRICE</b>	<b>TOTALS</b>
SP-1	Additional Skylight Repairs	1	L.S.	\$ _____	\$ <b>0.00</b>

**TOTAL ALTERNATE NO. 1 \$ 0.00**

**DAYTON CONVENTION CENTER SKYLIGHT REPAIRS**  
**(OPEN MARKET)**

In determining the lowest and best bid the City Commission may give consideration to the following alternate bid:

**ALTERNATE NO. 2**  
**CONTINGENCY ALLOWANCE**

This alternate is for a "CONTINGENCY ALLOWANCE" to be used in the event of unforeseen work which must be undertaken to complete this project. The work could be as additional quantities to the bid items or as non-bid items. The amount of this "ALLOWANCE" may vary as determined by the Engineer, but shall not exceed the maximum of **\$5,000.00**.

<b><u>ITEM NO.</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>EST. QUANT.</u></b>	<b><u>UNIT</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>TOTALS</u></b>
SP-2	Contingency Allowance	1	L.S.	<b><u>\$5,000.00</u></b>	<b><u>\$5,000.00</u></b>
<b>TOTAL MAXIMUM ALLOWANCE ALTERNATE NO. 2</b>					<b><u>\$5,000.00</u></b>



## DISCLOSURE OF LITIGATION

Disclosure of Litigation: Have you or any person, group, partnership, company, or corporation affiliated with you been engaged in the past three (3) years in litigation, mediation or any form of contractual dispute resolution with any state government or any political subdivision thereof including, without limitation, the State of Ohio, the City of Dayton, Ohio, or Montgomery County, Ohio? For the purpose of your response, "affiliated" means directly or indirectly controlling, controlled by, or under common control, with "control" meaning legally or operationally in a position to exercise restraint or direction over the other.

RESPONSE: YES \_\_\_\_\_ NO **X** \_\_\_\_\_

If your response is "YES" please separately identify each lawsuit, mediation or dispute resolution process in which you or your affiliate have been engaged during the past three (3) years. Identify the nature of the dispute, the parties involved, and the current status of the dispute. Attach or include any information you believe pertinent to a full understanding of the disputed matters.

Bidder is

An Individual  
Firm Name

Business Address

Telephone

Partnership  
Firm Name

Members of Firm and  
Their Business Address

**Limited Liability**  
Corporation  
Name

Telephone **262-242-2000**

**Super Sky Products Enterprises, LLC**

State of Incorporation

**Delaware**

Name and Title of  
Officers with Authority  
to Sign Contract

**Claude Keshemberg, VP, CFO**

Home Office Address

**10301 North Enterprise Drive**

Local Address

**Mequon, Wisconsin 53092**

Telephone **262-242-2000**

Fax **262-242-7409**

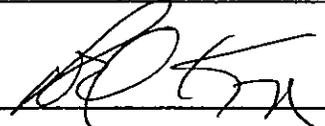
E-Mail Address: **rodk@supersky.com**

Federal I.D.# **45-2494822**

Dated this **29th** day of **June**, 20**16**

Bidder: **SUPER SKY PRODUCTS ENTERPRISES, LLC**

(Person, Firm, or Corporation)

By:  **ROD KIVIOJA**

Title: **DIRECTOR OF SALES**

**BID BOND**

AMOUNT \$ Ten Percent (10%) of Amount Bid

We, the undersigned, are held and firmly bound unto the City of Dayton, Ohio, in the sum of Ten Percent (10%) of Amount Bid Dollars for the payment of which, well and truly to be made, we hereby, jointly and severally, bind ourselves, our heirs, executors and administrators, firmly by these presents.

The condition of this obligation is such that, if the Bid attached hereto is accepted and the Contract awarded to the bidder, Super Sky Products Enterprises, LLC named therein, and the said bidder shall within ten (10) days after being advised that said contract has been awarded to the bidder, enter into a Contract in the form hereto attached and give bond in a form to be furnished by the Director, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

Signed and sealed at Dayton, Ohio this 30th day of June, 2016.

Super Sky Products Enterprises, LLC

By: *Claude A. Keshenberg*

**Bidder**  
Claude A. Keshenberg, Vice President and CFO

International Fidelity Insurance Company

By: *Teresa M. Sheppard*  
**Surety**

Teresa M. Sheppard, Attorney-in-Fact  
Lockton Companies

**Name of Insurance Agency**

1715 Aaron Brenner Dr., Suite 512  
Memphis, TN 38120

**Address of Insurance Agency**

Telephone 901-757-6923 FAX 901-757-6623

# POWER OF ATTORNEY

## INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY a corporation organized and existing under the laws of the State of New Jersey, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint:

W. JOSEPH LAMMEL, TERESA M. SHEPPARD

Memphis, TN.

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under, and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

"RESOLVED, that (1) the President, Vice President, Chief Executive Officer or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 31st day of December, 2015.



STATE OF NEW JERSEY  
County of Essex

ROBERT W. MINSTER  
Chief Executive Officer (International Fidelity Insurance Company) and President (Allegheny Casualty Company)



On this 31st day of December 2015, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 16, 2019

### CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this

30th

day of June, 2016

MARIA BRANCO, Assistant Secretary

CITY OF DAYTON, OHIO  
Department of Public Works

Responsible Contractor Bidding Requirements  
(Form 1 of 3)

In accordance with Ordinance No. 30575-06 of the City of Dayton, Ohio Revised Code of General Ordinances, I, **Claude Keshenberg** hereby certify that **Super Sky**  
(print name – an Officer of the company)

**Products Enterprises, LLC** meets the following Contractor requirements relating  
(company)

to this City of Dayton construction project (check all that apply):

- Comply with all City of Dayton income tax obligations and requirements
- Maintain worker's compensation insurance for all employees as required by the State of Ohio
- Comply with State or Federal prevailing wage rate laws, as applicable and required by the funding of this project
- Comply with the State of Ohio Bureau of Worker's Compensation Drug Free Workplace Policy
- Made a good faith effort to contract with one or more qualified minority business enterprises to perform work required by this project, in accordance with bid documents, ordinances, and applicable Federal and State law

By:   
(signature)

Title: **VP/CFO**

Date: **JUNE 29, 2016**



CITY OF DAYTON, OHIO  
Department of Public Works

Responsible Contractor Bidding Requirements  
(Form 3 of 3)

D. Please provide a list of all minority business enterprises contacted for the purpose of obtaining quotes to perform work for this project.

