



City of Port Angeles
Public Works & Utilities Dept.
Engineering Office
321 E. Fifth Street
Port Angeles WA 98362

INSTRUCTIONS TO BIDDERS

SMALL WORKS ROSTER CONTRACT

Project Title: A Street Substation Electrical Switchgear Upgrades Project Number: CON-2021-45

1. The Project Manager for this project is: Timothy Amiot. For any questions or to arrange a site visit, please make contact at **360-417-4731** or by email at contracts@cityofpa.us.
2. Bids must be received by the City of Port Angeles, Public Works and Utilities Department no later than **2:00 PM, Tuesday, January 18, 2022**. Bid results will be made available on City website shortly after at <https://www.cityofpa.us/bids.aspx>.

For a bid to be valid, a completed Bid Form (included in this package) must be submitted. All bids must be made on the required bid form and in cases of errors in the extension of prices in the bid, the unit prices will govern. All blank spaces for bid prices must be filled in, with ink or typewritten, and each bid form for which the bidder is providing a bid must be fully completed and executed when submitted. Only one copy of each complete bid form is required. The completed bid form(s) must be accompanied by one completed Bid Signature Sheet, and one completed Non-Collusion Affidavit form, one completed set of Bid Bond (Security) forms, a copy of a valid certificate of registration in compliance with 18.27, Bidder's Construction Experience form, and one completed Certificate of Compliance with Wage Payment Statutes form. **Faxed or emailed bids will not be accepted.** Failure to adhere to instructions may constitute disqualification of the proposal.

3. Sealed Bid Forms must be received by the time and date specified above, and may be submitted by any of the methods listed below:
 - a. Hand delivered to the City Hall, Attn: Lucy Hanley, Public Works & Utilities – Engineering, City of Port Angeles, 321 East Fifth Street, Port Angeles, Washington 98362.
 - b. Mailed to Lucy Hanley, Public Works & Utilities – Engineering, City of Port Angeles, 321 East Fifth Street, Port Angeles, Washington 98362.
4. Additionally, for a bid to be valid, there can be no bidder submitted variations to the Statement of Work, the Small Works Project Contract or other terms presented in the Request for Bid package. **Any questions bidders have with regard to the Statement of Work shall be submitted in writing to the Project Manager, at contracts@cityofpa.us. No responses will be provided for questions submitted after close of business (5:00 PM, PDT) on the Thursday preceding the bid opening date.**

The City may waive any informalities or minor defects or reject any and all bids. Any bid may be withdrawn prior to the scheduled time for the opening of bids or authorized postponement thereof. Any bid received after the time and date specified shall not be considered. No bidder will be permitted to withdraw its bid between the closing time for receipt of bids and execution of the Contract, unless the award is delayed for a period exceeding sixty (60) calendar days. A conditional or unqualified bid will not be accepted.

By submitting a bid in response to this request, bidder accepts all terms and conditions set forth in the City's Contract Agreement. Formal objection is hereby made by the City to any additional or different terms proposed by bidder as a condition of acceptance or delivery and may be grounds for rejection of the bid by the City.

5. The City of Port Angeles in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be

discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

The City of Port Angeles is an equal opportunity and affirmative action employer. Small, minority- and women-owned businesses are encouraged to submit bids. All work performed on the project will be subject to the State of Washington prevailing wage rates.

6. Bonds and Retainage.

a. Bid Bond. Each bid shall be accompanied by a bid deposit in the form of a cashier's check, postal money order, or surety bond to the City of Port Angeles for a sum of not less than 5% of the amount of the bid, and no bid will be considered unless accompanied by such bid deposit. In addition, **the bidder shall submit a copy of a valid certificate of registration in compliance with 18.27 RCW**. The Bid Security form is attached.

b. Performance Bond and Retainage.

(1) Bids less than or equal to \$35,000 including tax. A performance and payment bond, and retainage will not be required for this work if the total bid amount including tax is less than or equal to \$35,000. However, the City shall have the right of recovery against the Contractor for any payments made on the Contractor's behalf.

(2) Bids greater than \$35,000 including tax. If the total bid amount including tax exceeds \$35,000, this project will be awarded as a small works roster contract and payment and performance bonds and retainage will apply in accordance with Washington State law. A retainage of 5% will then be applicable to this contract. The Contractor shall obtain payment and performance bonds in accordance with this Contract and all Attachments incorporated herein. Copies of the Bid Security Transmittal Form, Performance and Payment Bond form, and Escrow Agreement for Retained Percentage form are available from the Operations Office of Public Works & Utilities (Telephone 360-417-4541).

7. The following forms are to be executed after the Contract is awarded:

a. Contract - To be executed by the successful bidder and the City.

b. Performance and Payment Bond - To be executed on the form provided by City, by the successful bidder and its surety company. To include name, contact and phone number, and address of surety and power of attorney of signatory.

c. Insurance certificate(s).

