

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

Addendum No. 2 to the Harbor Bay Community Development District Project Manual for Emergency Retaining Wall Stabilization Project

TO: All Bidders

CC: Matthew Huber, District Manager
Jere Earlywine, District Counsel

FROM: Jamie Scarola, P.E., District Engineer
John Magnavita, P.E., Engineer of Record on Project

DATE: February 10, 2016

This Second Addendum to the Harbor Bay Community Development District (“District”) Project Manual for the Emergency Retaining Wall Stabilization Project provides the following clarification, addition, deletion and/or modification to the Project Manual for the above referenced project. Please acknowledge receipt of this Addendum by e-mail to jmagnavita@Langan.com.

1. *Please note that Phase 11 has been removed from the Emergency Project, and, accordingly, Proposers need not bid on Phase 11.*
2. *Proposer Question:* Addendum 1 was received, however I had a question regarding the bid bond? What percentage are you requiring it to be and if not what amount? The ITB states a \$5,000? But will that change even with the removal of phase 11, also the ITB does (3 pages) did not specify the Liquidated damages or the length of the contract. Please let me know as soon as possible so that I can inform my surety, thank you.

Response: Under Section 6 of the Instructions, the bid bond for this Project is for a fixed amount (\$5,000), and proposers may supply a certified or cashier’s check, or bond, to satisfy the requirement. Removal of Phase 11 will only affect the amount of any performance and payment bonds, not the bid bond.

As for the form of contract, no liquidated damages are specified, though delay damages may apply under the terms of the contract. Further, under Section 3 of the Instructions, all Proposers shall provide a competitive schedule, with the expectation that work will begin on March 1, 2016.

THE SEAWALL PROJECT ENGINEER HAS MADE FINDINGS THAT THE STATUS OF THE CANAL RETAINING WALL THAT IS THE SUBJECT OF THE EMERGENCY PROJECT CREATES AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND/OR WELFARE. ACCORDINGLY, AND PURSUANT TO THE PROVISIONS OF SECTION 287.055(3)(A)1., FLORIDA STATUTES, THE DISTRICT IS CONDUCTING THE INSTANT PROCUREMENT INFORMALLY AND OUTSIDE THE SCOPE OF A

STATUTORY COMPETITIVE PROCUREMENT. THE DISTRICT THEREFORE WILL SELECT THE PROPOSAL THAT IS IN THE BEST INTERESTS OF THE DISTRICT, AND NO BID PROTEST RIGHTS APPLY TO THIS SOLICITATION. FURTHER, THE DISTRICT RESERVES THE RIGHT TO REJECT ANY AND ALL PROPOSALS, MAKE MODIFICATIONS TO THE WORK, AWARD THE CONTRACT IN WHOLE OR IN PART WITH OR WITHOUT CAUSE, PROVIDE FOR THE DELIVERY OF THE PROJECT IN PHASES, AND WAIVE MINOR OR TECHNICAL IRREGULARITIES IN ANY PROPOSAL, AS IT DEEMS APPROPRIATE, AND IF THE DISTRICT DETERMINES IN ITS DISCRETION THAT IT IS IN THE DISTRICT'S BEST INTERESTS TO DO SO.