**Super Sky Products Enterprises, LLC is unable to participate in the utilization of MBE/SBE/WBE as a requirement of this project. All suppliers for the "extruded materials" are major aluminum manufacturers using dies unique to Super Sky; and "sealants and gaskets" are manufactured only by large major concerns.**

**Subcontract installers need to be "Super Sky approved installers" with necessary license, insurance, and skylight installation experience to support contractual warranty obligations.**



# SUPER SKY PRODUCTS ENTERPRISES, LLC

June 29, 2016

Department of Public Works/Civil Engineering  
Business Office - City Hall  
101 West Third Street, Fifth Floor  
Dayton, OH 45402

**SUBJECT: DAYTON CONVENTION CENTER  
SKYLIGHT REPAIRS (OPEN MARKET)  
Dayton, OH  
SSPE Project #2016-2811**

Gentlemen/Madam:

Super Sky Products Enterprises, LLC is pleased to submit its formal proposal letter for the skylight work for the above mentioned project. This confirming order is in accordance with e-mailed description and photos received 8/13/15; and Super Sky's take-off sheet dated 8/21/15, with exceptions and qualifications noted below. This order includes the following:

## **RE-CAP/RE-CAULK OF:**

**SKYLIGHT "A":** *One (1) Custom Single Slope Skylight measuring 27'-4" x 51'-2", Constructed to an 18.43 (4:12) degree pitch.*

**SKYLIGHT "B":** *One (1) Custom Pyramid Skylight measuring 18'-5" x 18'-5" (out/out), constructed to a 40.91 degree pitch.*

The following specific items are included:

- #1 - **Installation of new caps, retainers, glazing strips and sealant.**
- #2 - Removal of existing caps/retainers, and sealant to dumpster (provided by others).
- #3 - All caps exposed to view to receive a 70% PVDF standard color (2-coat) (1 of 20) (non-exotic, non-metallic, non-bright white) finish.
- #4 - Clearing glass perimeters for proper adhesion of new caulk.
- #5 - One trip to field measure all glass and existing caps so replacement materials can be fabricated. We are assuming Super Sky's standard caps, retainers, screws, glazing strips, etc. are compatible with the current frame. This will be verified during field measuring. A lite of glass will be removed and replaced during this visit.

**DAYTON CONVENTION CENTER**

**SSPE #2015-2917**

June 29, 2016

Page 2

**#6 - All applicable taxes.**

**#7 - A five (5) year warranty includes coverage against leakage.**

**This is manufacturer's warranty and not a surety guarantee.**

**EXCLUSIONS:**

- 1) Cleaning of interior skylight frame and glass is not included.
- 2) Allowance for replacement glass is not included.
- 3) Protection of the roof, interior, and pedestrian traffic below the skylight during construction is not included.
- 4) Existing flashing to remain - no refurbishing or replacement of flashing is included.
- 5) Existing glass to remain - no glass replacement is included.
- 6) Protection and repair of landscaping due to staging of crane is by others.

**QUALIFICATIONS:**

- 1) The skylight framing pattern, finish and dimensions are quoted per the attached take-off sheet. Variations of this assumed information could affect cost, and the bid/contract price will be subject to adjustment.
- 2) Super Sky's price is based upon having an adequate staging and pre-assembly area immediately adjacent to the skylight's final location. Super Sky is not aware of any equipment/site restrictions.
- 3) Normal work hours (Monday-Friday) (7:30 a.m. - 4:00 p.m.) are quoted. Any shift work or overtime required due to reasons outside of subcontractor's contract, shall be compensated at the prevailing premium field labor rate
- 4) Any hidden or unforeseen conditions uncovered during the re-cap/re-caulk process will be immediately brought to the owner's attention. These items could result in additional cost.
- 5) Roofing repair work surrounding skylight, if required, to be performed by others prior to installation of new caps/retainers.
- 6) Existing glass to remain in place during the re-cap/re-caulk process.
- 7) Super Sky's standard caps and retainers are quoted.
- 8) Super Sky will endeavor to keep the building weather-tight while work is ongoing. Super Sky will only remove as many caps/retainers as they can replace in a day so as to minimize risk of water infiltration.

**AT A TOTAL PRICE OF . . . . . \$71,350.00**

**DAYTON CONVENTION CENTER  
SSPE #2015-2917**

June 29, 2016

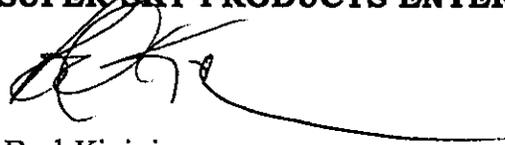
Page 3

***This proposal letter is contingent upon successful contract negotiations, acceptance of the Standard Subcontract Qualifications, and payment terms agreement.***

Please review the content of this formal proposal letter as the items and terms listed above will become part of the subcontract agreement. Should you have any questions or need clarification, please do not hesitate to contact our representative Long Architectural Sales Associates, LLC at (812) 637-8200, or us directly.

If Super Sky is favored with the award of this skylight work, the items and terms listed above will become part of the subcontract agreement. Please sign and date below to confirm your acceptance.

Very truly yours  
**SUPER SKY PRODUCTS ENTERPRISES, LLC**



Rod Kivioja  
Director of Sales

RK/cb

Enclosure

cc: Long Architectural Sales Associates, LLC

\_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)



SUPER SKY PRODUCTS  
 ENTERPRISES, LLC  
 10301 N. ENTERPRISE DR.  
 MEQUON, WISCONSIN 53092

# TAKE OFF SHEET

REF. NO.: 20152917

DATE: 8/21/2015

PROJECT: Dayton Convention Center

LOCATION: Dayton, OH

ARCH. FIRM: -----

SKYLIGHT DESIGNATION: A

NO. REQUIRED: 1

STYLE: Single Slope

SIZE: 27'-4" x 51'-2"

PITCH: 18.43 (4:12) Degrees

FRAME TYPE: Re-Caulk

TOTAL GLASS AREA: 668.59

MISC. ITEMS INCLUDED: New caps, retainers, glazing strips, and caulk

FINISH: 70% PVDF Std. Color (2-coat)(1 of 20)  
 (non-exotic, non-metallic, non-bright white)