The party to whom the Contract is awarded ("Contractor") will be required to execute the Contract, furnish the required Contractor's Performance Bond, Payment Bond, and certificates of insurance within ten (10) calendar days from the date the notice of award is delivered to the bidder. In case of failure of the bidder to execute the Contract, the City may, at its option, consider the bidder in default, in which case the City will be entitled to consider all bidder rights arising out of the City's acceptance of bidder quote as abandoned. The City will be entitled to such other rights as may be granted by law.

The notice to proceed will be issued within ten (10) calendar days of the execution of the Contract by the City. Should there be reasons why the notice to proceed cannot be issued within such period, the time may be extended by mutual agreement between the City and Contractor, if the notice to proceed has not been issued.

Pursuant to RCW 39.04.350, before awarding a public works contract, the City must verify that bidder has received training on prevailing wage and public works requirements or that the bidder is exempt from training because they have completed three or more public works projects and have had a valid Washington business license for three or more years. This verification is required for bids awarded after July 1, 2019. If bidder has not completed this training and/or is not exempt from said training, the bid shall be rejected.

Additionally, and pursuant to the requirement in RCW 39.06.020, a public works contractor must verify responsibility criteria for its first-tier subcontractors. A subcontractor of any tier hiring other subcontractors

must verify responsibility criteria for each of its subcontractors. Subcontractors must meet criteria responsibility at the time of subcontract execution.

BIDDER'S CHECKLIST

1. Has the Bid Security Transmittal form been completed, either by (1) attaching a bid deposit in the form of a postal money order, cashier's check or other security and filling out the part of the form above the words "Bid Bond" or (2) a surety bond in the proper form and filling out the section of the form below the words "Bid Bond"?
2. Is the amount of the bid deposit at least five percent (5%) of the total amount of the bid?
3. Have the bid forms been properly signed?
4. Does the amounts column of the bid form agree with the numbers for unit price times the number shown in the quantity column?
5. Have you bid on all items?
6. If Addendum(a) have been issued, have it/they been acknowledged on the Bid Form?
7. Has the non-collusion affidavit been properly executed?
8. Have you shown your contractor's state license number on the Bid Form?
9. **Have you included a copy of a valid certificate of registration in compliance with 18.27 RCW?**
10. Have you filled out the Bidder's Construction Experience form?
11. Have you included a Certificate of Compliance with Wage Payment Statutes Form?

BID FORM (page 1 of 2)

Project Title: A Street Substation Electrical Switchgear Upgrades

Project Number: CON-2021-45

The bidder hereby bids the following amounts for all work (including labor, equipment, time and materials) required to perform the work in the Statement of Work and this package.

1. BID ITEMS:

ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	PER SCOPE, Retrofit breakers, cubicles, accessories, etc. shipped to site. Installation, field testing, commissioning and disposal of replaced equipment. Retrofit rear panels	1	L.S.		

Sub-Total _____
 Sales Tax (8.8%) _____
Total Bid _____

2. The bidder hereby acknowledges that it has received Addenda No(s) _____
(Enter "N/A" if none were issued) to this Request for Bid package.

3. The name of the bidder submitting this bid and its business phone number and address, to which address all communications concerned with this bid and with the contract shall be sent, are listed below. Any written notices required by the terms of an awarded contract shall be served or mailed to the following address:

Contractor Information:

- 1. Company Name: _____
- 2. Address: _____
- 3. City, State, Zip Code: _____
- 4. Phone Number: _____
- 5. Contractor Registration Number: _____
- 6. UBI Number: _____
- 7. WA State Industrial Insurance Account Number: _____
- 8. WA State Employment Security Dept Number: _____
- 9. State Excise Tax Registration Number: _____

BID FORM (page 2 of 2)

The bidder represents that it is qualified and possesses sufficient skills to bid on this project and the necessary capabilities to perform the services set forth in this Contract.

Signed by: _____

Printed Name: _____

Title: _____

Date _____

Failure to return this Declaration as part of the bid proposal package will make the bid nonresponsive and ineligible for award.

NON-COLLUSION DECLARATION

I, by signing the proposal, hereby declare, under penalty of perjury under the laws of the United States that the following statements are true and correct:

1. That the undersigned person(s), firm, association or corporation has (have) not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the project for which this proposal is submitted.
2. **That by signing the signature page of the Bid Form of this proposal, I am deemed to have signed and to have agreed to the provisions of this declaration.**

NOTICE TO ALL BIDDERS

To report rigging activities call:

1-800-424-9071

The U.S. Department of Transportation (USDOT) operates the above toll-free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m., eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of USDOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the USDOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

DOT Form 272-036HEF
Revised 5/06



NON-COLLUSION AFFIDAVIT

STATE OF WASHINGTON)
)
COUNTY OF _____)

The undersigned, being first duly sworn on oath, says that the bid herewith submitted is a genuine and not a sham or collusive bid, or made in the interest or on behalf of any person not therein named; and (s)he further says that the said bidder has not directly or indirectly induced or solicited any bidder on the above work or supplies to put in a sham bid, or any other person or corporation to refrain from bidding; and that said bidder has not in any manner sought by collusion to secure to him/her self an advantage over any other bidder or bidders.

