



**MEMORANDUM**

TO: The Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Jon Hutchings, Public Works Director *JH*

FROM: Gary Stoyka, Natural Resources Manager *GS*  
Paula J. Harris, P.E., River and Flood Manager *PJH*

RE: Twinview Levee Improvement Project

DATE: July 1, 2020

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Attached for your review and signature is a construction contract award package for the Twinview Levee Improvement Project. The package includes the Bid Award, Bid Tabulation, Low Bid Proposal, and Pre-Award Bidder Responsibility Checklist.

**Requested Action**

Public Works respectfully requests that the Whatcom County Flood Control Zone District (FCZD) Board of Supervisors authorize the County Executive to award the bid and execute a construction contract with the low bidder, **Williamson Construction**, for the Twinview Levee Improvement Project in the amount of **\$60,814.25** including all taxes. Six (6) bid proposals were received at the bid opening on Tuesday June 23, 2020.

**Background and Purpose**

This project will improve approximately 850 feet of the Twinview Levee near Everson, Washington. The US Army Corps of Engineers (USACE) identified deficiencies at both the upstream and downstream ends of the Twinview Levee including insufficient levee prism geometry and unwanted vegetation. This project resolves these deficiencies and was included in the System-wide Improvement Framework (SWIF) developed by the FCZD in 2016.

Proposed improvements include widening the levee crest to a minimum of 12 feet, flattening the back slope to a minimum of 4:1 and removing unwanted vegetation. Resolving these deficiencies will help maintain the levee's eligibility in the USACE's PL 84-99 program, which provides assistance to repair levees damaged by flooding.

**Funding Amount and Source**

The 2020 FCZD capital budget appropriation included \$15,000 for this project (Exhibit B to the 2020 FCZD budget resolution) for expenditures associated with project design. With the addition of a Senior Engineer in the River and Flood Program, this project was accelerated and construction was moved to 2020 rather than 2021 as originally anticipated when the 2020 budget was developed. As such, the bid package requires approval by the FCZD Board of Supervisors, consistent with the budget resolution and will utilize budget authority already appropriated in 2020 for new and emergency projects.

Please contact Paula Harris at extension 6285, if you have any questions or concerns regarding this agreement.

In accordance with W.C.C. 3.08.090, I concur with this recommendation:

*Sara Winger*  
Sara Winger, Purchasing Coordinator

*07/01/2020*  
Date

## Pre-Award Construction Responsible Bidder Checklist

<b>Project Information</b>		
Name: Twinview Levee Improvements	Project No: 719007	Bid No. 20-24
Limits:		Bid Opening Date:
<b>Contractor Name, Address &amp; Phone Number</b>		
Williamson Construction LLC 6439 Mt. Baker Highway, Deming WA 98244		Phone Number: 360-201-6876
<b>Labor &amp; Industries</b>		
<b>Contractor Registration</b> <a href="https://secure.ini.wa.gov/verify/">https://secure.ini.wa.gov/verify/</a>		
License Number: WILLICL8203C		Account Active: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Effective Date (must be effective on or before Bid Submittal Deadline): 02/23/2018		Expiration Date: 02/23/2022
Certificate of Workers Compensation: 660, 753-00		Account Current : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>L&amp;I Contractor Strikes</b> Have strikes been issued against this contractor?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>L&amp;I Debarments</b> Have debarments been issued against this contractor?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>L&amp;I Contractor Training Requirement</b> Is contractor Exempt from this Requirement? Training Completed 10/22/19		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Department of Revenue</b>		
<b>State Excise Tax Registration Number (Current UBI)</b> <b>Use link on L&amp;I Verify page, located at the bottom of the page under "Other Government agencies"</b>		
Tax Registration Number: 603-579-296		Account Status: Active <input checked="" type="checkbox"/> Closed <input type="checkbox"/>
<b>Washington State Office of the Insurance Commissioner - Proposal (Bid) Bond</b> <a href="https://www.insurance.wa.gov/consumertoolkit/search.aspx">https://www.insurance.wa.gov/consumertoolkit/search.aspx</a>		
Is bonding company registered and active in the state of Washington?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Employment Security Department Number</b>		
Has Bidder provided account number on the Bid Form? 000-753-053-00-1		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>SAM (System for Award Management) ****Optional for Local-Required for Federal Contracts ****</b> <a href="https://www.sam.gov/SAM/">https://www.sam.gov/SAM/</a> (no hyperlink – copy & paste to browser)		
Does Contractor have any Active Exclusions?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>DMCS (WA State Office of Minority &amp; Women's Business Enterprises)</b> <a href="https://omwbe.diversitycompliance.com/">https://omwbe.diversitycompliance.com/</a>		
CBE <input type="checkbox"/> DBE <input type="checkbox"/> MBE <input type="checkbox"/> SBE <input type="checkbox"/> SEDBE <input type="checkbox"/> WBE <input type="checkbox"/> Check if Applicable		
<b>Checked By</b>		
Name of Employee: M. Jones		Date: 06/25/20

\*\*\*\*For Federal Contracts with UDBE (Underutilized Disadvantaged Business Enterprises) a Condition of Award (COA) - required Subcontractor verification is recommended prior to Award\*\*\*\*\*

# BID PROPOSAL FORM

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## TWINVIEW LEVEE IMPROVEMENTS

PROJECT NO. 719007

BID NO. 20-24

DATE: June 23<sup>th</sup> 2020

TO: Whatcom County Flood Control Zone District Board of Supervisors  
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: **"Twinview Levee Improvements, Project No. 719007"** 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, force account 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 (except state sales tax) 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).



ITEM NO.	ITEM DESCRIPTION	SECTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE IN FIGURES
1	MOBILIZATION	1-09.7	L.S.	L.S.		\$ 7,000.00
2	SPCC PLAN	1-07.15(1)	L.S.	L.S.		\$ 250.00
3	GRUBBING	2-01.3(2)	L.S.	L.S.		\$ 4,000.00
4	LEVEE SELECT FILL IMPORT		1,800	\$ 12.50 per TON		\$ 22,500.00
5	TOPSOIL TYPE A	8-02.3(4)A	1,700	\$ 5.00 per SY		\$ 8,500.00
6	HYDROSEEDING		1,900	\$ 2.00 per SY		\$ 3,800.00
7	WATERING (Force Account)		EST.	\$1.00		\$ 5,000.00
8	MISC. FORCE ACCOUNT		EST.	\$1.00		\$ 5,000.00

SUBTOTAL BID AMOUNT (Bid Items 1-8)

\$ 56,050.00

STATE SALES TAX@8.5%

\$ 4,764.25

TOTAL BID AMOUNT (Bid Items 1-8 plus tax)

\$ 60,814.25

# **NON-COLLUSION DECLARATION**

## **TWINVIEW LEVEE IMPROVEMENTS**

**PROJECT NO. 719007**

**BID NO. 20-24**

**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: Williamson Construction LLC

Address: 6439 Mt. Baker Hwy ;

Deming, WA 98244 ;

Telephone: 360.201.6876 ;

Contractor's WA Registration Number: WILLICL820C3

Contractor's WA UBI Number: 603-579-253

Contractor's WA Employment Security Department Number: 000-753-053-00-1

Contractor's WA Excise Tax Registration Number: 82-4080514

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:

DJ Williamson  
Name (printed)

Partner  
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.

### Bid Proposal Deposit Options:

CASHIER'S CHECK  DOLLARS (\$ \_\_\_\_\_) PAYABLE TO WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT

CERTIFIED CHECK  DOLLARS (\$ \_\_\_\_\_) PAYABLE TO WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT

PROPOSAL BOND  IN THE AMOUNT OF 5% OF THE BID.

Receipt is hereby acknowledged by addendum(s) No.(s) 1, \_\_\_\_\_, & \_\_\_\_\_

### SIGNATURE OF AUTHORIZED OFFICIAL(S)

(PROPOSAL MUST BE SIGNED) *D. Williamson*

\_\_\_\_\_ Seal)

FIRM NAME: Williamson Construction LLC

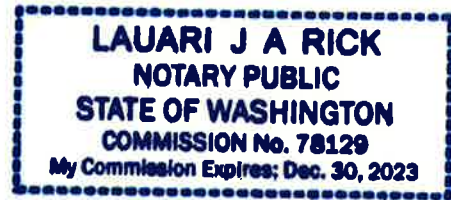
STATE OF WASHINGTON )

COUNTY OF WHATCOM ) ss.

On this 3<sup>RD</sup> day of JUNE, 2020, before me personally appeared

DANIEL WILLIAMSON 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

*[Signature]*  
NOTARY PUBLIC, in and for the  
State of Washington, residing at: LYNDEN, WA  
My Commission Expires: 12-30-2023



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

*Dw*

# BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, Williamson Construction, LLC  
of Deming, WA as principal, and Western Surety Company  
a corporation duly organized under the laws of the State of South Dakota

and having its principal place of business at Seattle  
in the State of Washington, as Surety, are held and firmly bound unto Whatcom County Flood Control Zone District a quasi-municipal Corporation in the State of Washington, 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 **"Twinview Levee Improvements, No. 719007, Bid No. 20-24"**, 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 16th day of June, 2020.

Williamson Construction, LLC

Principal \_\_\_\_\_

By [Signature] \_\_\_\_\_

(Seal)

Western Surety Company

Surety \_\_\_\_\_

By [Signature] \_\_\_\_\_

Chris A. Fix, 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.



# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**N B Fix, R A Fix, Chris A Fix, Individually**

of Seattle, WA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 20th day of January, 2017.



WESTERN SURETY COMPANY

Paul T. Bruflat  
Paul T. Bruflat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 20th day of January, 2017, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



J. Mohr  
J. Mohr, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 16th day of June, 2020.



WESTERN SURETY COMPANY

L. Nelson  
L. Nelson, Assistant Secretary

**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

Bid # 20-24 Twinview Levee Improvements, Project No. 719007



**Certification of Compliance with Wage Payment Statutes**

The bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date (**June 10, 2020**), 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.

Williamson Construction LLC

Bidder's Business Name

*DJ Williamson*

Signature of Authorized Official\*

DJ Williamson, PE

Printed Name

Partner

Title

6/18/2020

Bellingham

WA

Date

City

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.*

*DW*

Item No.	Description	Quantity	Unit	Engineer's Estimate		P & P Excavating		Oceanside Construction		Rawls Electric		Williamson Construction, LLC		Iverson Earthworks		Premium Services Inc.	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	MOBILIZATION	1	LS	\$ 4,344.00	\$ 4,344.00	\$ 2,754.80	\$ 2,754.80	\$ 11,000.00	\$ 11,000.00	\$ 3,500.00	\$ 3,500.00	\$ 7,000.00	\$ 7,000.00	\$ 5,558.50	\$ 5,558.50	\$ 10,000.00	\$ 10,000.00
2	SPCC PLAN	1	LS	\$ 575.00	\$ 575.00	\$ 250.00	\$ 250.00	\$ 1,000.00	\$ 1,000.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 300.00	\$ 300.00	\$ 1,100.00	\$ 1,100.00
3	GRUBBING	1	LS	\$ 4,180.00	\$ 4,180.00	\$ 4,425.00	\$ 4,425.00	\$ 15,000.00	\$ 15,000.00	\$ 3,000.00	\$ 3,000.00	\$ 4,000.00	\$ 4,000.00	\$ 6,242.25	\$ 6,242.25	\$ 5,000.00	\$ 5,000.00
4	LEVEE SELECT FILL IMPORT	1,800	TN	\$ 18.75	\$ 33,750.00	\$ 17.95	\$ 32,310.00	\$ 30.00	\$ 54,000.00	\$ 24.50	\$ 44,100.00	\$ 12.50	\$ 22,500.00	\$ 21.25	\$ 38,250.00	\$ 32.00	\$ 57,600.00
5	TOPSOIL TYPE A IMPORT	1,700	SY	\$ 7.76	\$ 13,192.00	\$ 3.00	\$ 5,100.00	\$ 4.00	\$ 6,800.00	\$ 4.00	\$ 6,800.00	\$ 5.00	\$ 8,500.00	\$ 4.24	\$ 7,208.00	\$ 8.00	\$ 13,600.00
6	HYDROSEEDING	1,900	SY	\$ 2.45	\$ 4,655.00	\$ 1.56	\$ 2,964.00	\$ 1.00	\$ 1,900.00	\$ 1.25	\$ 2,375.00	\$ 2.00	\$ 3,800.00	\$ 1.49	\$ 2,831.00	\$ 2.00	\$ 3,800.00
7	WATERING	1	FA	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	
8	MISC FORCE ACCOUNT	1	FA	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	
SUB-TOTAL					\$ 70,596.00		\$ 57,803.80		\$ 99,700.00		\$ 70,025.00		\$ 56,050.00		\$ 70,389.75		\$ 101,100.00
STATE SALES TAX@8.5%					\$ 6,009.16		\$ 4,913.32		\$ 8,474.50		\$ 5,952.13		\$ 4,784.25		\$ 5,983.13		\$ 8,593.50
TOTAL BID AMOUNT					\$ 76,705.16		\$ 62,717.12		\$ 108,174.50		\$ 75,977.13		\$ 60,814.25		\$ 76,372.88		\$ 109,693.50

\*Note: Amounts in bold and italic represent a correction to the conditions 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., June 23, 2020, for Twinview Levee Improvement Project (Bid No. 20-24), Project No. 719007.

Paula J. Harris, P.E.  
Whatcom County River and Flood Manager

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF WHATCOM )

On this day personally appeared before me, Paula J. Harris, P.E., to me known to be the individual described in and who executed the within and foregoing instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

*Paula J. Harris*  
NOTARY PUBLIC  
Residing At: *Bellevue, WA*  
My Commission Expires: *6.21.2021*





**APPROVAL FOR CONTRACT AWARD**

Approval is hereby granted to award the Contract as follows:

PROJECT: Twinview Levee Improvement Project

NO. 719007

BID NO. 20-24

TO: Williamson Construction

In the amount of their bid proposal of **\$60,814.25** including all taxes.

\_\_\_\_\_  
**Satpal Sidhu**  
**Whatcom County Executive**  
Acting on behalf of the Flood Control Zone  
District Board of Supervisors

\_\_\_\_\_  
**Date**

*Approved via phone call CQ/DG*  
**Christopher Quinn**  
Senior Civil Deputy Prosecuting Attorney

*7/8/2020*  
\_\_\_\_\_  
**Date**