FLASHING: -----

SLOPING GLASS: Existing to Remain

-----

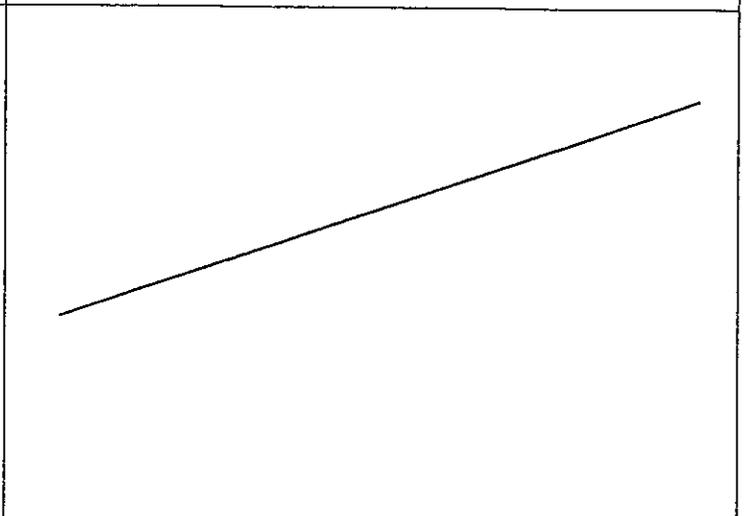
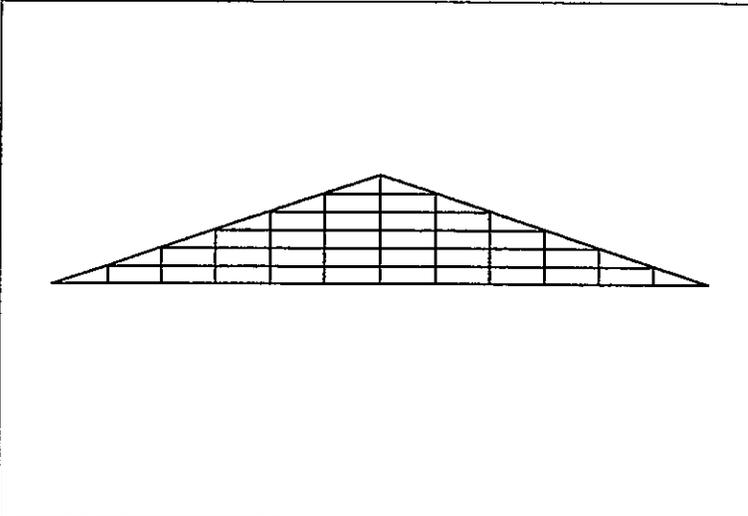
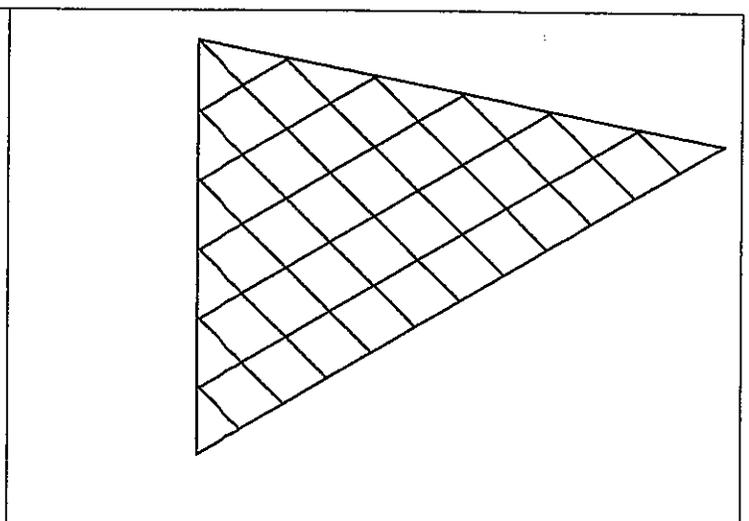
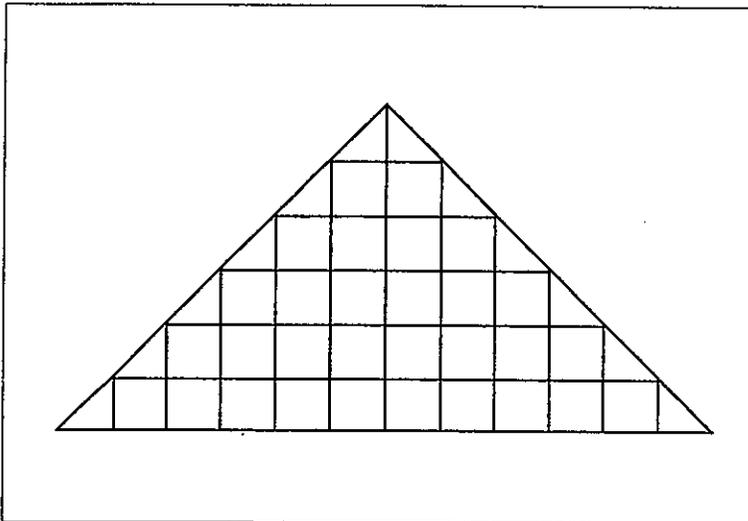
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VERTICAL GLASS: -----

-----

PLAN

ISOMETRIC



ELEVATION

ELEVATION



SUPER SKY PRODUCTS  
 ENTERPRISES, LLC  
 10301 N. ENTERPRISE DR.  
 MEQUON, WISCONSIN 53002

# TAKE OFF SHEET

REF. NO.: 20152917

DATE: 8/21/2015

PROJECT: Dayton Convention Center

LOCATION: Dayton, OH

ARCH. FIRM: -----

SKYLIGHT DESIGNATION: B

NO. REQUIRED: 1

STYLE: Pyramid

SIZE: 18'-5" x 18'-5" (Out / Out)

PITCH: 40.91 Degrees

FRAME TYPE: Re-Caulk

TOTAL GLASS AREA: 449.41

MISC. ITEMS INCLUDED: New Caps, retainers, glazing strips, and sealant

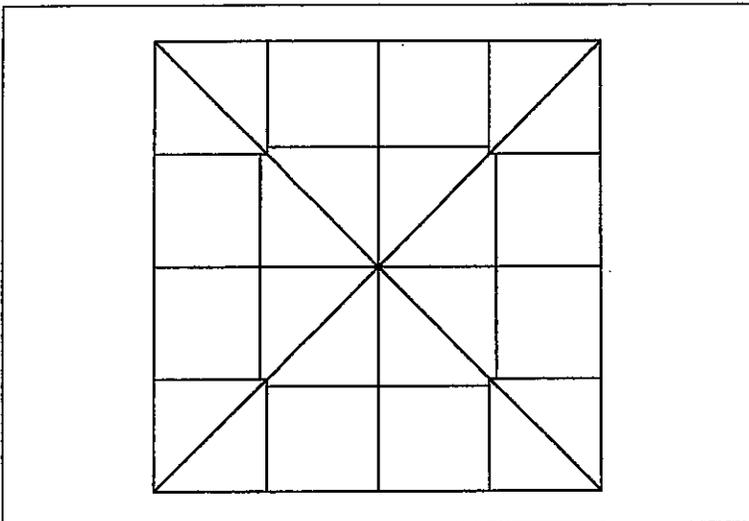
FINISH: 70% PVDF Std. Color (2-coat)(1 of 20)  
(non-exotic, non-metallic, non-bright white)

