

Elizabeth Kosa  
Director



Douglas W. Ranney II, P. E.  
County Engineer  
322 N. Commercial Street, Ste 301  
Bellingham, WA 98225-4042  
Phone: (360) 778-6210  
Fax: (360) 778-6211

# Memorandum

**To:** The Honorable Satpal Singh Sidhu, Whatcom County Executive and the Honorable Members of the Whatcom County Council

**Through:** Elizabeth Kosa, Director *EK*

**From:** Douglas W. Ranney II, P.E., County Engineer *DWR*  
James E. Lee, P.E., Engineering Manager *JEL*

**Date:** April 12, 2024

**Re:** Hot Mix Asphalt Pre-Level at Various Locations - 2024, Work Order No. 21565  
**Approval for Award of Construction Contract, Bid No. 24-36**

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Attached for your review and signature is the standard construction contract award package for the above-referenced project. This package includes the approval for contract award, bid tabulation, and low bid proposal.

## Requested Action

Public Works respectfully requests that the County Council authorize the County Executive to sign the Approval for Contract Award to Western Refinery Services, Inc. for the Hot Mix Asphalt Pre-Level at Various Locations - 2024, Work Order No. 21565. Upon receipt of the signed Approval for Contract Award form, Public Works will submit the construction contract to the County Executive for contract execution.

## Background and Purpose

Bid proposals for the project were opened at 2:30 p.m. on Tuesday, April 9th, 2024. A total of three (3) responsive bids were received, with **Western Refinery Services, Inc.** being the lowest responsible bidder in the amount of \$877,105.00. The bid tabulation is attached to this memorandum.

## Funding Amount and Source

This project is being funded out of the Maintenance and Operations budget and there is sufficient budget authority for this expenditure. Please contact Carl J. Hendricks at extension 6260 if you have any questions or concerns regarding this contract.

In accordance with W.C.C. 3.08.030, I concur with this recommendation:

Digitally signed by Sara Winger  
DN: cn=Sara Winger, o=Whatcom County  
AS Finance, ou=Senior Purchasing  
Coordinator,  
email=swinger@co.whatcom.wa.us, c=US  
Date: 2024.04.19 13:07:10 -07'00  
Adobe Acrobat version: 2020.005.30574

Sara  
Winger

Sara Winger, Senior Purchasing Coordinator

\_\_\_\_\_  
Date

Elizabeth Kosa  
Director



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**Hot Mix Asphalt Pre-Level at Various Locations - 2024**

**Work Order No. 21565**

APPROVAL FOR CONTRACT AWARD

Approval is hereby granted to award the Contract as follows:

Project: Hot Mix Asphalt Pre-Level at Various Locations - 2024, Work Order No. 21565

To: Western Refinery Services, Inc.

In the amount of their bid proposal \$877,105.00 including all taxes.

\_\_\_\_\_  
Satpal Singh Sidhu  
Whatcom County Executive  
Approving Authority

\_\_\_\_\_  
Date

*Christopher Quinn* electronically authorized  
\_\_\_\_\_  
Christopher Quinn  
Chief Civil Deputy Prosecuting Attorney  
Civil Division

4/19/2024  
\_\_\_\_\_  
Date

Hot Mix Asphalt Pre-Level at Various Locations Bid Opening April 9th  
 WO No. 21565 (2024) Bid No. 24-36

ITEM NO.	BID PROPOSAL			ENGINEER'S ESTIMATE		Western Refinery Services, Inc		Granite Construction Co.		Lakeside Industries Inc	
	ITEM DESCRIPTION	UNIT MEAS.	APPROX. QTY	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Mobilization	LS	1	\$ 82,362.50	\$ 82,362.50	\$ 30,000.00	\$ 30,000.00	\$ 7,000.00	\$ 7,000.00	\$ 15,000.00	\$ 15,000.00
2	SPCC Plan	LS	1	\$ 1,500.00	\$ 1,500.00	\$ 600.00	\$ 600.00	\$ 500.00	\$ 500.00	\$ 550.00	\$ 550.00
3	Traffic Control Supervisor	LS	1	\$ 8,000.00	\$ 8,000.00	\$ 19,000.00	\$ 19,000.00	\$ 5,000.00	\$ 5,000.00	\$ 4,800.00	\$ 4,800.00
4	Flaggers and Spotters	HR	700	\$ 85.00	\$ 59,500.00	\$ 70.00	\$ 49,000.00	\$ 77.00	\$ 53,900.00	\$ 76.00	\$ 53,200.00
5	Other Traffic Control Labor	HR	200	\$ 85.00	\$ 17,000.00	\$ 70.00	\$ 14,000.00	\$ 77.00	\$ 15,400.00	\$ 80.00	\$ 16,000.00
6	Other Temporary Traffic Control	LS	1	\$ 4,000.00	\$ 4,000.00	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00	\$ 5,300.00	\$ 5,300.00
7	Pavement Repair (Force Account)	LS	1	\$ 5,000.00	\$ 5,000.00	1	\$ 5,000.00	1	\$ 5,000.00	1	\$ 5,000.00
8	HMA CL. 3/8 IN. PG 58H-22	TON	6,125	\$ 110.00	\$ 673,750.00	\$ 117.00	\$ 716,625.00	\$ 122.00	\$ 747,250.00	\$ 128.00	\$ 784,000.00
9	Planing Bituminous Pavement - Incl. Haul	SY	1,235	\$ 25.00	\$ 30,875.00	\$ 8.00	\$ 9,880.00	\$ 22.00	\$ 27,170.00	\$ 20.00	\$ 24,700.00
10	HMA CL. 3/8 IN. PG 58H-22 - Patch Areas	TON	150	\$ 120.00	\$ 18,000.00	\$ 160.00	\$ 24,000.00	\$ 122.00	\$ 18,300.00	\$ 170.00	\$ 25,500.00
11	Adjust Monument-Casing and Cover	EA	5	\$ 300.00	\$ 1,500.00	\$ 300.00	\$ 1,500.00	\$ 550.00	\$ 2,750.00	\$ 100.00	\$ 500.00
12	Unanticipated Site Work (Force Account)	LS	1	\$ 3,000.00	\$ 3,000.00	1	\$ 3,000.00	1	\$ 3,000.00	1	\$ 3,000.00
13	Erosion /Water Pollution Control (Force Account)	DOL	1	\$ 1,500.00	\$ 1,500.00	1	\$ 1,500.00	1	\$ 1,500.00	1	\$ 1,500.00
<b>TOTAL BID AMOUNT (Bid Items 1-13) =</b>				\$ 905,987.50	\$ 905,987.50	\$ 877,105.00	\$ 877,105.00	\$ 888,770.00	\$ 888,770.00	\$ 939,050.00	\$ 939,050.00

Notes: Amounts in **bold and italic** represent a correction to the contractor's submitted bid.

I hereby certify that the amounts tabulated herein are correct and accurately represent the amounts contained in the Engineer's estimate and the respective bid proposals opened at 2:30 P.M., April 9th, 2024 for the Hot Mix Asphalt Pre-Level at Various Locations, WO No. 21565, Bid No 24-36.

Douglas W. Ranney II, P.E.  
 County Engineer 4-11-24  
Date

STATE OF WASHINGTON )  
 COUNTY of WHATCOM )



On this day personally appeared before me, Douglas W. Ranney II, P.E., known to me to be the County Engineer and the person described herein and who executed the within and foregoing instrument on this 11th day of April, 2024.

Andrew M. Hester  
 NOTARY PUBLIC  
 Residing at Bellingham  
 My Commission Expires 8-9-2027

**BID PROPOSAL**  
**FOR**

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**WHATCOM COUNTY PUBLIC WORKS**  
**ENGINEERING DIVISION**  
**BELLINGHAM, WASHINGTON**

**Hot Mix Asphalt Pre-Level at Various Locations - 2024**  
**Work Order No. 21565**

DATE: April 9, 2024

TO: Whatcom County Executive and Council  
Whatcom County Courthouse  
311 Grand Avenue  
Bellingham, Washington 98225

Gentlepersons:

This certifies that the Undersigned: has examined the location of the project site and the conditions of work; and has carefully read and thoroughly understands the contract documents entitled: **“Hot Mix Asphalt Pre-Level at Various Locations - 2024, Work Order No. 21565”** Whatcom County, Washington, including the "Bid Procedures and Conditions," "Specifications and Conditions," "Contract Forms," "Construction Plans," and "Appendices," governing the work embraced in this project, and the method by which payment will be made for said work. The Undersigned hereby proposes to undertake and complete the work embraced in this project in accordance with said contract documents, and agrees to accept as payment for said work, the schedule of lump sum and unit prices as set forth in the "Bid" below.

The Undersigned acknowledges that payment will be based on the actual work performed and material used as measured or provided for in accordance with the said contract documents, and that no additional compensation will be allowed for any taxes not included in each lump sum or unit price, and that the basis for payment will be the actual work performed and measured or provided for in accordance with the said contract documents.

The Undersigned certifies that it is not currently disqualified from bidding on any public works contract under RCW 39.06.010 or RCW 39.12.065(3).



HOT MIX ASPHALT PRE-LEVEL AT VARIOUS LOCATIONS - 2024 WO No. 21 565 BID No. 24-36				BID RESPONSE FORM Bidder _____	
ITEM NO.	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT MEASURE	UNIT PRICE IN FIGURES	EXTENDED PRICE IN FIGURES
1	MOBILIZATION	1	LUMP SUM	\$ 30,000.00	\$ 30,000.00 ✓
2	SPCC PLAN	1	LUMP SUM	\$ 600.00	\$ 600.00 ✓
3	TRAFFIC CONTROL SUPERVISOR	1	LUMP SUM	\$ 19,000.00	\$ 19,000.00 ✓
4	FLAGGERS AND SPOTTERS	700	HOUR	\$ 70.00	\$ 49,000.00 ✓
5	OTHER TRAFFIC CONTROL LABOR	200	HOUR	\$ 70.00	\$ 14,000.00 ✓
6	OTHER TEMPORARY TRAFFIC CONTROL	1	LUMP SUM	\$ 3,000.00	\$ 3,000.00 ✓
7	PAVEMENT REPAIR (FORCE ACCOUNT)	EST	DOL	\$ 1.00	5,000.00 ✓
8	HMA CL 3/8 IN. PG 58H-22	6125	TON	\$ 117.00	\$ 716,625.00 ✓
9	Plaining Bituminous Pavement - INCL Haul	1235	SY	\$ 8.00	\$ 9,880.00 ✓
10	HMA CL 3/8 IN. PG 58H-22 - Patch Areas	150	TON	\$ 160.00	\$ 24,000.00 ✓
11	Adjust Monument - Casing and Cover	5	EA	\$ 300.00	\$ 1,500.00 ✓
12	UNANTICIPATED SITE WORK (FORCE ACCOUNT)	EST	DOL	\$ 1.00	\$ 3,000.00 ✓
13	EROSION / WATER POLLUTION CONTROL (FORCE ACCOUNT)	EST	DOL	\$ 1.00	\$ 1,500.00 ✓
TOTAL (Bid Items No. 1-13)					\$ 877,105.00 ✓

Checked: 4-11-2024

Checked By: *CGH*



**Proposal for Incorporating Recycled Materials into the Project**

In compliance with a new law that went into effect January 1, 2016 (SHB1695), the Bidder shall propose below, the total percent of construction aggregate and concrete materials to be incorporated into the Project that are recycled materials. Calculated percentages must be within the amounts allowed in Section 9-03.21(1)E, Table on Maximum Allowable Percent (By Weight) of Recycled Material, of the Standard Specifications.

Proposed total percentage: 20 percent.

*Note: Use of recycled materials is highly encouraged within the limits shown above, but does not constitute a Bidder Preference, and will not affect the determination of award, unless two or more lowest responsive Bid totals are exactly equal, in which case proposed recycling percentages will be used as a tie-breaker, per the APWA GSP in Section 1-03.1 of the Special Provisions. Regardless, the Bidder's stated proposed percentages will become a goal the Contractor should do its best to accomplish. Bidders will be required to report on recycled materials actually incorporated into the Project, in accordance with the APWA GSP in Section 1-06.6 of the Special Provisions.*

Bidder: Western Refinery Services, Inc.

Signature of Authorized Official: [Handwritten Signature]

Date: 4/9/2024

## BID CERTIFICATION OF COMPLIANCE WITH WAGE PAYMENT STATUTES

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The bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date (March 20, 2024), 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.

Western Refinery Services, Inc.

Bidder's Business Name



Signature of Authorized Official\*

Ryan Likkel

Printed Name

President

Title

4/9/2024

Date

Ferndale

City

WA

State

Check One:

Sole Proprietorship  Partnership  Joint Venture  Corporation

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

Washington

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.*

## **NON-COLLUSION DECLARATION**

### **Hot Mix Asphalt Pre-Level at Various Locations - 2024, Work Order No. 21565**

**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 have agreed to the provisions of this declaration.

### **NOTICE TO ALL BIDDERS**

To report bid 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.



## BIDDER IDENTIFICATION

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The name of the Bidder submitting this proposal, the address and phone number to which all communications concerned with this proposal shall be made, and the number which has been assigned indicating the Bidder is licensed to do business in the State of Washington are as follows:

Firm Name: Western Refinery Services, Inc.

Address: 2380 Grandview Rd.  
Ferndale, WA 98248

Telephone: 360-366-3303

Contractor's WA Registration Number: WESTERS101JS

Contractor's WA UBI Number: 601 229 9532

Contractor's WA Employment Security Department Number: 693 054 000

Contractor's WA Excise Tax Registration Number: 91-1473401

The Firm submitting this proposal is a:       Sole Proprietorship  
    Partnership  
    Corporation

The names and titles of the principal officers of the corporation submitting this proposal, or of the partnership, or of all persons interested in this proposal as principals are as follows:

<u>Ryan Likkel</u>	<u>President</u>
Name (printed)	Title

_____	_____
Name (printed)	Title

_____	_____
Name (printed)	Title

_____	_____
Name (printed)	Title

NOTE: Signatures of this proposal must be identified above. Failure to identify the Signatories will be cause for considering the proposal irregular and for subsequent rejection of the bid.

# BID PROPOSAL SIGNATURE AND ADDENDUM ACKNOWLEDGMENT

The bidder is hereby advised that by signature of this proposal he/she is deemed to have acknowledged all requirements and signed all certificates contained herein. The undersigned hereby agrees to pay labor not less than the prevailing rates of wages or less than the hourly minimum rate of wages as specified in the Specifications and Conditions for this project.

<input type="checkbox"/> CASH <input type="checkbox"/> CERTIFIED CHECK <input type="checkbox"/> CASHIER'S CHECK <input checked="" type="checkbox"/> PROPOSAL BOND		IN THE AMOUNT OF _____ _____ DOLLARS (\$ _____) PAYABLE TO WHATCOM COUNTY IN THE AMOUNT OF 5% OF THE BID.
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Receipt is hereby acknowledged by addendum(s) No.(s) 1, 2, & \_\_\_\_\_

### SIGNATURE OF AUTHORIZED OFFICIAL(S)

(PROPOSAL MUST BE SIGNED) \_\_\_\_\_  
 \_\_\_\_\_ (Seal)  
 FIRM NAME: Western Refinery Services, Inc.

STATE OF WASHINGTON )  
 ) ss.  
 COUNTY OF WHATCOM )

On this 8th day of April, 2024, before me personally appeared Ryan Lickel to me personally known to be the person described in and who executed the above instrument and who acknowledged to me the act of signing thereof.

  
 \_\_\_\_\_  
 NOTARY PUBLIC, in and for the State of  
 Washington, residing at: FERNDALE WA  
 My Commission Expires: 8/22/2026

.....  
 This proposal form is not transferable and any alteration of the firm's name entered hereon without prior permission from the County will be cause for considering the proposal irregular and for subsequent rejection of the bid.



# BIB BOND

KNOW ALL MEN BY THESE PRESENTS, that we Western Refinery Services, Inc., of Ferndale, WA, as principal, and the Philadelphia Indemnity Insurance Company corporation duly organized under the laws of the State of Pennsylvania and having its principal place of business at 1420 5th Ave Suite 2200, Office #2225, Seattle, WA 98101 in the State of Washington, as Surety, are held and firmly bound unto Whatcom County in the full and penal sum of five percent (5%) of the total bid amount appearing on the bid proposal of said principal for the work hereinafter described, for the payment of which, well and truly to be made, we bind our heirs, executors, administrators and assigns, and successors and assigns, jointly and severally, firmly by these presents.

The condition of this bond is such that, whereas, the principal herein is herewith submitting his or its bid proposal for, **Hot Mix Asphalt Pre-Level at Various Locations - 2024, Work Order No. 21565** bid proposal, by reference thereto, being hereby made a part hereof.

NOW, THEREFORE, if the said bid proposal submitted by the said PRINCIPAL be accepted, and the contract be awarded to said PRINCIPAL, and if said PRINCIPAL shall duly make and enter into and execute said contract and shall furnish the performance bond as required by the bidding and contract documents within a period of ten (10) days from and after said award, exclusive of the day of such award, then its obligation to pay the above-mentioned penal sum as liquidated damages shall be null and void, otherwise it shall remain and be in full force and effect.

SIGNED AND SEALED this 27th day of March, 2024.

Western Refinery Services, Inc.

Principal

By 

(Seal)

Philadelphia Indemnity Insurance Company

Surety

By 

Joshua Wright Attorney-In-Fact

The Attorney-in-fact who executes this bond on behalf of the surety company, must attach a copy of his power-of attorney as evidence of his authority.

**PHILADELPHIA INDEMNITY INSURANCE COMPANY**

One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004-0950

**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Kristin Jackson, Jennifer Lutz, and Joshua Wright of Bell-Anderson Agency, Inc., its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$50,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14<sup>th</sup> of November, 2016.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5<sup>TH</sup> DAY OF MARCH, 2021.



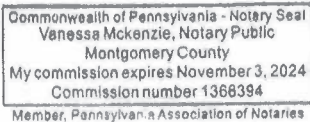
(Seal)

John Glomb, President & CEO  
Philadelphia Indemnity Insurance Company

On this 5<sup>th</sup> day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:

*Vanessa McKenzie*



residing at:

Bala Cynwyd, PA

My commission expires:

November 3, 2024

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5<sup>th</sup> day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 27<sup>th</sup> day of March, 2024

Edward Sayago, Corporate Secretary  
PHILADELPHIA INDEMNITY INSURANCE COMPANY