Signature of Bidder/Contractor

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public in and for the

State of _____

Residing at _____

My Comm. Exp.: _____

BID SECURITY TRANSMITTAL FORM (page 1 of 2)

Herewith find an executed Bid Bond or a deposit in the form of a cashier's check, postal money order or other security in lieu of a bid bond in the amount of \$ _____ which amount is not less than five (5%) percent of the total bid.

SIGN HERE _____

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ as Principal and _____ as Surety, are held and firmly bound unto the CITY OF PORT ANGELES as Obligee, in the penal sum of _____ Dollars, for the payment of which the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

The condition of this obligation is such that if the Obligee shall make any award to the Principal for:

Project Title: A Street Substation Electrical Switchgear Upgrades Project Number: CON-2021-45

according to the terms of the bid made by the Principal, and the Principal shall duly make and enter into a contract with the Obligee in accordance with the terms of said bid and award and shall give bond for the faithful performance thereof, with Surety or Sureties approved by the Obligee; or if the Principal shall, in case of failure so to do, pay and forfeit to the Obligee the penal amount of the deposit specified in the advertisement for bids, then this obligation shall be null and void; otherwise it shall be and remain in full force and effect and the Surety shall forthwith pay and forfeit to the Obligee, as penalty and liquidated damages, the amount of this bond.

SIGNED, SEALED AND DATED THIS ____ day of _____, 20____.

Principal

Surety

Agent

Surety address

Agent Address

Surety Contact and Phone Number

Agent Contact and Phone Number

Dated: _____

Received return of deposit in the sum of \$ _____

BID SECURITY TRANSMITTAL FORM (page 2 of 2)

Project Title: A Street Substation Electrical Switchgear Upgrades

Project Number: CON-2021 45

BIDDER: _____

The undersigned, hereinafter called the bidder, declares that the only person(s) interested in this bid are those named herein; that the bid is in all respects fair and without fraud; and that it is made without any connection or collusion with any other person making a bid on this project.

The bidder further declares that it has carefully examined the plan, specifications, and contract documents, hereinafter referred to as the Project Manual, for the construction of the proposed project improvement(s); that it has had opportunity to personally inspected the site(s); that it has satisfied itself as to the types and quantities of materials, the types of equipment, the conditions of the work involved, including the fact that the description of and the quantities of work and materials, the types of equipment, the conditions of and the work involved as included herein, are brief and are intended only to indicate the general nature of the work and to identify the said quantities with the corresponding requirements of the Project Manual; and that this bid is made in accordance with the provisions and the terms of the Contract included in the Project Manual.

The bidder further agrees that it has exercised its own judgment regarding the interpretation of surface information and has utilized all data which it believes is pertinent from the City Engineer, hereinafter also referred to as the City or City, and such other source of information as it determined necessary in arriving at its conclusion.

If the bidder is awarded a construction contract on this bid, the name and address of the surety who will provide the performance bond is:

Surety

Agent

Surety address

Agent Address

Surety Contact and Phone Number

Agent Contact and Phone Number

BIDDER'S CONSTRUCTION EXPERIENCE

Answer all questions and provide clear and comprehensive information.

1. Name of bidder: _____
Registration Number: _____
2. Permanent main office address: _____

3. When organized: _____
4. Where incorporated/organized: _____
5. How many years have you been engaged in the contracting business under your present firm name? _____
6. * Contracts on hand. (Schedule these, showing gross amount of each contract and the approximate anticipated dates of completion), contact name and phone number.

7. * General character of work performed by your company: _____

8. * Have you ever failed to complete any work awarded to you? _____
If so, where and why? _____

9. * Have you ever defaulted on a contract? _____
10. * List the more important projects recently completed by your company, stating approximate cost for each, the month and year completed, contact name and phone number.

11. * List your major equipment available for this contract: _____
12. * Experience of bidder in construction similar to this project in work and importance: _____

13. Will you, upon request, fill out a detailed financial statement and furnish any other information that may be required by the City? _____

* Add separate sheets if necessary.

The undersigned hereby authorizes and requests any person, firm or corporation to furnish any information requested by the City of Port Angeles.

Date: _____

Bidder's Signature: _____

Print Name: _____

Title: _____



Certification of Compliance with Wage Payment Statutes

The bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date, December 21, 2021, the bidder is not a “willful” violator, as defined in RCW 49.48.082, of any provision of chapters 49.46, 49.48, or 49.52 RCW, as determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Bidder's Business Name

Signature of Authorized Official*

Printed Name

Title

Date

City

State

Check One:

Sole Proprietorship Partnership Joint Venture Corporation

State of Incorporation, or if not a corporation, State where business entity was formed:

If a co-partnership, give firm name under which business is transacted:

** If a corporation, proposal must be executed in the corporate name by the president or vice-president (or any other corporate officer accompanied by evidence of authority to sign). If a co-partnership, proposal must be executed by a partner.*