FLASHING: -----

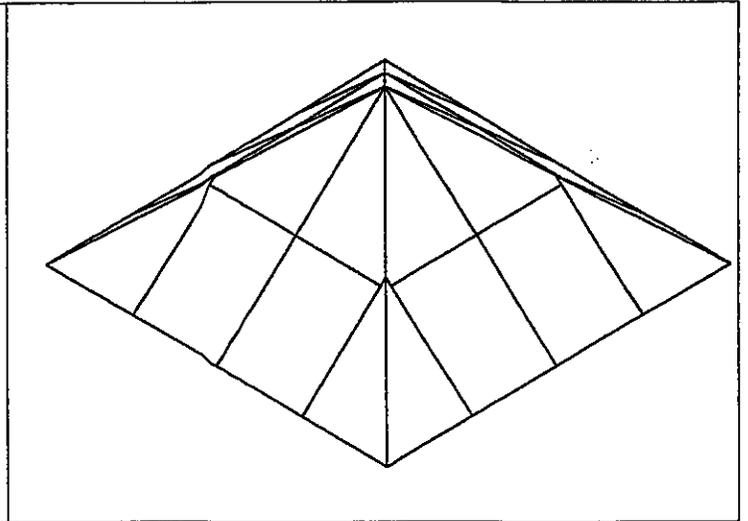
SLOPING GLASS: Existing to Remain

VERTICAL GLASS: -----

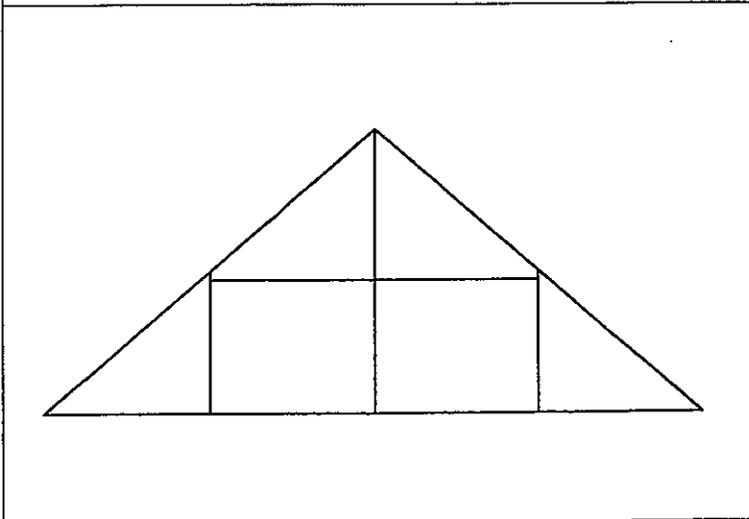
PLAN



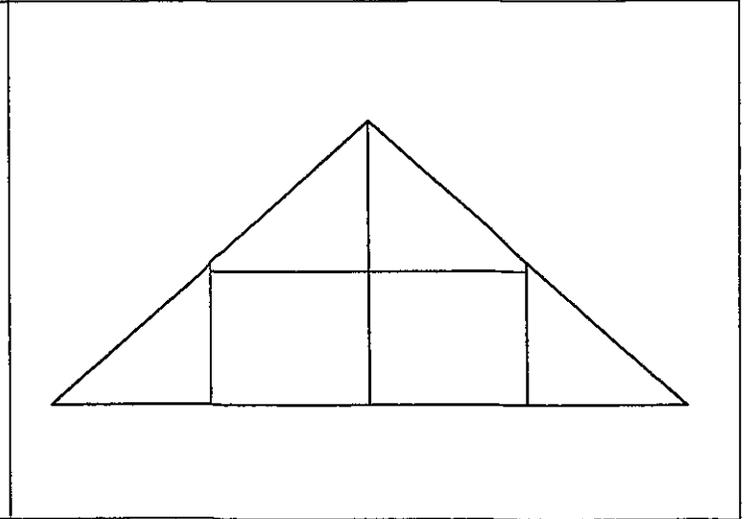
ISOMETRIC



ELEVATION



ELEVATION



**CERTIFICATION**  
**OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13**  
**FOR CONTRACTS IN EXCESS OF FIVE HUNDRED DOLLARS (\$500.00)**

STATE OF ~~OHIO~~ **WISCONSIN**  
COUNTY OF   **Ozaukee**  , ss:

  **Claude Keshemberg**   being duly sworn, deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of **Super Sky Products Enterprises, LLC** ("the Contracting Party").

2. The Contracting Party is a/an (select one):

Individual, partnership, or other unincorporated business association (including without limitation, a professional association organized under Ohio Revised Code Chapter 1785), estate, or trust.

**LLC** Corporation organized and existing under the laws of the State of   **Delaware**  .

Labor organization.

3. I hereby affirm that the Contracting Party and each of the individuals specified in R.C. 3517.93(I)(3) (with respect to non-corporate entities and labor organizations) or R.C. 3517.93(J)(3) (with respect to corporations) are in full compliance with the political contributions limitations set forth in R.C. 3517.93(I) and (J), as applicable. I understand that a false representation on this certification constitutes a felony of the fifth degree pursuant to R.C. 3517.93(AA) and 3517.992(R)(3). Any contract that contains a falsified certification shall be rescinded.

By:   *Claude Keshemberg*  

Title:   **VP/CFO**  

STATE OF ~~OHIO~~ **WISCONSIN**  
COUNTY OF   **Ozaukee**  , ss:

Sworn to before me and subscribe in my presence by   **Claude Keshemberg**    
this   **29th**   day of   **June**  , 20  **16**  

  *Carol Bares*    
Notary Public **Carol Bares**

CAROLA BARES  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES DEC. 18, 2016



**FAILURE TO SIGN AND SUBMIT THIS DOCUMENT WITH YOUR BID  
WILL RESULT IN YOUR BID NOT BEING READ**

**AFFIRMATIVE ACTION PROGRAM  
EQUAL EMPLOYMENT OPPORTUNITY**

<b>PROJECT:</b>	<b>Dayton Convention Center Skylight Repairs</b>	<b>Dayton, OH</b>
	NAME (Open Market)	LOCATION

During the performance of this contract:

<b>Super Sky Products Enterprises, LLC</b>	<b>10301 N. Enterprise Dr., Mequon, WI</b>	<b>262-242-2000</b>
<b>SubCONTRACTOR</b>	<b>ADDRESS 53092</b>	<b>TELEPHONE / FAX</b>
		<b>262-242-7409</b>

being the general contractor, assumes the responsibility and obligation to institute an Affirmative Action Program which complies with revised City Ordinances 24059 and 26090 and Executive Order 11246 on any city, federal or federally-assisted construction project, to insure Equal Employment Opportunity regardless of race, color, religion, sex, national origin, ancestry, place of birth, age, or marital status.

