

Jon Hutchings
Director



James P. Karcher, P. E.
County Engineer
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6201

**2022 AND 2023 SWIFT CREEK
CHANNEL EXCAVATION**

APPROVAL FOR CONTRACT AWARD

Approval is hereby granted to award the Contract as follows:

Project: Swift Creek 2022 and 2023 Channel Excavation
Work Order Number 21055

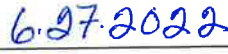
To: Western Refinery Services, Inc.

In the amount of their bid proposal of \$478,878.76 including all taxes.

Whatcom County Executive
Approving Authority


Christopher Quinn
Senior Civil Deputy Prosecuting Attorney

Date


Date

BID PROPOSAL FOR

2022 and 2023 SWIFT CREEK CHANNEL EXCAVATION

WORK ORDER NUMBER 21055

DATE: June 14, 2022

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: **"2022 and 2023 Swift Creek Channel Excavation, Work Order Number 21055"** 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).

2022 and 2023 Swift Creek Channel Excavation
 WORK ORDER NO. 21055

BID RESPONSE FORM

Bidder Western Refinery Services, Inc.

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT MEASURE	UNIT PRICE IN FIGURES	EXTENDED PRICE IN FIGURES
Schedule A - 2022 Maintenance Channel Excavation, Work Order No. 21055					
A1	Mobilization	1	LUMP SUM	\$ 20,000.00	\$ 20,000.00
A2	SPCC Plan	1	LUMP SUM	\$ 1,000.00	\$ 1,000.00
A3	Temporary Traffic Control	1	LUMP SUM	\$ 1,500.00	\$ 1,500.00
A4	NOA Health and Safety Program	1	LUMP SUM	\$ 2,000.00	\$ 2,000.00
A5	Fugitive Dust Prevention and Control Plan	1	LUMP SUM	\$ 2,000.00	\$ 2,000.00
A6	Perimeter Air Monitoring	30	DAY	\$ 600.00	\$ 18,000.00
A7	Unanticipated Site Improvements (Force Account)	EST	DOL	\$1.00	\$7,500.00
A8	Roadway Surveying	1	LUMP SUM	\$ 5,000.00	\$ 5,000.00
A9	Channel Excavation Incl. Haul	14.400	CUBIC YARD	\$ 9.00	\$ 129,600.00
A10	Shaping and Capping of Sediment Stockpiles	9.654	SQUARE YARD	\$ 2.00	\$ 19,308.00
A11	Imported Hog Fuel Cap Material	537	CUBIC YARD	\$ 12.25	\$ 6,578.25
A12	Watering	90	MGAL	\$ 190.00	\$ 17,100.00
A13	Lignin	50	TON	\$ 269.00	\$ 13,450.00
A14	Erosion/ Water Pollution Control (Force Account)	EST	DOL	\$1.00	\$10,000.00
A15	ESC Lead	30	DAY	\$ 140.00	\$ 4,200.00
A16	Tire Wash	1	EACH	\$5,000.00	\$5,000.00
A17	Stabilized Construction Entrance	1	EACH	\$ 5,000.00	\$ 5,000.00
A18	Temporary Stream Crossing	1	LUMP SUM	\$ 5,000.00	\$ 5,000.00
Schedule A Subtotal (Bid Items A1 - A18)					\$ 272,236.25
W S Sales Tax (8.60%)					\$ 23,412.32
SCHEDULE A TOTAL BID AMOUNT (Bid Items No. A1 - A18 Incl. Sales Tax)					\$ 295,648.57

2022 and 2023 Swift Creek Channel Excavation
 WORK ORDER NO. 21055

BID RESPONSE FORM

Bidder Western Refinery Services, Inc.

