

**INVITATION TO BID
CITY OF PORT ORCHARD
TREMONT LANDSCAPING MAINTENANCE
October 6TH, 2020**

Notice is hereby given that bids will be received for Tremont Landscaping Services. Interested parties should mail or email their proposals to the City of Port Orchard Public Works Department at:

216 Prospect Street
Port Orchard, WA 98366
Email: publicworks@cityofportorchard.us
RE: ITB – Tremont Landscaping Maintenance

Proposals will be received until 1:00pm on October 23rd, 2020. No proposals time-stamped will be accepted after the above-stated time. Faxed bids will not be accepted.

Project Details

Site(s): Tremont St from the on/off ramp of Hwy 16 to east of Port Orchard Boulevard. See attached maps for associated areas of responsibility- Exhibit A.

Scope of Work: Routine landscaping maintenance of the right of way and associated medians along Tremont St. Included maintenance shall be but are not limited to weeding, pruning, mowing, fertilizing, edging, blowing, and migration prevention of surrounding vegetation from encroaching into the right of way, and debris clean-up. See attached Exhibit B and Exhibit C for detailed descriptions of work.

- The Contractor is responsible for all traffic control associated with maintenance in the medians. Associated traffic control plan needs to be submitted to the City Engineer for approval. If flaggers are utilized they must have minimum class 2 apparel with current flagger card certification.
- It is highly recommended that interested bidder's schedule a walk-through with city staff to see maintained areas and to address any related questions.
- Before submitting bid, the Bidder shall carefully examine each component of the Bid Documents and any other available supporting data so as to be thoroughly familiar with all the requirements.

This contract consists of the contractor furnishing all materials, equipment, tools, labor and other work or items incidental theretofore.

THE SELECTED CONTRACTOR WILL BE REQUIRED TO COMPLY WITH ALL REQUIREMENTS FOR LANDSCAPING CONSISTENT WITH DIRECTION FROM THE FEDERAL AND STATE GOVERNMENT FOR ENSURING SAFETY AND MINIMIZING THE SPREAD OF COVID-19.

GENERAL TERMS AND CONDITIONS

1. The Selected Contractor will be required to execute a contract with the City for the performance of these services, which shall include (but is not limited to) this Invitation to Bid and all attachments, the Selected Contractor's response thereto, the City's form contract for this type of public works project.

2. Per RCW 39.12.030, this is a prevailing wage contract and workers shall receive the prevailing wage rate as established by Labor and Industries (L&I).

The vendor is required to pay, at a minimum, the applicable prevailing wage rates to those employees performing services under the Contract. The applicable wage rates are set forth in the State of Washington Department of Labor and Industries Prevailing Wage Rate Schedule, RCW 39.12.020.

The project site is located in Kitsap County.

The prevailing wage schedule in effect for the work under the Contract will be the one in effect upon the prime contractor's bid due date with these exceptions:

- o If the project is not awarded within six (6) months of the bid due date, the award date (the date the contract is executed) is the effective date.
- o If the project is not awarded pursuant to bids, the award date (the date the contract is executed) is the effective date.
- o Janitorial contracts follow WAC 296-127-023.

The prime contractor bid due date is **1:00pm October 23rd, 2020**.

Except for janitorial contracts, the rates in effect on the bid due date shall apply for the duration of the contract (unless otherwise noted in the solicitation).

It is the responsibility of the vendor to ensure the appropriate labor classification(s) are identified and that the applicable wage and benefit rates are taken into consideration when preparing their proposal according to these specifications.

The selected vendor must submit to the Department of Labor and Industries, a "Statement of Intent to Pay Prevailing Wages". A copy of the certified Intent Statement must be submitted to the City prior to payment of the first invoice. The vendor will pay promptly, when due, all wages accruing to its employees.

All invoice or payment applications are required to bear the following signed statement: "I certify that wages paid under this contract are equal to or greater than the applicable wage rates set forth in the Washington State Prevailing Wage Rates for Public Works Contracts issued by the State of Washington Department of Labor and Industries."

The selected vendor must submit to the Department of Labor and Industries an "Affidavit of Wages Paid" and a copy of an approved Affidavit must be submitted at the end of the contract to the City before the last payment or any retained funds will be released.

The cost of filing a Statement of Intent to Pay Prevailing Wages and Affidavit of Wages Paid with the Department of Labor and Industries shall be at no additional cost to the City. The Director of the Department of Labor and Industries shall arbitrate all disputes of the prevailing wage rate, RCW 39.12.060 and WAC 296-127-060.

Look up the prevailing rates of pay, benefit, and overtime codes from this link:

<http://www.lni.wa.gov/TradesLicensing/PrevWage/WageRates/default.asp> A copy of the prevailing wage rates is available for viewing at the City of Port Orchard Department of Public Works. A hard copy will be mailed upon request.

For prevailing wage questions, contact the Department of Labor & Industries at PW1@Lni.wa.gov or 360-902-5335.

3. The company will submit the L&I approved Intent to Pay *with* the invoice. If there is more than one invoice, submit the Intent to Pay *with* the first invoice and submit the Affidavit *with* the last invoice. **We will not accept the invoice without the approved Intent to Pay from L&I.**
4. The successful bidder must have a City business license prior to award of contract and must be an active participant on the MRSC Small Works Roster for the City of Port Orchard. For more information regarding the MRSC, visit their website at www.mrscrosters.org.
5. A retainage of 5% will be held on all public improvement projects per RCW 60.28.011. The retainage will be released after the City is provided the Affidavit of Wages Paid and approval of the Department of Revenue. All expenses associated with the prevailing wage rules are the responsibility of the contractor.
6. The company is required to have the following liability insurance and list the City of Port Orchard as a "Named Insured" on the company's policy.
 - a. \$1,000,000 Property Damage
 - b. \$1,000,000 Bodily Injury

7. Contractor Disqualification

A bidder will be deemed not responsible and the proposal rejected if the bidder does not meet the following responsibility criteria set forth in RCW 39.04.350:

1. Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:
 - a. At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;
 - b. Have a current state unified business identifier number;
 - c. If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;
 - d. Not be disqualified from bidding on any public works contract under [RCW 39.06.010](#) or [39.12.065\(3\)](#);
 - e. If bidding on a public works project subject to the apprenticeship utilization requirements in [RCW 39.04.320](#), not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation;
 - f. Have received training on the requirements related to public works and prevailing wage under this chapter and chapter 39.12 RCW. The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three

or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make the records available on its web site. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption; and

- g. Within the three-year period immediately preceding the date of the bid solicitation, not have been 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 to have willfully violated, as defined in [RCW 49.48.082](#), any provision of chapter 49.46, 49.48, or 49.52 RCW.

2. A bidder may be deemed not responsible and the proposal rejected if:

- a. More than one proposal is submitted for the same project from a bidder under the same or different names;
- b. Evidence of collusion exists with any other bidder or potential bidder. Participants in collusion will be restricted from submitting further bids;
- c. The bidder, in the opinion of the Contracting Agency, is not qualified for the work or to the full extent of the bid, or to the extent that the bid exceeds the authorized prequalification amount as may have been determined by a prequalification of the bidder;
- d. An unsatisfactory performance record exists based on past or current Contracting Agency work or for work done for others, as judged from the standpoint of conduct of the work; workmanship; progress; affirmative action; equal employment opportunity practices; or Disadvantaged Business Enterprise, Minority Business Enterprise, or Women's Business Enterprise utilization;
- e. There is uncompleted work (Contracting Agency or otherwise) which might hinder or prevent the prompt completion of the work bid upon;
- f. The bidder failed to settle bills for labor or materials on past or current contracts;
- g. The bidder has failed to complete a written public contract or has been convicted of a crime arising from a previous public contract;
- h. The bidder is unable, financially or otherwise, to perform the work; or
- i. There are any other reasons deemed proper by the Contracting Agency.

Americans with Disabilities Act (ADA) Information

The City of Port Orchard in accordance with Section 504 of the Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA), commits to nondiscrimination on the basis of disability, in all of its programs and activities. This material can be made available in an alternate format by emailing the Human Resources Department at dlund@cityofportorchard.us or by calling (360) 876-7014.

Title VI Statement

The City of Port Orchard in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 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.”

Notice is given to all potential bidders that any bid responses may be subject to release under the Public Records Act Chapter 42.56 RCW and the City may be required to disclose bid responses upon a request. Bidders are advised to mark any records believed to be trade secrets or confidential in nature as “confidential.” If records marked as “confidential” are found to be responsive to the request for records, the City may elect to give notice to the bidder of the request so as to allow the bidder to seek a protective order from a Court. Please be advised, however, that any records deemed responsive to a public records request may be released at the sole discretion and without notice by the City.

All questions or comments regarding the bid or to schedule a walk thru should be directed to Tony Lang at tlang@cityofportorchard.us or call 360.535.2490. Unauthorized contact regarding this notice with other City employees may result in disqualification. Any oral communications will be considered unofficial and non-binding on the City.

The award of the Contract will go to the qualified bidder submitting the lowest responsible bid. The City reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This notice does not obligate the City to pay any costs incurred by bidders in the preparation and submission of their bids.

Submittal Checklist

- Bid
- Acknowledgements
- Bidder’s Qualification Form – the Owner reserves the right to check all statements and to judge the adequacy of the Bidders qualifications
- Non-collusion Declaration

Schedule of Contract Prices Tremont Landscaping Maintenance

NOTE: If a discrepancy between the numerical unit price and the written (words) unit price is found, the written (words) unit price shall control.

The City of Port Orchard reserves the right to award a contract for all or any combination of schedules, based upon the overall lowest responsible bidder.

Schedule of Contract Prices Tremont Landscaping Maintenance			
Description	Per Visit Charge	Number of Visits Per Month	Amount Per Month
Schedule A			
WINTER MONTHS			
January, February, November, December Landscaping Services			
• Tremont and Surrounding Areas (Exhibit A)	\$ _____	1	\$ _____
Per Month Total for Winter Months			\$ _____
Total for Winter Months (4)			\$ _____
SPRING & SUMMER MONTHS			
March, April, May, June, July, August, September, October Landscaping Services			
• Tremont and Surrounding Areas (Exhibit A)	\$ _____	4	\$ _____
Per Month Total for Spring/Summer Months			\$ _____
Total for Spring/Summer Months (8)			\$ _____
Total for Year			\$ _____
Sales Tax 9%			\$ _____
Total Schedule A			\$ _____
Monthly Billing Total (Total of Schedule A/12)			\$ _____

SALES TAX

In accordance with Section 1-07.2(2) State Sales Tax: **The Contractor shall collect from the Contracting Agency retail sales tax on the full contract price.**

ACKNOWLEDGEMENTS
CITY OF PORT ORCHARD
TREMONT LANDSCAPING MAINTENANCE

The undersigned Bidder hereby agrees to start construction on this project, if awarded, no later than fourteen (14) calendar days after Notice to Proceed and to complete the project within the time stipulated in the Contract. By signing below, Bidder acknowledges receipt of the following Addenda to the Bid Documents:

_____	_____	_____	_____
Addendum No.	Date of Receipt	Addendum No.	Date of Receipt
_____	_____	_____	_____
Addendum No.	Date of Receipt	Addendum No.	Date of Receipt

NOTE: Failure to acknowledge receipt of Addenda may be considered as an irregularity in the Bid Proposal and Owner reserves the right to determine whether the bid will be disqualified.

By signing below, Bidder certifies that he/she has reviewed the insurance provisions of the Bid Documents and will provide the required coverage.

The undersigned Bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date for this Project, 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.

OFFICIAL AUTHORIZED TO SIGN FOR BIDDER:	
"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."	
Signature:	Date:
Printed Name and Title:	Location or Place Executed (City, State):
Business Address:	Business Telephone:

NOTES: If the Bidder is a co-partnership, give firm name under which business is transacted; proposal must be executed by a partner. If the Bidder is 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). Any signature must be notarized below.

STATE OF _____)

)ss.

COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ signed this proposal, on oath stated that he/she was authorized to execute the proposal and acknowledged it as the _____ (title) of _____ (name of party on behalf of whom

proposal was executed) and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this proposal.

Dated this _____ day of _____, 20____.

Notary Public

Printed Name

My Commission Expires: _____

BIDDER'S QUALIFICATION FORM
CITY OF PORT ORCHARD
TREMONT LANDSCAPING MAINTENANCE

1. Name of Contractor: _____
Address: _____
2. Telephone No.(_____) _____ Fax No.: (_____) _____
3. Washington State Dept. of Labor and Industries Worker's Compensation Account No.: _____
4. Washington State Dept. of Licensing Contractor's Registration No. _____
Expiration Date: _____
5. Washington State Uniform Business Identifier No. _____
(Must have UBI number before the contract is awarded.)
6. Number of years engaged in contracting business under above name: _____
7. At the time of bid submittal, did the contractor have a certificate of registration in compliance with Chapter 18.27 RCW? _____
8. Does the contractor have industrial insurance coverage for its employees working in Washington as required in Title 51 RCW? _____
9. Does the contractor have an employment security department number as required in Title 50 RCW? (provide number): _____
10. Does the contractor have a state excise tax registration number as required in Title 82 RCW? (provide number): _____
11. Has the contractor been disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3)? _____
12. Has the contractor received training on the requirements related to public works and prevailing wage under chapters 39.04 and 39.12 RCW, as required in RCW 39.04.350(1)(f) _____
13. Within the three-year period immediately preceding the date of the bid solicitation, was the contractor (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) to have willfully violated, as defined in [RCW 49.48.082](#), any provision of chapter 49.46, 49.48, or 49.52 RCW?

14. Has the contractor violated the "Off-site Prefabricated Non-Standard Project Specific Items" reporting requirements more than one time as determined by the department of labor and industries? _____
15. Particular types of construction performed by your company:

16. Gross amount of contracts now on hand: \$ _____

17. List similar recent construction projects that your firm has done in the last 5 years:

Amount	Type	Owner's Name	Phone

18. What is the construction experience of the principal individuals to be assigned to this project?

Name	Title	Years of Construction Experience	Availability

Pursuant to RCW 39.06.020, the contractor further agrees to verify responsibility criteria for each of its subcontractors and to require each of its subcontractors to both verify responsibility criteria for its subcontractors and include instant condition for verification requirement.

NOTE: Any bidder having current outstanding litigation with the City will not be considered responsible and will be rejected by the City.

By: _____
(Authorized Signature)

Title: _____

Date: _____

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 this proposal, I am deemed to have signed and agreed to the provisions of this declaration.

By: _____

(Authorized Signature)

Title: _____