The successful contractor using one or more trades of construction employees must comply with Part I of these Affirmative Actions Program conditions to each such trade.

**Part I: Requirements.** To be eligible for award of a contract under this Invitation to Bid, contractors must certify as prescribed in Paragraph 1a, of the certification specified in Part II hereof that it adopts the minimum goals and timetables of minority and female worker utilization, and specific Affirmative Action steps set forth in Sections 1 and 2 of this Part I.

- 1.) **Goals & Timetables.** The goals of minority and female worker utilization required of the contractor are applicable to each trade which will be used on any project in Greene, Miami, Montgomery, and Preble Counties, OH (hereinafter the Economic Area).

The required goals and timetables are as follows:

	Goals of Minority Worker Utilization Expressed in Percentage Terms
From 1/1/2000 to Present	11.5%
	Goals of Female Worker Utilization Expressed in Percentage Terms
From 4/1/80 to Present	6.9%

The percentage goals of minority and female worker utilization are expressed in terms of working hours of training and employment as a proportion of the total working hours to be worked by the contractor's entire work force in that trade on all projects (both federal and non-federal) in the Economic Area during the performance of this contract. The working hours for minority and female work and training must be uniform throughout the length of this contract, on all projects and for each of the trades. Further, the transfer of minority and/or female or trainee from employer-to-employer or from project-to-project for the sole purpose of meeting the contractor's goals shall be a violation of this Affirmative Action Program.

In reaching the goals for minority and female utilization, every effort shall be made to find and employ qualified journey-persons. Provided, however, and pursuant to the requirements of the Department of Labor Regulations, 29 CFR 5a.3, twenty-five percent (25%) of apprentices or trainees shall be employed on all projects and shall be in their first year of training, where feasible.

In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the contractor during the training period, and the contractor must have made a commitment to employ the apprentices and/or trainees at the completion of the training subject to the availability of employment opportunities. Apprentices and trainees must be trained pursuant to programs which have been approved by The U.S. Department of Labor and/or The State of Ohio.

A contractor shall be deemed to be in compliance with the terms and requirements of this Part I by the employment and training of minorities and females in the appropriate percentage of the contractor's aggregate work force in the Economic Area for each trade for which it is committed to the goals under Part I.

However, no contractor shall be found to be in noncompliance solely on account of the contractor's failure to meet the goals and timetables, but such contractor shall be given the opportunity to demonstrate that all of the specific Affirmative Action steps specified in Part I have been instituted and has made every "good faith" effort to make these steps work towards the attainment of the goals and timetables.

2.) **Specific Affirmative Action Steps.** A contractor subject to Part I, must engage in Affirmative Action directed at increasing minority and female utilization, which is at least as extensive and as specific as the following steps:

- a) The contractor shall notify community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' responses.
- b) The contractor shall maintain a file of the names and addresses of each minority and female referred and what action was taken with respect to each referred worker. If the worker was not employed, the reason therefor. If the worker was not sent to the union hiring hall for referral, the contractor's file shall document this and the reasons therefor.

- c) The contractor shall promptly notify the Dayton Human Relations Council (HRC) when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority and/or female, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.
- d) The contractor should participate in training programs in the area; especially those approved by the U.S. Department of Labor and/or the State of Ohio.
- e) The contractor shall disseminate the EEO Policy within the organization by including it in any policy manual, by publicizing it in company newspapers, annual reports, etc.; by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority and female employees.
- f) The contractor shall ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the contractor's employees are assigned to work. The contractor, where possible, will assign two or more women to all projects (both federal and non-federal) in the Economic Area during the performance of its contract or subcontract.
- g) The contractor shall make specific and constant personal (both written and oral) recruitment efforts directed at all minority and female organizations, schools, minority and female recruitment training organizations with the Dayton Economic Area.
- h) The contractor shall make specific efforts to encourage present minority and female employees to recruit other minorities and females.
- i) The contractor shall validate all tests and other selection requirements.
- j) The contractor should develop on-the-job training opportunities; participate and assist in any association or employer-group training programs relevant to the contractor's employees needs consistent with its obligations under Part I.
- k) The contractor shall evaluate all minority and female personnel for promotional opportunities and encourage employees to seek such opportunities.
- l) The contractor shall ensure that seniority practices, job classifications, etc., do not have a discriminatory effect.
- m) The contractor shall make certain that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- n) The contractor will monitor all personnel activities to ensure that its EEO Policy is being carried out.

- o) The successful contractor shall solicit bids for work to be performed on this project under a subcontract from minority and female contractors and other business associations.
- 3.) Nothing herein is intended to relieve any contractor during the term of this project from compliance with any other local bid requirements. Further, it shall be the responsibility of each contractor to comply with all terms, conditions, and provisions of the Affirmative Action Programs.

**Part II: Contractor's Certification.** A contractor will not be eligible for award of a contract under this Invitation to Bid, unless such contractor has submitted as a part of the bid the following certification, which will be deemed a part of the resulting contract:

**CONTRACTOR'S CERTIFICATION**

**SUPER SKY PRODUCTS ENTERPRISES, LLC**

**Sub-**(Contractor)

certifies that:

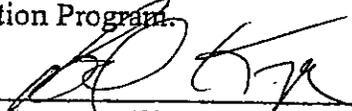
- 1. The following listed construction trades will be used in performance of this project.

**NONE**

**Super Sky Products Enterprises, LLC is unable to participate in the workforce utilization as indicated in the contract documents. The field work on this project is very specialized and with minimal workforce needs (two employees-four weeks), Super Sky requests exemption from minority/female workforce participation goals and requirements.**

- a) as to those trades set forth in the preceding paragraph one hereof, it adopts the minimum minority and female utilization goals and the specific Affirmative Action steps contained in this Affirmative Action Program. Compliance is measured in each trade of the contractor's aggregate work force for all construction work (both federal and non-federal) in the four Counties (Greene, Miami, Montgomery and Preble) subject to this Affirmative Action Program; and
- b) the successful contractor will obtain from each subcontractor and submit to the contracting or administering agency prior to the award of any subcontract under this contract, the subcontractor certification required by the Affirmative Action Program.

SIGN:

  
\_\_\_\_\_  
(Signature of Authorized Representative of Bidder)

**FAILURE TO SUBMIT AND SIGN THIS DOCUMENT WITH YOUR BID  
WILL RESULT IN YOUR BID NOT BEING READ**



**(Circle one: SBE/MBE/WBE/DLSB/DBE/HUD Section 3) PARTICIPATION FORM**

**Project Name:** \_\_\_\_\_

This form may be used for more than one funding source. City of Dayton general fund and State of Ohio funds: The City of Dayton has adopted procurement programs for Minority-owned, Woman-owned, Small Business Enterprises, and Dayton Local Small Business in accordance with Sections 35.30 – 35.68 of the Revised Code of General Ordinances (R.C.G.O.), inclusively. Federal funds: The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. The City of Dayton is a recipient of Department of Transportation funds and complies with the DBE program. Authorization for the program comes from 49 Code of Federal Regulations Part 26 (49 CFR 26). State Funds: When determining the level of participation the, only the total work performed by the certified subcontractor either singularly or severally, will be considered. This form must be utilized to indicate your subcontractors and must be fully completed and returned with your bid proposal, i.e., you must list the name(s), address, etc. of the subcontractor, type of work to be performed, dollar amount of the subcontract and percentage of the base bid. Use as many copies of this form as necessary to list all subcontractors. Should you have questions regarding this form, please contact the Human Relations Council (HRC) Office. (937) 333-1403.

Please Check One						Type of Service or Supply to be Provided	Type of Construction Work to be Performed
Firm Name, Tax I.D. Number and Mailing Address	Prime Contract Bid <input type="checkbox"/>	Joint Venture Bid <input type="checkbox"/>	Supply or Service Subcontract <input type="checkbox"/>	Construction Subcontract <input type="checkbox"/>			
Certified Business Firm Name:							
Tax I.D. Number:							
Street Address:							
City/State/ Zip Code:							
Phone (area code/#):		E-mail:					
Total \$ Amount of PRIME CONTRACTOR'S Base Bid: _____			Total \$ to subcontract _____			Total % subcontract: _____	
<b>PRIME CONTRACTOR'S REPRESENTATIVE</b>							
Print Name:						Street Address	
Sign Name:							
						City/State/Zip	

**(Circle one: SBE/MBE/WBE/DLSB/DBE/HUD Section 3) PARTICIPATION FORM**

**Project Name:** \_\_\_\_\_

This form may be used for more than one funding source. City of Dayton general fund and State of Ohio funds: The City of Dayton has adopted procurement programs for Minority-owned, Woman-owned, Small Business Enterprises, and Dayton Local Small Business in accordance with Sections 35.30 – 35.68 of the Revised Code of General Ordinances (R.C.G.O.), inclusively. Federal funds: The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. The City of Dayton is a recipient of Department of Transportation funds and complies with the DBE program. Authorization for the program comes from 49 Code of Federal Regulations Part 26 (49 CFR 26). State Funds: When determining the level of participation the, only the total work performed by the certified subcontractor either singularly or severally, will be considered. This form must be utilized to indicate your subcontractors and must be fully completed and returned with your bid proposal, i.e., you must list the name(s), address, etc. of the subcontractor, type of work to be performed, dollar amount of the subcontract and percentage of the base bid. Use as many copies of this form as necessary to list all subcontractors. Should you have questions regarding this form, please contact the Human Relations Council (HRC) Office. (937) 333-1403.

Firm Name, Tax I.D. Number and Mailing Address		Please Check One				Type of Service or Supply to be Provided	Type of Construction Work to be Performed																														
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Certified Business Firm Name: _____																																					
Tax I.D. Number: _____																																					
Street Address: _____																																					
City/State/ Zip Code: _____																																					
Phone (area code/##): _____	E-mail: _____																																				
Total \$ Amount of PRIME CONTRACTOR'S Base Bid: _____		Total \$ to subcontract _____		Total % subcontract: _____																																	
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">PRIME CONTRACTOR'S REPRESENTATIVE</th> <th colspan="3">Subcontractor Information</th> </tr> </thead> <tbody> <tr> <td>Print Name:</td> <td colspan="3">_____</td> <td>Street Address</td> <td colspan="3">_____</td> </tr> <tr> <td>Sign Name:</td> <td colspan="3">_____</td> <td>_____</td> <td colspan="3">_____</td> </tr> <tr> <td colspan="4"></td> <td>City/State/Zip</td> <td colspan="3">_____</td> </tr> </tbody> </table>							PRIME CONTRACTOR'S REPRESENTATIVE				Subcontractor Information			Print Name:	_____			Street Address	_____			Sign Name:	_____			_____	_____							City/State/Zip	_____		
PRIME CONTRACTOR'S REPRESENTATIVE				Subcontractor Information																																	
Print Name:	_____			Street Address	_____																																
Sign Name:	_____			_____	_____																																
				City/State/Zip	_____																																



BY Mr. Mims ..... NO. 31504-16 .....

**AN ORDINANCE**

Authorizing the Disposition of Five Parcels and  
Declaring an Emergency.

WHEREAS, The City of Dayton has adopted and implemented procedures to facilitate the revitalization of non-productive lands situated within the City; and,

WHEREAS, It has been found that these City parcels serve no municipal purpose and have been determined to be surplus real estate; and,

WHEREAS, Interest in acquiring these City parcels has been expressed by County Corp for a County Corp Redevelopment project; and,

WHEREAS, County Corp will maintain the inventory resulting from the redevelopment project as affordable housing as defined and required under grant regulations for the Department of Housing and Urban Development's Neighborhood Stabilization Program; and,

WHEREAS, For the immediate preservation of the public peace, property, health and safety, it is necessary that this Ordinance take effect at an early date; now, therefore,

**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:**

**Section 1.** That the City Manager is authorized to convey on behalf of the City each parcel as described in Section 2 hereof to facilitate the development of non-productive lands situated within the City.

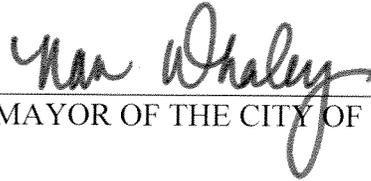
**Section 2.** That the City Manager is authorized to execute on behalf of the City Quit Claim deeds for the following parcels:

R72 08206 0013	201 Clemmer Street
R72 11709 0015	323 W Hudson Avenue
R72 08206 0016	128 N Mathison Street
R72 06712 0018	327 Neal Avenue
R72 08306 0029	208 N Paul L Dunbar Street

**Section 3.** For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

PASSED BY THE COMMISSION... **August 3**....., 2016

SIGNED BY THE MAYOR... **August 3**....., 2016



\_\_\_\_\_  
MAYOR OF THE CITY OF DAYTON, OHIO

ATTEST:



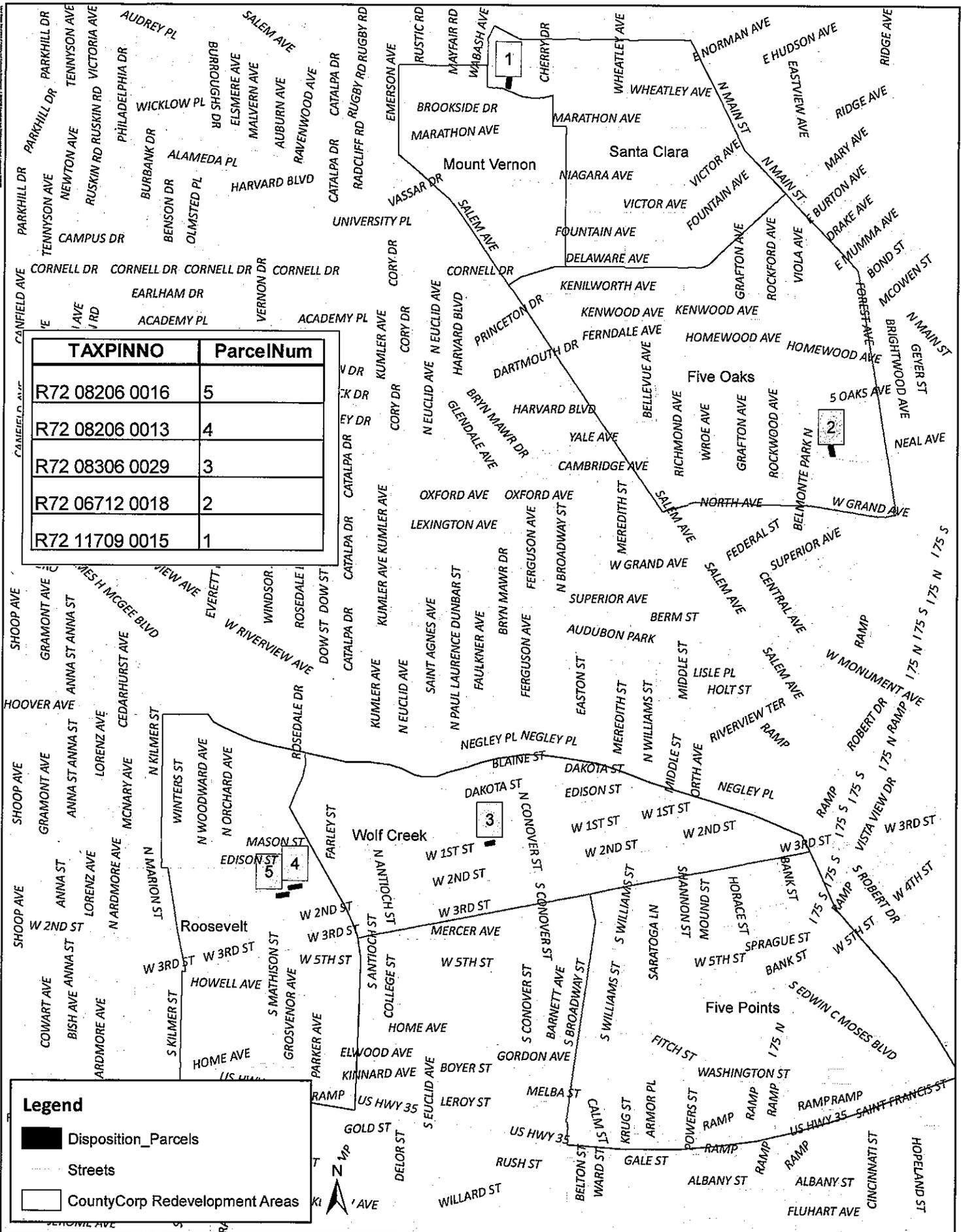
\_\_\_\_\_  
Clerk of the Commission

APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney

Disposition Parcel Locations





## MEMORANDUM

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July 20, 2016

**TO:** Shelley Dickstein, City Manager  
City Manager's Office

**FROM:** Aaron K. Sorrell, Director *AKS*  
Department of Planning and Community Development

**SUBJECT:** Disposition Ordinance – County Corp Redevelopment

Attached for your review and placement on the August 3, 2016, City Commission Calendar is an Ordinance authorizing the disposition of five parcels of city-owned property. The parcels were formerly owned by Tawawa Community Development Corporation. The five properties will be transferred to County Corp for redevelopment of affordable housing.

If you have any questions or require additional information, please contact Pete Thornburgh at 3797.

AKS/pdt

Attachments

10/2/2016

By..... **Mr. Shaw** .....

No..... **6201-16** .....

**A RESOLUTION**

Authorizing the Acceptance of a Grant in the Amount of Twenty-Two Thousand Seven Hundred Seventy-Two Dollars (\$22,772.00) from the Montgomery County Solid Waste District Incentive Grant Program and Authorizing the Required Matching Funds in the Amount of Nine Thousand Seven Hundred Sixty Dollars (\$9,760.00).

**WHEREAS**, Montgomery County, through its Montgomery County Solid Waste District Incentive Grant Program, provides funding to Montgomery County Solid Waste District members to increase participation in waste reduction efforts and community recycling programs; and

**WHEREAS**, The Montgomery County Solid Waste District Incentive Grant Program has offered Twenty-Two Thousand Seven Hundred Seventy-Two Dollars (\$22,772.00) in grant assistance to the City of Dayton in furtherance of the recycling program at the Dayton International Airport ("Grant"); and

**WHEREAS**, Acceptance of the Grant requires the City to provide Nine Thousand Seven Hundred Sixty Dollars (\$9,760.00) in matching funds toward the recycling program at Dayton International Airport for a total project cost of Thirty-Two Thousand Five Hundred Thirty-Two Dollars (\$32,532.00); now, therefore,

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:**

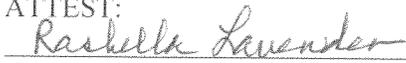
Section 1. That the City Manager, or her designee, is authorized and directed on behalf of the City of Dayton to accept a Grant from the Montgomery County Solid Waste District Incentive Grant Program, in an amount not to exceed Twenty-Two Thousand Seven Hundred Seventy-Two Dollars (\$22,772.00).

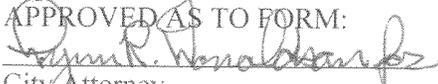
Section 2. That the City Manager, or her designee, is authorized and directed on behalf of the City of Dayton to encumber funds in the amount of Nine Thousand Seven Hundred Sixty Dollars (\$9,760.00) to match the Grant, and to execute any necessary contracts or other documents in connection with the acceptance or use of the Grant and the matching funds.

