

**Lummi Nation Natural Resources
Watershed Restoration Division
2665 Kwina Road
Bellingham, WA 98226**

REQUEST FOR BIDS

Porter Creek Restoration Project

The Lummi Nation Natural Resources Department (LNRD) wishes to solicit Proposals for the construction of the Porter Creek Restoration Project, an aquatic habitat restoration project on a tributary to the Middle Fork Nooksack River (Figures 1 and 2). Final design documents are available at the Western Construction Resource Center; instructions are below. LNRD reserves the option to award the project to any contractor. The project is funded by state and federal funds, and will follow this timeline:

June 24, 2020 – Plans and Specifications available at Western Construction Resources (WCR)

July 1, 2020 – Mandatory pre-bid meeting on site with the Project Engineer and the LNRD project manager from 1:00 pm – 2:00 pm. Due to concerns about the Covid-19 pandemic, we recommend only one contractor representative per company attend the site visit. **To submit a proposal, the contractor representative must attend the entire site visit.**

July 15, 2020 – Proposal due to LNRD office by 1:00pm PDT. Electronic bid proposals are preferred and will be received by LNRD by Nathan Rice at nathanr@lummi-nsn.gov until:

1:00 p.m. PDT, July 15, 2020

Please include a scanned copy of your bid bond (a photo can also work). The bid bond can be mailed and postmarked by July 15. Bids can be submitted in person on July 15 if necessary. Please contact Nathan Rice (360-584-4046; nathanr@lummi-nsn.gov) to make arrangements for pick up. LNRD will send you an email notification that your bid is received, regardless of its delivery method.

The selected contractor will be required to provide a safety plan that includes a COVID-19 safety plan. See the proposed date on Table 1.

Project completion requires the removal of an artificial berm and installation of nine large wood placements in the seasonally dry channel and floodplain of Porter Creek (Figures 1 and 2). Trees for the placements will be salvaged from the berm removal. Equipment and material staging is available at an existing parking area onsite. The selected contractor will clear a temporary access road into the site. All temporary access roads shall be built to meet Washington State Forest Practice standards.

The selected contractor will excavate an artificial berm approximately 325 feet long, 45 feet wide, and 8 feet high, requiring approximately 3,900 cubic yards of excavation. Excavated material shall be stockpiled in the staging area. Approximately 500 cubic yards of this material will be used as ballast for large wood placements and floodplain grading. Approximately 3,400 cubic yards of excess berm material will be hauled away by contractor for disposal at a location determined by the contractor.

The selected contractor is responsible for transporting and staging all equipment, tools and supplies needed for large wood placements (including temporary erosion and sediment control (TESC) and work area isolation materials should Porter Creek start to flow). The large wood placement work areas will be accessed by crossing the seasonally dry Porter Creek channel that may begin to flow should unseasonal precipitation occur. Crossing wet channels would require temporarily constructed log bridges. All tracked equipment must use biodegradable fuels and hydraulic fluids. Fueling sites must be at least 100 feet from the edge of the stream channel.

The selected contractor will install nine large wood placements in the dry channels and floodplain of Porter Creek. Each large wood placement will require one large tree to be cut to a length to be determined in the field (between roughly 20 and 50 feet) and partially buried. In addition, several smaller trees and slash material may be added to each placement, depending on site conditions. Tree placement details can be found in the plans. The large wood structures will be backfilled and ballasted with material excavated from the berm. The approximate excavation footprint of the large wood placement will be approximately 10 feet by 10 feet by 3 feet deep but will vary by site. If Porter Creek flows, installation of large wood placements will require isolation from the river channel following TESC and water management standards.

The selected contractor will grade the excavated berm area and adjacent floodplain area to a 3% grade, using minimal fill as necessary to achieve desired grade. The total graded area will be approximately 0.6 acres to approximately the OHWM elevation. Several large wood placements will be installed in the graded floodplain area. The large placements are from felled trees in the project footprint.

Project activities will include but are not limited to:

1. Construct the temporary road for equipment through forest lands to access project areas.
 - a. Avoid cutting flagged trees by the project sponsor and landowner.
2. Fell approximately 20-26 trees averaging 85 feet tall with DBH between 8 inches and 30 inches, with rootwads intact. Cut felled trees to field fitted lengths between 20 and 50 feet.
3. Clear approximately 135 trees with DBH less than 8 inches and brush from approximately 0.6 acres.
4. Remove artificial berm material down to approximately OHWM elevation.
5. Haul excess berm material off-site for disposal.
6. Cross the creek channel in identified locations. Simple log crossings may be required if Porter Creek starts to flow.
7. Be prepared to isolate in-channel work areas should Porter Creek start to flow.

8. Excavate native alluvium within the main channel and floodplain using excavators and other equipment to install nine large wood placements.
9. Backfill the excavated material onto large wood placements as ballast.
10. Handle and place logs up to 30-inch diameter by 50-foot long with rootwads in accordance with the Project Engineer's design to install large wood placements within the excavated areas.
11. Utilize erosion and disturbance control measures associated with project permits.
12. Distribute additional felled trees and slash across restored area.
13. Decommission the road upon project completion.

The Contractor may need large equipment such as Class 400 log loaders, Class 400 excavators with bucket and thumb, a D8N bulldozer (or larger), a D5 or D6 Cat, and dump trucks to perform the above described work.

The project has timing restrictions and will need to be staged and removed between August 1 and September 30. Work coming in contact with water will likely need to be completed between August 1 and September 15, depending on the WDFW fish window. The project will need to be closely coordinated with the local land Contracting Agencies – Lummi Nation and WDNR. All permits will be secured prior to project implementation.

Table 1. The anticipated project schedule. These dates are subject to change based on when all permits have been received.

Activity	Date to be completed
Contractor under contract	7/30/2020
Contractor-provided Covid-19 prevention plan	7/30/2020
Pre-project planning meeting at LNRD	8/6/2020
Submittals (TESC plan, water management plan and SWPPP)	8/10/2020
Mobilization	8/14/2020
Temporary access route construction	8/18/2020
Tree felling in berm removal area and grading area	8/20/2020
Start berm removal	8/21/2020
Start hauling berm material for disposal	8/24/2020
Start installing large wood placements in floodplain and/or channel (depending on	8/24/2020

when creek goes dry)	
Grade berm removal area in floodplain	8/27/2020
Distribute salvaged trees and slash across graded floodplain area	8/27/2020
Walk-through with Project Engineer and contractor	8/28/2020
Decommission roads	9/1/2020
Demobilization	9/3/2020

The contract award is based on experience working in sensitive aquatic environments, record of permit compliance (no official permit violations in the last five years), bid total cost, proposed methods, contractor availability, contractor qualifications, and Native Preference factors. Lummi Nation will provide permits and engineering as needed and environmental compliance authority. The LNRD also requests that the contractor provide the proposed project schedule in their bid, including estimated timing for berm removal and each large wood placement installation. LNRD is securing the following permits for the project, with expected date of approval included:

1. SEPA Determination of Nonsignificance (Skagit County), June 25, 2020
2. Whatcom County Shoreline Exemption, June 30, 2020
3. Floodplain Development permit (Whatcom County), June 30, 2020
4. Nationwide permit (USACOE), June 30, 2020
5. Hydraulic Projects Approval (WDFW), July 8, 2020
6. DNR Fire Waiver, July 8, 2020

The Indian Preference Policy of Lummi Nation entitles qualified applicants who are enrolled tribal members of federally recognized Indian tribes, or qualified businesses owned by enrolled tribal members of federally recognized Indian tribes, to first consideration for contracts. Bidders for contracts who are not entitled to claim such preference or who fail to claim it shall be considered without regard to ethnic/national origin, gender, marital status, sexual orientation, religion, and age or disability status. Indian Preference will apply only to bids that are within 110% of the lowest bid submitted by a qualified bidder not claiming Indian Preference.

Unless otherwise specified, all project work shall be in accordance with the Special Provisions, the 2018 Standard Specifications for Road, Bridge, and Municipal Construction (WSDOT/APWA), including agreed upon amendments thereto, and Plans hereunder. If the contract is awarded, the award will be in accordance with the Standard Specifications, Section 1-03, "Award and Execution of Contract", except as provided for hereunder and in the "Instructions to Bidders."

Electronic plans and specifications may be obtained via WCR Publications (2215 Midway Lane, Suite 208, Bellingham, WA 98226, Phone 360-738-0370 (www.wcrinc.com and www.myplancenter.com)) without charge. **Contractor shall request to be on the plan holders list** before being able to access the plans and specifications online. A copy of plans and specifications is also available for review at the LNRD office by pre-arrangement, depending on Washington State Stay-at-Home restrictions

Contact Nathan Rice at LNRD: phone (360) 584-4046 for general questions or to view the copy at the LNRD office. LNRD will not be providing pre-bid copies of the plans or contract bid documents. Technical questions are to be directed to Nathan Rice and will be distributed to the Project Engineer.

NOTICE TO BIDDERS

LNRD reserves the right to accept a proposal of the bidder submitting the lowest responsible bid, to reject any or all bids, republish the call for bids, revise or cancel the work to be performed, or do the work otherwise, if the best interest of LNRD is served thereby. LNRD also reserves the right to postpone the bid award for thirty (30) calendar days after bid opening, except that upon mutual consent of the lowest responsible bidder and LNRD, the 30-calendar day limit may be extended to allow approval of the bid award. A scoring system will be to rank each proposal based on the following:

- Cost and associated construction schedule (35%)
- History of similar projects within 5 years (20%)
- Positive References (based on communication, following design specs, efficiency, compliance, and safety) (20%)
- Compliance and safety measures (10%)
- Native preference (15%)

The Lummi Nation Tribal Employment Rights Ordinance (TERO) applies to this project. All contractors bidding this project shall thoroughly familiarize themselves with the TERO requirements. The Contractor and Subcontractors are subject to compliance with the LIBC Alcohol and Drug Free Workplace Policy.

SUPPLEMENTAL INSTRUCTIONS TO BIDDERS

PREPARATION OF PROPOSAL

Each bid proposal shall be submitted on the forms included in the "Bid Proposal Forms" section following: All blank spaces on the forms shall be completed in ink or be typewritten. Any omission of prices for items included on the Bid form, or any addition in writing to the form of the bid proposal or any condition, limitation or provision not officially invited in these contract documents may render the proposal as incomplete or modified and may become cause for rejection of the bid.

The unit or lump sum price for each item, and the total bid price shall be shown in numbers. The extended unit price for each bid item shall be shown in numbers. All bid prices

shall be shown in the designated locations under the corresponding headings on the "Bid" form. The unit, extended unit, or lump sum price for each bid item shall include as shown on the "Bid" form complete under each heading all costs for labor, materials, tools, equipment, overhead, and profit. No additional compensation for these items shall be allowed except through an approved change order as provided for in these contract documents.

The sum shown for the Bid "Total" (total bid price) shall be the amount for which the Bidder offers to perform, and which the bidder agrees to accept for the work described in these documents. At the option and direction of LNRD, work may be added or deleted in accordance with the contract provisions hereunder.

Bidders shall fill in and complete the information requested on the "Statement of Bidder Identification" form, including address and telephone number. The Bidder is to include in the form the legal name under which the firm or bidder is registered.

Bid proposals shall be signed in full by the person or persons legally authorized to bind the bidder to a contract. A bid by a corporation shall further give the state of incorporation and have the corporate seal affixed. A bid submitted by an agent shall have attached a current power of attorney certifying the agent's authority to bind the Bidder. The name of each person signing shall be typed or printed below the signature.

MANDATORY PRE-BID MEETING

All bidders must drive separately and maintain 6 feet social distance per Washington State mandatory state-at-home measures. All bidders must wear a mask while onsite. These Covid-19 regulations may change and any revisions will be communicated to prospective bidders.

We will meet at the parking area north of the Porter Creek bridge on Mosquito Lake Road. This is located approximately 4.7 miles from the intersection of Mount Baker Highway and Mosquito Lake Road (Welcome Grocery Store), and approximately 0.8 miles north on Mosquito Lake Road from the Mosquito Lake Road Bridge over the Middle Fork Nooksack River (Figure 1). We will visit the project area. Prospective bidders must call or email Nathan Rice, LNRD: 360-584-4046 (cell), or nathanr@lummi-nsn.gov by 5:00pm, June 30, 2020 to RSVP.

Prospective bidders are required to attend the entire site visit. You must be on time or that may be grounds for an ineligible bid. Please call Nathan Rice (360-584-4046) if you will arrive late to the site visit.

SUBMITTAL OF PROPOSAL

The completed Bid Proposal Forms consisting of pages 2 through 16, and any other documents required in accordance with the Special Provisions shall be emailed to Nathan Rice at nathanr@lummi-nsn.gov with the subject line, "Porter Creek Restoration Project proposal" by 1 pm PDT on July 15, 2020.

Please include a scanned copy of your bid bond (a photo can also work). The bid bond can be mailed and postmarked by July 15, 2020. Bids can be submitted in person on July 15, 2020 if

necessary. Please contact Nathan Rice (360-584-4046; nathanr@lummi-nsn.gov) to make arrangements for pick up. LNRD will send you an email notification that your bid is received, regardless of its delivery method.

There will be no public bid opening per Washington State mandatory stay-at-home measures. However, LNRD will email the total bid amount of each bid to all bidders. The scoring sheet may also be provided per request. These bid delivery instructions may be revised prior to the closing date if the Washington State Stay-at-Home ordinance is lifted. Any revisions to the bid delivery process will be communicated to all prospective bidders.

No verbal or telephonic bids or modifications will be considered.

INTERPRETATIONS AND CORRECTIONS

If the Bidder finds any discrepancy in, or omission from the specifications or plans, or if there is any doubt as to their meaning, the Bidder shall promptly notify Nathan Rice of LNRD (360-584-4046, nathanr@lummi-nsn.gov). Any addenda issued during the time of bidding will be numbered consecutively and will be incorporated into these contract documents. The Bidder shall be responsible to ascertain prior to submittal of a bid proposal that all addenda issued have been received, and are acknowledged on the "Bid Proposal Signature and Addendum Acknowledgment" form. Addenda will only be issued to those contractors appearing on the Plan Holders List held by WCR Publications. It will be the responsibility of the contractor to ensure their name appears on the Plan Holders List.

CONSIDERATION OF BIDS

Bid proposals will be received at the time and place indicated in the "Invitation to Bid" or in an addendum, unless LNRD has withdrawn the request for bids. In the event of any discrepancies, the amount shown in words shall have precedence, an item's unit price shall have precedence over the item extended unit price, and the arithmetic sum of the extended unit and lump sum prices shall have precedence over the total amount of bid. Any alteration or erasure shall be initialed by the Bidder for the proposal to be considered.

If no responsive proposals by a qualified Indian-owned economic enterprise or Indian organization are within the range specified in the procurement policy, then the contract shall be awarded to the responsible person or entity whose proposal is the most advantageous to the Lummi Nation, with qualifications, price, and other factors considered, provided that the price is within the maximum total contract price established for the specific property or activity.

Bidders are notified that all bids are likely to be rejected if deemed in the best interests of LNRD. In the event all bids are rejected, this project may be deferred for re-advertising for bids until a more competitive situation exists.

EVIDENCE OF QUALIFICATIONS

Bidders shall complete the statement of Bidder Identification and Qualification in the Bid Proposal. Bidders shall provide satisfactory evidence of financial resources and experience in similar projects. This qualification includes (See also Special Provisions):

- List and qualifications of all subcontractors. All must be registered in SAM and have a DUNS #
- Contractor Project Manager, who will be onsite during all construction, his/her experience (must not be equipment operator). Contractor Project Manager must have experience managing river restoration projects and an understanding of WSDOT specifications and permit requirements for these types of projects.
- Other key project staff. Include staff organization chart.
- Description of three similar projects within the last five years with reference information
- Proposed methods for water crossings, berm removal, and floodplain grading.
- Current and projected workload during the summer of 2020 to complete project
- Equipment availability
- Native subcontractor and worker elements
- Bid Bond
- Bid total costs

Upon request of LNRD, a Bidder may be requested to submit supplementary information or clarification of qualifications.

Among the requirements to perform the project are:

- Contractors will be fully licensed and bonded and comply with all state and federal worker safety and benefits regulations.
- Contractors will add the Contractee, Natural Systems Design, Washington State Department of Natural Resources, and Whatcom County as Additional Insured Parties for a minimum limit of \$3,000,000 Liability, including Loggers Broad form Insurance which will be specified during the contracting process.
- Performance Bonds of 100% of Contract Amount will be required of successful proponents.

These contracts are covered under the provisions of the Davis-Bacon Act.

AWARD OF CONTRACT

The award of the Contract, if it be awarded, shall be made within thirty (30) calendar days after the date of opening of bids to the lowest Bidder deemed responsible by LNRD, as provided for herein, except that upon mutual consent of the lowest responsible Bidder and LNRD, the thirty (30) calendar days may be extended.

EXECUTION OF CONTRACT

The successful Bidder shall execute and return the contract within five (5) calendar days after bid award. A certificate of insurance satisfying the contract specifications, current W-9 form, TERO Compliance Plan (see <https://www.lummi-nsn.gov/Website.php?PageID=628>), and performance bond shall be submitted with the signed contract. Contract is subject to the approval of the Lummi Indian Business Council.

PRE-CONSTRUCTION CONFERENCE

The successful bidder, prior to commencement of work, shall attend a pre-construction conference with the Project Engineer and LNRD at the LNRD office. The pre-construction conference may be a teleconference if the Washington State Stay-at-Home order is still in effect.

POST-CONSTRUCTION CONFERENCE

The successful bidder, after completion of project construction, shall attend a post-construction conference with the Project Engineer and LNRD at the LNRD office to review the project and lessons learned. The post-construction conference may be a teleconference if the Washington State Stay-at-Home order is still in effect.

LOCATION

This project is located on Porter Creek, a tributary to the Middle Fork Nooksack River, where Mosquito Lake Road crosses Porter Creek.

All proposals will be due to the Lummi Natural Resources Office by July 15, 2020 at 1:00 pm. A mandatory pre-bid site tour will be held on 7/1/2020 at the project site. Some latent site conditions may be encountered which affect the cost of the work, but must be accounted for in your quotation. Among the requirements to perform the project is proof of insurance certification.

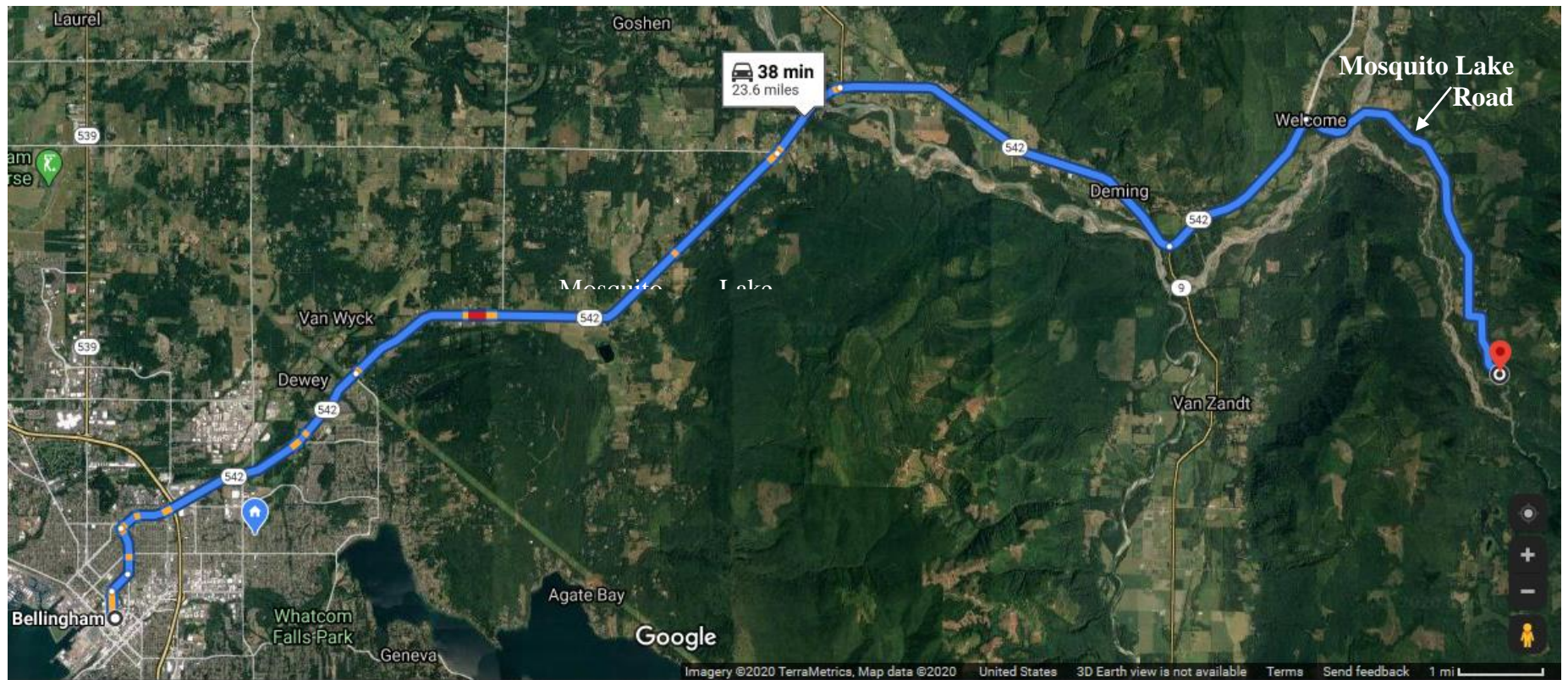


Figure 1. Project Location

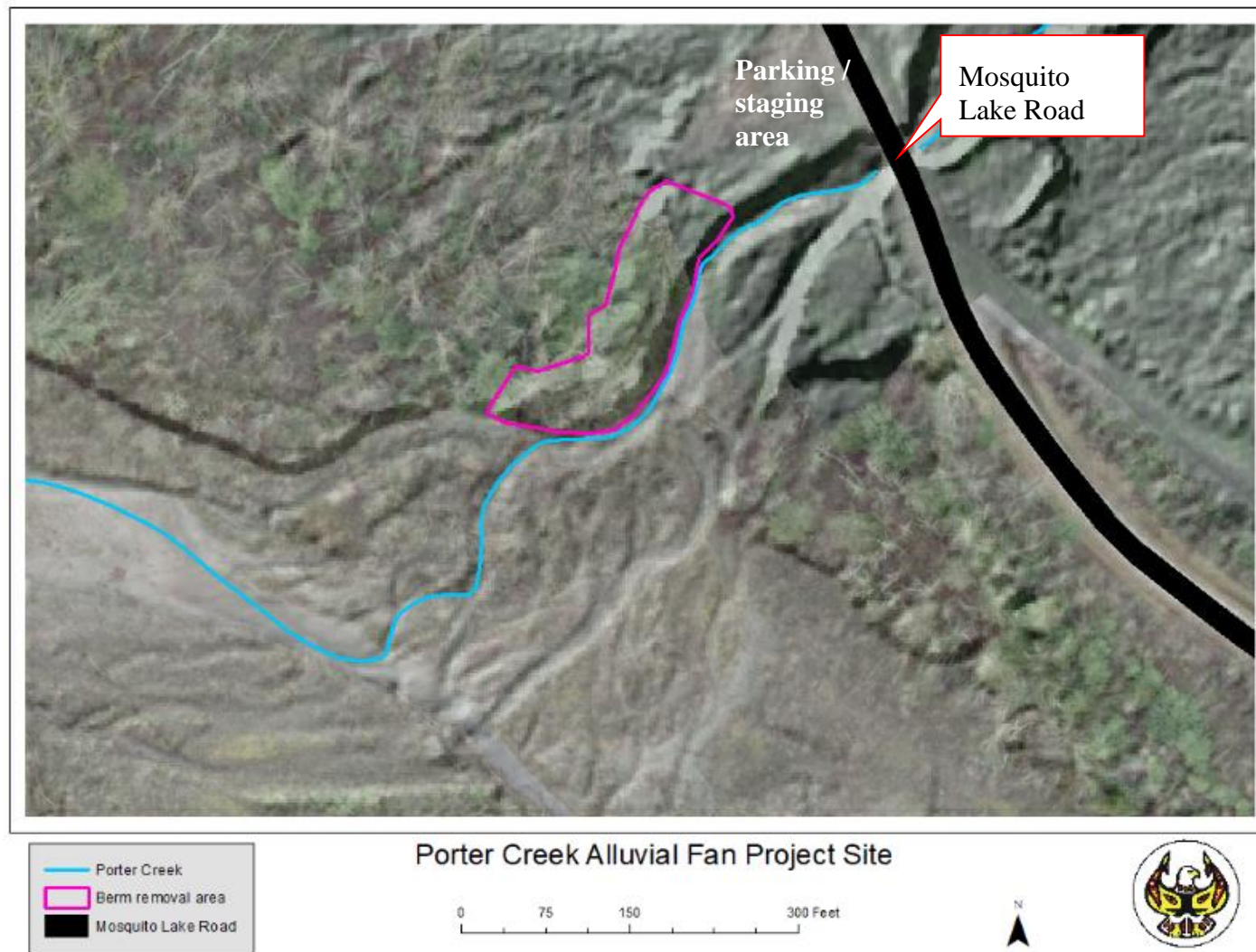


Figure 2. Project worksite location in existing conditions.