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT MEASURE	UNIT PRICE IN FIGURES	EXTENDED PRICE IN FIGURES
Schedule B - 2023 Maintenance Channel Excavation, Work Order No. 21055					
B1	Mobilization	1	LUMP SUM	\$ 15,000.00	\$ 15,000.00
B2	SPCC Plan	1	LUMP SUM	\$ 1,000.00	\$ 1,000.00
B3	Temporary Traffic Control	1	LUMP SUM	\$ 1,500.00	\$ 1,500.00
B4	NOA Health and Safety Program	1	LUMP SUM	\$ 2,000.00	\$ 2,000.00
B5	Fugitive Dust Prevention and Control Plan	1	LUMP SUM	\$ 2,000.00	\$ 2,000.00
B6	Perimeter Air Monitoring	20	DAY	\$ 600.00	\$ 12,000.00
B7	Unanticipated Site Improvements (Force Account)	EST	DOL	\$1.00	\$5,000.00
B8	Roadway Surveying	1	LUMP SUM	\$ 6,500.00	\$ 6,500.00
B9	Fuel Cost Adjustment	EST	DOL	\$1.00	\$289.00
B10	Channel Excavation Incl. Haul	10,000	CUBIC YARD	\$ 6.00	\$ 60,000.00
B11	Shaping and Capping of Sediment Stockpiles	7,562	SQUARE YARD	\$ 2.00	\$ 15,124.00
B12	Imported Hog Fuel Cap Material	421	CUBIC YARD	\$ 12.25	\$ 5,157.25
B13	Watering	60	MGAL	\$ 190.00	\$ 11,400.00
B14	Lignin	50	TON	\$ 269.00	\$ 13,450.00
B15	Erosion/ Water Pollution Control (Force Account)	EST	DOL	\$1.00	\$5,500.00
B16	ESC Lead	20	DAY	\$ 140.00	\$ 2,800.00
B17	Tire Wash	1	EACH	\$5,000.00	\$5,000.00
B18	Temporary Stream Crossing	1	LUMP SUM	\$ 5,000.00	\$ 5,000.00
Schedule B Subtotal (Bid Items B1 - B18)					\$ 168,720.25
W S Sales Tax (8.60%)					\$ 14,509.94
SCHEDULE B TOTAL BID AMOUNT (Bid Items No. B1 - B18 Incl. Sales Tax)					\$ 183,230.19
TOTAL BID AMOUNT (Schedule A and B Incl. Sales Tax)					\$ 478,878.76

LJW 6/14/2022

BID CERTIFICATION OF COMPLIANCE WITH WAGE PAYMENT STATUTES

The bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date (June 1, 2022), 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

06/14/2022

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.*

PROPOSAL FOR INCORPORATING RECYCLED MATERIALS INTO THE PROJECT



APWA-WA Division 1 Committee


rev. 1/8/2016

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: 5% 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: 
Date: 06/14/2022

NON-COLLUSION DECLARATION

2022 and 2023 SWIFT CREEK CHANNEL EXCAVATION

WORK ORDER NUMBER 21055

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

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: 601 229 532

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, _____, & _____

SIGNATURE OF AUTHORIZED OFFICIAL(S)

(PROPOSAL MUST BE SIGNED)

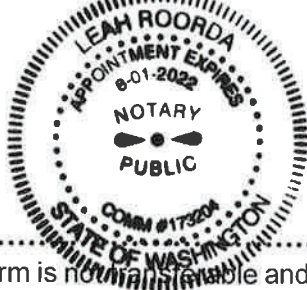
[Handwritten Signature]

(Seal)

FIRM NAME: Western Refinery Services, Inc.

STATE OF WASHINGTON)
) ss.
 COUNTY OF WHATCOM)

On this 14th day of June, 20 22, before me personally appeared Ryan Likkel 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.



Leah Roorda
 NOTARY PUBLIC, in and for the State of Washington,
 residing at: Lynden
 My Commission Expires: 08/01/2022

This proposal form is not to be altered 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.

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we Western Refinery Services, Inc., of _____
Ferndale, WA, as principal, and the Philadelphia Indemnity Insurance Company a corporation
duly organized under the laws of the State of Pennsylvania and having its principal place of
business at 1420 5th Ave; Suite 3510 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 **2022 and 2023 Swift Creek Channel Excavation, Work Order Number 21055** 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 9th day of June, 2022.

Western Refinery Services, Inc.

Principal

By 

(Seal)

Philadelphia Indemnity Insurance Company

Surety

By 

Kristin Jackson 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 14th 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.

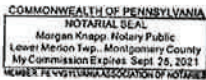
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27TH DAY OF OCTOBER, 2017.



(Seal)

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 27th day of October, 2017, 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 Seal)

Notary Public:

Margaret Knapp

residing at:

Bala Cynwyd, PA

My commission expires:

September 25, 2021

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 27th day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., 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 9th day of June, 2022



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY