

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

REQUEST FOR BIDS

South Fork Nooksack River: Elk Flats Channel Restoration Project

Project No.

The Lummi Nation Natural Resources Department (LNRD) wishes to solicit Proposals for the construction of the Elk Flats Channel Restoration Project, an aquatic habitat restoration project on the South Fork Nooksack River (Figures 1 and 2). Final design documents are available at the Whatcom Plan 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:

May 1, 2020 – Plans and Specifications available at Western Construction Resources (WCR)

May 15, 2020 – Mandatory pre-bid meeting on site with the Project Engineer and the LNRD project manager from 9:00am – 2:00pm. Due to concerns about the Covid-19 pandemic, we request only one contactor representative per company attend the site visit. **To submit a proposal, the contractor representative must attend the entire site visit.**

May 26, 2020 – Proposal due to LNRD office by 1:00pm PDT. Sealed bid proposals will be received by LNRD at 2665 Kwina Road, Bellingham, Washington 98226 until:

1:00 p.m. PDT, May 26, 2020

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 installation of 18 engineered log jam (ELJ) structures in the Elk Flats Reach of the South Fork Nooksack River (Figures 1 and 2) and four (4) side channel inlet starter channels. Four types of ELJs are included in this project: apex jam (3), vertical array jam (4), flow deflection jam (7) and bank attached jam (4).

The owner-furnished wood material for the ELJs will be staged by the owner at a clear-cut near the top of the site (Figures 1 and 2). An existing access road owned and maintained by the landowner (Sierra Pacific Land & Timber (SPLT)) will be used to access the site. The selected contractor will restore an existing skid trail from this road as a temporary access road. The temporary access road continues through Whatcom Land Trust (WLT) land to access the restoration activities on the South Fork Nooksack River. All temporary access roads shall be

built to meet Washington State Forest Practice standards. The selected contractor will transport the wood material from the log staging site to the floodplain staging area along the new temporary access road.

The selected contractor will excavate four side channel inlet starter channels, requiring approximately 4,200 cubic yards of excavation. Excavated material shall be stockpiled in the floodplain staging area and used as ballast during ELJ construction.

The selected contractor is responsible for transporting and staging all wood material and the contractor-supplied project materials, tools, and supplies needed for ELJ construction [including, but not limited to: ballast rock, streambed cobbles excavated from floodplain side channels, lashing materials, and temporary erosion and sediment control (TESC)/ELJ isolation materials] adjacent to each ELJ work area. The ELJ work areas will be accessed using existing cobble bars, temporarily constructed log bridges and work platforms. All tracked equipment must use biodegradable fuels and hydraulic fluids. Fueling sites must be at least 100 feet from the edge of the river channel.

The selected contractor will install three apex jams in the river. Each apex jam requires 10 piles, embedded to a depth of 16 feet below channel grade, 17 key logs, 50 racking logs and 20 cubic yards of slash material. Apex jams include a 5-foot deep scour pool excavated immediately upstream of the ELJ. Logs within the ELJ will be secured together through a pinning connection and the structure will be backfilled with material excavated from the floodplain side channels. The approximate disturbance footprint of the apex jam is approximately 60 feet by 60 feet. Construction of apex jams will require isolation from the river channel through TESC and water management standards.

The selected contractor will install four vertical array jams in the river channel. Each vertical array jam requires 18 piles, embedded to a depth of 10 feet below channel grade, and 21 key logs. Between three and nine boulder rock collars are required for ballast. In addition, the logs will be secured together through pinning connections, and the structure will be backfilled with material excavated from the floodplain side channels. The approximate disturbance footprint of the vertical array jam is approximately 150 feet by 50 feet. Construction of vertical array jams will require isolation from the river channel through TESC and water management standards.

The selected contractor will install seven flow deflection jams in the river channel. Each flow deflection jam requires six vertical piles, embedded to a depth of 10 feet below channel grade, five key logs, 10 to 20 racking logs and three cubic yards of slash material. The logs will be secured together through pinning connections and the structure will be backfilled with material excavated from the floodplain side channels. The disturbance footprint of the flow deflection jam is approximately 50 feet by 60 feet. Construction of flow deflection jams will require isolation from the river channel through TESC and water management standards.

The selected contractor will install four bank attached jams in the floodplain side channels. Each bank attached jam requires three piles embedded to a depth of 8 feet below channel grade, four key logs and four racking logs. The structure will be ballasted with 2 boulder collars. The disturbance footprint of the bank attached jam is approximately 50 feet by 20 feet. Construction

of bank attached jams will require isolation from the river channel through TESC and water management standards.

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. Build seven temporary bridges to avoid contact with mapped wetlands and potential fish-bearing streams.
3. Decommission the road and remove bridges upon project completion.
4. Cross the river channel in identified locations.
5. Excavate native alluvium within the main channel using excavators and other equipment.
6. Excavate side channel starter inlets and stage and stockpile material to be used as ballast for ELJs.
7. Handle and place logs together in accordance with the Project Engineer's design to construct ELJs within the excavated pits.
8. Utilize erosion and disturbance control measures associated with project permits.
9. Handle and place pieces of wood (logs) up to 24-inch diameter by 40-foot long (many include rootwads).
10. Import, handle and place boulder anchors weighing approximately 1 to 2 tons.

LNRD will separately purchase and stage all wood material needed for the project ELJs including large logs, racking logs and slash material as previously described. The Contractor may need large equipment such as 2-3 Class 400 log loaders, 2 Class 400 excavators with bucket and thumb, a D8N bulldozer (or larger), a D5 or D6 Cat (optional), watering tank, a skidder with grapple, and dump trucks to perform the above described work.

The project has timing restrictions and will need to be staged and removed between June 1 and September 30. Work coming in contact with water will need to be completed between July 25 and August 15, depending on the WDFW fish window. The project will need to be closely coordinated with the local land Contracting Agencies – Lummi Nation, SPLT, WLT, and WDNR.

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	6/15/2020
Contractor provided Covid-19 prevention plan	6/15/2020
Material acquisition	6/30/2020
Pre-project planning meeting at LNRD	6/26/2020

Submittals (TESC plan, water management plan and SWPPP)	6/30/2020
Mobilization	7/1/2020
Temporary road construction	7/6/2020
Wood delivered from log staging area to floodplain staging area	7/9/2020
Material delivery to floodplain staging area	7/17/2020
Side channel excavation, temporarily staging material on floodplain	7/13/2020
Temporary bridge construction	7/17/2020
Begin in-water work activities on ELJs	7/25/2020
Construct ELJs in-water	8/15/2020
Walk-through with Project Engineer and contractor	8/13/2020
Decommission roads	8/27/2020
Demobilization	8/28/2020

The contract award is based on experience working in sensitive aquatic environments, record of permit compliance (no 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 each ELJ installation. LNRD is securing the following permits for the project, with expected date of approval included:

1. SEPA Determination of Nonsignificance (Skagit County), May 15, 2020
2. Skagit County Shoreline Exemption, May 22, 2020
3. Floodplain Development permit (Skagit County), May 22, 2020
4. Forest Practices Application (DNR), June 1, 2020
5. Nationwide permit (USACOE), June 1, 2020
6. Hydraulic Projects Approval (WDFW), July 1, 2020
7. DNR Fire Waiver, July 1, 2020
8. DNR Aquatic Lands Conservation License, July 10, 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 Alex Levell at LNRD: phone (360) 410-1988 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 Alex Levell 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.

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 Hamilton Guard Station at the beginning of the Crown Pacific Mainline road off of Scott Paper Road. We will visit the log staging area, access routes and the instream work. Prospective bidders must call or email Alex Levell, LNRD: 360-410-1988 (cell), or alexl@lummi-nsn.gov by 5:00pm, May 14, 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 Alex Levell (360-410-1988) 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 submitted the office of LNRD, Watershed Restoration Division in an envelope marked:

Proposal for Contract
(Name of Bidder)
Project: Elk Flats Restoration Project
Attn: Alex Levell

Bid proposals shall be deposited at the designated location prior to the date and time for receipt of bid proposals as indicated in the "Invitation to Bid", or such revised date as may be specified by an addendum. The bids will be hand delivered to the LIBC Compliance Specialist, Samantha Bahe, by 1 pm at the LIBC lobby.

Ms. Bahe's contact information:

Direct: (360) 312-2212 | **Cell:** (360) 410-2985

Email: Samb@lummi-nsn.gov

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. 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 oral, electronic, 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 Alex Levell of LNRD (360 410-1988, alexl@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.

It is the intent of LNRD to award a Contract to the responsible Bidder providing the lowest bid, subject to the Indian Preference Policy, provided the bid proposal has been submitted in

accordance with the requirements of these contract documents and does not exceed the funds available.

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 and staging
- 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, GeoEngineers, Whatcom Land Trust, Sierra Pacific Industries, Washington State Department of Natural Resources, and Skagit 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.

LOCATION

This project is located on the South Fork Nooksack River, between river mile 22.5 and 23.

All proposals will be due to the Lummi Natural Resources Office by 5/26/2020 at 1:00 pm. A mandatory pre-bid site tour will be held on May 15th 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.



Elk Flats - Project Vicinity



Figure 1. Project Location

