



March 16, 2016

**VIA E-FILING**

Carlotta S. Stauffer, Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 150071-SU – Application for increase in Wastewater rates in Monroe County by K W  
Resort Utilities Corp.  
Our File No. 34000.01

Dear Ms. Stauffer:

Enclosed is an executed copy of the contract between KW Resort Utility Corporation and Wharton Smith, Inc. for \$4.3 million for the construction of the pro forma wastewater treatment plant improvements.

Should you or Staff have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Martin S. Friedman".

MARTIN S. FRIEDMAN  
For the Firm

MSF/  
Enclosure

cc: Chris Johnson (via email)  
Bart Smith, Esquire (via email)  
Martha Barrera, Esquire (via email)  
Adam Hill (via email)  
Erik Sayler, Esquire (via email)

SECTION 00505

NOTICE OF APPARENT LOW BID  
And  
NOTICE OF INTENT TO AWARD CONTRACT

TO: Wharton Smith, Inc.

NAME OF PROJECT: KWRU WWTP Upgrades

The OWNER has considered the BID submitted by you on November 20, 2015 for the above described WORK in response to the Invitation for Bids and Information for Bidders.

You are hereby notified that your BID is the apparent lowest, responsive BID for BID items in the amount of Four Million Three Hundred Thousand and 00 /100 dollars (\$4,300,000.00) Subject to evaluation of the submittals described below, the OWNER intends to award the contract to you. THIS NOTICE IS NOT A CONTRACT, AND THE BIDDER IS CAUTIONED NOT TO COMMENCE CONTRACT PERFORMANCE UNTIL A NOTICE TO PROCEED HAS BEEN ISSUED.

Within 5 working days after the date of this Notice, you must submit the following information to the Owner for evaluation to determine compliance with the responsibility requirements. The following information may also be required to be submitted by the second and third low, responsive bidders within 5 working days, if notified by the Owner or Engineer.

1. Provide a statement of the Bidder's organization, including resumes of key personnel, especially those personnel proposed for work on this Project.
2. Provide financial information in accordance with the following:
  - a. For projects where the total base bid is \$600,000.01 up to \$10,000,000.00, provide a current Percentage of Completion Review of the Bidder, prepared by a CPA.
  - b. The financial information shall reflect the most current fiscal year, and in no case more than 16 months old.
3. Provide a list of equipment and quantities currently owned or under lease to the Bidder and available for the work.
4. Provide a list of all sub-contractors to be utilized by the Bidder for the contract work, along with evidence of each subcontractor's valid business license, and evidence of each subcontractor's valid certificate of competency or registration under Chapter 489, Fla.Stat.
5. Submit copies of all construction licenses.

6. Provide a statement indicating whether or not the Bidder is or has been under litigation or dispute resolution procedure within the past 5 years.

If you fail to provide the requested information within 5 working days from receipt of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER's acceptance of your BID as abandoned. The OWNER will be entitled to such other rights as may be granted by law.


You are required to return an acknowledged copy of this Notice to the OWNER.

Dated this 9th day of March, 2016.

OWNER: KW Resort Utility Corporation  
(Name of OWNER)  
  
By (Signature)  
Christopher Johnson, President  
(Printed Name and Title)

**ACCEPTANCE OF NOTICE**

Receipt and acceptance of the above Notice is hereby acknowledged by Gregory L. Williams  
\_\_\_\_\_ this 10th day of March, 2016.

By   
Gregory Williams DIVISION MANAGER  
Printed Name and Title