ADOPTED BY THE COMMISSION.. **August 3** ....., 2016

SIGNED BY THE MAYOR ... **August 3** ....., 2016

  
\_\_\_\_\_  
Mayor of the City of Dayton, Ohio

ATTEST:  
  
Clerk of Commission

APPROVED AS TO FORM:  
  
City Attorney



## MEMORANDUM

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July 6, 2016

**TO:** Shelley Dickstein  
City Manager

**FROM:** Terrence G. Slaybaugh, Director  
Department of Aviation 

**SUBJECT:** Resolution – Montgomery County Recycling Incentive Grant Acceptance Letter and Resolution

The Department of Aviation wishes to present a Resolution for consideration by the City of Dayton Commission authorizing the acceptance of a grant in the amount of \$22,772.00 from the Montgomery County Solid Waste District Incentive Grant Program and authorizing the required matching funds in the amount of \$9,760.00 for a total project cost of \$32,532.00. The source of the matching funds will be Aviation Capital.

Attached are two (2) executable copies of the Resolution approved by the Law Department. Also, attached for your reference are copies of the Grant Award Letter, and Letter of Acceptance. If there are any questions regarding the Resolution, please contact me at 454-8212.

cc: J. Parlette  
T. Clements  
M. Cross

TS:mc

**INCENTIVE GRANT PROGRAM  
Montgomery County Solid Waste District**

**LETTER OF ACCEPTANCE**

This Letter of Acceptance is agreed to by \_\_\_\_\_ as a  
(Individual's first and last name)

representative of the **City of Dayton (Airport)**, hereinafter referred to as a recipient participating in Montgomery County Solid Waste District's Incentive Grant Program.

**WHEREAS**, the Montgomery County Solid Waste District is committed to integrated waste management techniques, including waste reduction and recycling, and;

**WHEREAS**, the purpose of the Incentive Grant Program is to provide funding for local governments to effectively increase participation in waste reduction efforts and community recycling programs, and;

**WHEREAS**, the following terms and conditions shall govern participation in the Incentive Grant Program:

1. All grant funds must be used for the approved activities set forth in the Award Letter.
2. The grant recipient will provide the initial funds to operate specified programs. The Solid Waste District will reimburse recipient upon receipt of proof of paid invoice(s) for approved activities, not to exceed the amount set forth below.
3. Grant recipient must submit a summary report of all approved activities at the end of the project or by **October 28, 2016**, whichever is earlier.
4. To be eligible for further rounds of grant funding, grant recipient must submit 2016 recycling data for Ohio EPA Annual Report by March 31, 2017.
5. Grant recipient must provide applicable maintenance, insurance and liability for equipment purchased with grant funds.

**AGREED and ACCEPTED**

**SWD:\$22,772.00**

**City/Organization: \$9,760.00**

\_\_\_\_\_  
(name of governmental jurisdiction)

**By:**

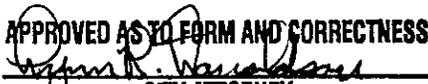
\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print signature)

**Address:**

\_\_\_\_\_  
\_\_\_\_\_

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

**APPROVED AS TO FORM AND CORRECTNESS**  
  
**CITY ATTORNEY** LTB



**MONTGOMERY**  
C O U N T Y

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**MONTGOMERY COUNTY  
SOLID WASTE DISTRICT**

2550 Sandridge Drive  
Dayton, Ohio 45439  
937-225-4999

www.mcswd.org

**COUNTY COMMISSIONERS**

Dan Foley  
Judy Dodge  
Deborah A. Lieberman

**COUNTY ADMINISTRATOR**

Joseph P. Tuss

**DEPARTMENT DIRECTOR**

Patrick Turnbull, P.E.

April 29, 2016

City of Dayton  
Dayton International Airport  
Mr. Michael Cross  
3600 Terminal Drive  
Vandalia OH 45377

Dear Mr. Cross:

On April 27, 2016 the Montgomery County Solid Waste Management Policy Committee approved the following 2016 Incentive Grant application(s).

Item	SWD Amount	Jurisdiction Amount
Purchase of (10) dual trash/recycling containers and (2) BigBelly Dual Solar Compactors.	\$ 22,772.00	\$9,760.00
	\$	\$
<b>TOTAL</b>	<b>\$22,772.00</b>	<b>\$9,760.00</b>

This year the Solid Waste Management Policy Committee received 19 applications and approved 15 for funding. The District received grant requests totaling \$305,555.34 with the committee approving \$245,080.63.

The District asks that you:

- 1) Sign and return the enclosed Letter of Acceptance to the Montgomery County Solid Waste District, Attn: Barbara Asberry, 2550 Sandridge Drive, Moraine, Ohio 45439.
- 2) Submit proof of paid invoice(s) for approved programs and activity reimbursement. These invoices need to be submitted by **October 28, 2016**. Please submit all invoices to the Montgomery County Solid Waste District, Attn: Barbara Asberry, 2550 Sandridge Drive, Moraine, Ohio 45439.
- 3) Recycled content products must have signage or must conspicuously display they are made from recycled materials. **All signage must be approved by Montgomery County Solid Waste District.**
- 4) Submit pictures of the project once it is completed.

We appreciate the efforts of your jurisdiction to enhance and increase recycling, waste minimization and composting in your community. If you have any questions, please contact me at 781-3062 or by e-mail at [asberryb@mcOhio.org](mailto:asberryb@mcOhio.org)

Sincerely,

Barbara Asberry  
Business Program Specialist



By... **Ms. Whaley**.....

No..... **925-16**.....

**AN INFORMAL RESOLUTION**

Supporting 131-HB292 and 131-SB27 Supporting Firefighters  
Disabled By Specified Types of Cancer Incurred in the Line of  
Duty.

WHEREAS, Firefighters are valiant public servants expected to face great risk in the execution of their routine duties; and

WHEREAS, Exposure to chemicals and carcinogens caused by fire or by materials involved in a fire may have serious impacts on firefighters' immediate and long-term health; and

WHEREAS, 131-HB292 and 131-SB27 would create a statutory presumption that firefighters who are disabled as a result of specified cancers incurred the cancer while performing their official job duties for purposes of workers' compensation and the Ohio Police and Fire Pension Fund; and

WHEREAS, These bills allow for the presumption to be rebutted upon the presentation of evidence to the contrary, including if the cancer was revealed during the firefighter's entrance physical examination; now, therefore,

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:**

SECTION 1: That the Dayton City Commission supports and endorses for passage 131-HB292 and 131-SB27 Supporting Firefighters Disabled By Specified Types of Cancer Incurred In The Line of Duty.

ADOPTED BY THE COMMISSION..... **August 3**....., 2016

SIGNED BY THE MAYOR..... **August 3**....., 2016

  
\_\_\_\_\_  
MAYOR, CITY OF DAYTON, OHIO

ATTEST:

  
\_\_\_\_\_  
Clerk of Commission

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney