

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: May 20th, 2024

Re: **Construction Contract for Award (Bid #24-48)**
2024 and 2025 Swift Creek Channel Excavation

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 Swift Creek Channel Excavation Maintenance project. 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, May 14th, 2024. A total of two (2) responsive bids were received, with Western Refinery Services, Inc. being the lowest responsible bidder in the amount of \$509,836.80. The bid tabulation is attached to this memorandum.

Funding Amount and Source

Per the grant agreement with the Department of Ecology, this work is considered annual maintenance and is funded with local funds. The funding for this construction contract is from the Swift Creek Fund No. 128200. There is sufficient budget authority for this multi-year project expenditure. Please contact Laura Vandervort at extension x6307 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: 2024.05.24 10:41:39 -07'00
Adobe Acrobat version: 2020.005.30636

Sara Winger

Sara Winger, Senior Purchasing Coordinator

Date

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

Elizabeth Kosa
Director



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County Engineer
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**2024 AND 2025 SWIFT CREEK
CHANNEL EXCAVATION**

APPROVAL FOR CONTRACT AWARD

Approval is hereby granted to award the Contract as follows:

Project: 2024 and 2025 Swift Creek Channel Excavation
Work Order Number 21055

To: Western Refinery Services, Inc.

In the amount of their bid proposal \$509,836.80 including all taxes.

Whatcom County Executive
Approving Authority

Christopher Quinn electronically authorized

Christopher Quinn
Chief Civil Deputy Prosecuting Attorney

Date

May 21, 2024

Date

2024 and 2025 Swift Creek Channel Excavation

Bid Opening May 14, 2024

WO No. 21055

Bid No. 24-48

| ITEM NO. | BID PROPOSAL | | | ENGINEER'S ESTIMATE | | WESTERN REFINERY SERVICES | | BOSS CONSTRUCTION | |
|--|---|----------|-----------|---------------------|---------------|---------------------------|---------------|-------------------|---------------|
| | ITEM DESCRIPTION | EST. QTY | UNIT MSR. | UNIT PRICE | TOTAL AMOUNT | UNIT PRICE | TOTAL AMOUNT | UNIT PRICE | TOTAL AMOUNT |
| A1 | Mobilization | 1 | LS | 10% | \$ 21,841.20 | \$ 9,000.00 | \$ 9,000.00 | \$ 88,145.00 | \$ 88,145.00 |
| A2 | SPCC Plan | 1 | LS | \$ 900.00 | \$ 900.00 | \$ 200.00 | \$ 200.00 | \$ 23,100.00 | \$ 23,100.00 |
| A3 | Project Temporary Traffic Control | 1 | LS | \$ 2,400.00 | \$ 2,400.00 | \$ 200.00 | \$ 200.00 | \$ 3,247.00 | \$ 3,247.00 |
| A4 | NOA Health and Safety Program | 1 | LS | \$ 5,000.00 | \$ 5,000.00 | \$ 200.00 | \$ 200.00 | \$ 23,100.00 | \$ 23,100.00 |
| A5 | Fugitive Dust Prevention and Control Plan | 1 | LS | \$ 3,300.00 | \$ 3,300.00 | \$ 200.00 | \$ 200.00 | \$ 1,100.00 | \$ 1,100.00 |
| A6 | Perimeter Air Monitoring | 25 | DAY | \$ 600.00 | \$ 15,000.00 | \$ 350.00 | \$ 8,750.00 | \$ 214.65 | \$ 5,366.25 |
| A7 | Unanticipated Site Improvements (Force Acct) | EST | DOL | \$ 5,000.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 5,000.00 |
| A8 | Channel Excavation Incl. Haul | 10,000 | CY | \$ 10.00 | \$ 100,000.00 | \$ 13.30 | \$ 133,000.00 | \$ 7.40 | \$ 74,000.00 |
| A9 | Shaping and Capping of Sediment Stockpiles | 4,900 | SY | \$ 2.80 | \$ 13,720.00 | \$ 2.30 | \$ 11,270.00 | \$ 1.97 | \$ 9,653.00 |
| A10 | Imported Wood Chip/Hog Fuel Cap Material | 545 | CY | \$ 12.60 | \$ 6,867.00 | \$ 40.00 | \$ 21,800.00 | \$ 21.21 | \$ 11,559.45 |
| A11 | Water | 125 | MGAL | \$ 275.00 | \$ 34,375.00 | \$ 150.00 | \$ 18,750.00 | \$ 181.65 | \$ 22,706.25 |
| A12 | Lignin | 50 | TON | \$ 261.00 | \$ 13,050.00 | \$ 200.00 | \$ 10,000.00 | \$ 264.00 | \$ 13,200.00 |
| A13 | Erosion/ Water Pollution Control (Force Acct) | EST | DOL | \$ 5,500.00 | \$ 5,500.00 | \$ 5,500.00 | \$ 5,500.00 | \$ 5,500.00 | \$ 5,500.00 |
| A14 | ESC Lead | 25 | DAY | \$ 164.00 | \$ 4,100.00 | \$ 100.00 | \$ 2,500.00 | \$ 264.31 | \$ 6,607.75 |
| A15 | Tire Wash | 1 | EACH | \$ 3,000.00 | \$ 3,000.00 | \$ 500.00 | \$ 500.00 | \$ 5,084.00 | \$ 5,084.00 |
| A16 | Temporary Stream Crossing | 1 | LS | \$ 6,200.00 | \$ 6,200.00 | \$ 2,500.00 | \$ 2,500.00 | \$ 3,731.00 | \$ 3,731.00 |
| SUBTOTAL | | | | | \$ 240,253.20 | | \$ 229,370.00 | | \$ 301,099.70 |
| WA State Sales Tax 8.80% | | | | | \$ 21,142.28 | | \$ 20,184.56 | | \$ 28,496.77 |
| SCHEDULE A TOTAL BID AMOUNT (Bid Items A1 - A16) | | | | | \$ 261,395.48 | | \$ 249,554.56 | | \$ 327,596.47 |
| B1 | Mobilization | 1 | LS | 10% | \$ 22,313.10 | \$ 15,000.00 | \$ 15,000.00 | \$ 84,295.00 | \$ 84,295.00 |
| B2 | SPCC Plan | 1 | LS | \$ 900.00 | \$ 900.00 | \$ 200.00 | \$ 200.00 | \$ 22,550.00 | \$ 22,550.00 |
| B3 | Temporary Traffic Control | 1 | LS | \$ 2,400.00 | \$ 2,400.00 | \$ 200.00 | \$ 200.00 | \$ 3,247.00 | \$ 3,247.00 |
| B4 | NOA Health and Safety Program | 1 | LS | \$ 1,400.00 | \$ 1,400.00 | \$ 200.00 | \$ 200.00 | \$ 22,550.00 | \$ 22,550.00 |
| B5 | Fugitive Dust Prevention and Control Plan | 1 | LS | \$ 3,300.00 | \$ 3,300.00 | \$ 200.00 | \$ 200.00 | \$ 550.00 | \$ 550.00 |
| B6 | Perimeter Air Monitoring | 25 | DAY | \$ 620.00 | \$ 15,500.00 | \$ 350.00 | \$ 8,750.00 | \$ 214.65 | \$ 5,366.25 |
| B7 | Unanticipated Site Improvements (Force Acct) | EST | DOL | \$ 5,000.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 5,000.00 |
| B8 | Channel Excavation Incl. Haul | 10,000 | CY | \$ 10.30 | \$ 103,000.00 | \$ 13.75 | \$ 137,500.00 | \$ 7.40 | \$ 74,000.00 |
| B9 | Shaping and Capping of Sediment Stockpiles | 6,500 | SY | \$ 2.90 | \$ 18,850.00 | \$ 2.30 | \$ 14,950.00 | \$ 1.93 | \$ 12,545.00 |
| B10 | Imported Hog Fuel Cap Material | 362 | CY | \$ 13.00 | \$ 4,708.00 | \$ 40.00 | \$ 14,480.00 | \$ 21.40 | \$ 7,746.80 |
| B11 | Water | 125 | MGAL | \$ 284.00 | \$ 35,500.00 | \$ 170.00 | \$ 21,250.00 | \$ 181.65 | \$ 22,706.25 |
| B12 | Lignin | 50 | TON | \$ 269.00 | \$ 13,450.00 | \$ 210.00 | \$ 10,500.00 | \$ 264.00 | \$ 13,200.00 |
| B13 | Erosion/ Water Pollution Control (Force Acct) | EST | DOL | \$ 5,500.00 | \$ 5,500.00 | \$ 5,500.00 | \$ 5,500.00 | \$ 5,500.00 | \$ 5,500.00 |
| B14 | ESC Lead | 25 | DAY | \$ 169.00 | \$ 4,225.00 | \$ 100.00 | \$ 2,500.00 | \$ 264.31 | \$ 6,607.75 |
| B15 | Tire Wash | 1 | EACH | \$ 3,000.00 | \$ 3,000.00 | \$ 500.00 | \$ 500.00 | \$ 1,084.00 | \$ 1,084.00 |
| B16 | Temporary Stream Crossing | 1 | LS | \$ 6,400.00 | \$ 6,400.00 | \$ 2,500.00 | \$ 2,500.00 | \$ 3,258.00 | \$ 3,258.00 |
| SUBTOTAL | | | | | \$ 245,444.10 | | \$ 239,230.00 | | \$ 290,206.05 |
| WA State Sales Tax 8.80% | | | | | \$ 21,599.08 | | \$ 21,052.24 | | \$ 25,538.13 |
| SCHEDULE B TOTAL BID AMOUNT (Bid Items B1 - B16) | | | | | \$ 267,043.18 | | \$ 260,282.24 | | \$ 315,744.18 |
| TOTAL BID AMOUNT (SCHEDULES A and B Including Sales Tax) | | | | | \$ 528,438.66 | | \$ 509,836.80 | | \$ 643,340.66 |

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., May 14, 2024 for the 2024 and 2025 Swift Creek Channel Excavation project, WO No. 21055.

Douglas W. Ranney II, P.E.
County Engineer

Date

5-17-24



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 17th day of May, 2024.

Lonnie J. Cummings
NOTARY PUBLIC in and for the State of Washington,
Lonnie J. Cummings printed name.
residing at Bellingham. My commission
expires 6.21.2025.

BID PROPOSAL FOR

2024 and 2025 SWIFT CREEK CHANNEL EXCAVATION WORK ORDER NO. 21055

DATE: May 14, 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: **"2024 and 2025 Swift Creek Channel Excavation, Work Order No. 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).

| 2024 and 2025 Swift Creek Channel Excavation | | | | | BID RESPONSE FORM | | |
|---|------------|--|--------------------|--------------|--|---------------------------|---|
| WORK ORDER NO. 21055 | | | | | Bidder Western Refinery Services, Inc. | | |
| ITEM NO. | SECTION | ITEM DESCRIPTION | ESTIMATED QUANTITY | UNIT MEASURE | UNIT PRICE IN FIGURES | EXTENDED PRICE IN FIGURES | |
| Schedule A - 2024 Maintenance Channel Excavation, Work Order No. 21055 | | | | | | | |
| A1 | 1-09.7 | Mobilization | 1 | LS | \$ 9,000.00 | \$ 9,000.00 | ✓ |
| A2 | 1-07.15 | SPCC Plan | 1 | LS | \$ 200.00 | \$ 200.00 | ✓ |
| A3 | 1-10 | Project Temporary Traffic Control | 1 | LS | \$ 200.00 | \$ 200.00 | ✓ |
| A4 | 1-07.4(2) | NOA Health and Safety Program | 1 | LS | \$ 200.00 | \$ 200.00 | ✓ |
| A5 | 1-07.5(4) | Fugitive Dust Prevention and Control Plan | 1 | LS | \$ 200.00 | \$ 200.00 | ✓ |
| A6 | 1-07.5(4) | Perimeter Air Monitoring | 25 | DAY | \$ 350.00 | \$ 8,750.00 | ✓ |
| A7 | 1-09.6 | Unanticipated Site Improvements | EST | DOL | \$5,000.00 | \$5,000.00 | |
| A8 | 2-05 | Channel Excavation Incl. Haul | 10,000 | CY | \$ 13.30 | \$ 133,000.00 | ✓ |
| A9 | 2-05.2 | Shaping and Capping of Sediment Stockpiles | 4,900 | SY | \$ 2.30 | \$ 11,270.00 | ✓ |
| A10 | 2-05.2 | Imported Hog Fuel Cap Material | 545 | CY | \$ 40.00 | \$ 21,800.00 | ✓ |
| A11 | 2-07 | Water | 125 | MGAL | \$ 150.00 | \$ 18,750.00 | ✓ |
| A12 | 2-07 | Lignin | 50 | TON | \$ 200.00 | \$ 10,000.00 | ✓ |
| A13 | 8-01 | Erosion/ Water Pollution Control | EST | DOL | \$5,500.00 | \$5,500.00 | |
| A14 | 8-01.3(1)B | ESC Lead | 25 | DAY | \$ 100.00 | \$ 2,500.00 | ✓ |
| A15 | 8-01.3(7) | Tire Wash | 1 | EA | \$500.00 | \$500.00 | ✓ |
| A16 | 8-05 | Temporary Stream Crossing | 1 | LS | \$ 2,500.00 | \$ 2,500.00 | ✓ |
| Schedule A Subtotal (Bid Items A1 - A16) | | | | | | \$ 229,370.00 | ✓ |
| W S Sales Tax (8.8%) | | | | | | \$ 20,184.56 | ✓ |
| SCHEDULE A TOTAL BID AMOUNT (Bid Items No. A1 - A16 Incl. Sales Tax) | | | | | | \$ 249,554.56 | ✓ |

| 2024 and 2025 Swift Creek Channel Excavation | | | | | BID RESPONSE FORM | | |
|---|------------|--|--------------------|--------------|---|---------------------------|---|
| WORK ORDER NO. 21055 | | | | | Bidder <u>Western Refinery Services, Inc.</u> | | |
| ITEM NO. | SECTION | ITEM DESCRIPTION | ESTIMATED QUANTITY | UNIT MEASURE | UNIT PRICE IN FIGURES | EXTENDED PRICE IN FIGURES | |
| Schedule B - 2025 Maintenance Channel Excavation, Work Order No. 21055 | | | | | | | |
| B1 | 1-09.7 | Mobilization | 1 | LS | \$ 15,000.00 | \$ 15,000.00 | ✓ |
| B2 | 1-07.15 | SPCC Plan | 1 | LS | \$ 200.00 | \$ 200.00 | ✓ |
| B3 | 1-10 | Project Temporary Traffic Control | 1 | LS | \$ 200.00 | \$ 200.00 | ✓ |
| B4 | 1-07.4(2) | NOA Health and Safety Program | 1 | LS | \$ 200.00 | \$ 200.00 | ✓ |
| B5 | 1-07.5(4) | Fugitive Dust Prevention and Control Plan | 1 | LS | \$ 200.00 | \$ 200.00 | ✓ |
| B6 | 1-07.5(4) | Perimeter Air Monitoring | 25 | DAY | \$ 350.00 | \$ 8,750.00 | ✓ |
| B7 | 1-09.6 | Unanticipated Site Improvements | EST | DOL | \$ 5,000.00 | \$ 5,000.00 | |
| B8 | 2-05 | Channel Excavation Incl. Haul | 10,000 | CY | \$ 13.75 | \$ 137,500.00 | ✓ |
| B9 | 2-05.2 | Shaping and Capping of Sediment Stockpiles | 6,500 | SY | \$ 2.30 | \$ 14,950.00 | ✓ |
| B10 | 2-05.2 | Imported Hog Fuel Cap Material | 362 | CY | \$ 40.00 | \$ 14,480.00 | ✓ |
| B11 | 2-07 | Water | 125 | MGAL | \$ 170.00 | \$ 21,250.00 | ✓ |
| B12 | 2-07 | Lignin | 50 | TON | \$ 210.00 | \$ 10,500.00 | ✓ |
| B13 | 8-01 | Erosion/ Water Pollution Control | EST | DOL | \$ 5,500.00 | \$ 5,500.00 | |
| B14 | 8-01.3(1)B | ESC Lead | 25 | DAY | \$ 100.00 | \$ 2,500.00 | ✓ |
| B15 | 8-01.3(7) | Tire Wash | 1 | EA | \$ 500.00 | \$ 500.00 | ✓ |
| B16 | 8-05 | Temporary Stream Crossing | 1 | LS | \$ 2,500.00 | \$ 2,500.00 | ✓ |
| Schedule B Subtotal (Bid Items B1 - B16) | | | | | | \$ 239,230.00 | ✓ |
| W S Sales Tax (8.8%) | | | | | | \$ 21,052.24 | ✓ |
| SCHEDULE B TOTAL BID AMOUNT (Bid Items No. B1 - B16 Incl. Sales Tax) | | | | | | \$ 260,282.24 | ✓ |
| TOTAL BID AMOUNT (Schedules A and B Incl. Sales Tax) | | | | | | \$ 509,836.80 | ✓ |

LJW 5/14/2024

BID CERTIFICATION OF COMPLIANCE WITH WAGE PAYMENT STATUTES

The bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date (April 24, 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

5/14/24

Date

Ferndale

City

Washington

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: 5/14/24

NON-COLLUSION DECLARATION

2024 and 2025 SWIFT CREEK CHANNEL EXCAVATION

WORK ORDER NO. 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
 XXX 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:

Ryan Likkel President
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. |
|--|--|--|

Receipt is hereby acknowledged by addendum(s) No.(s) _____, _____, & _____

SIGNATURE OF AUTHORIZED OFFICIAL(S)

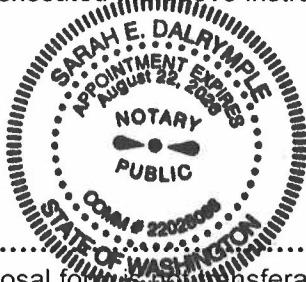
(PROPOSAL MUST BE SIGNED) Ryan Likkel - President


 (Seal)

FIRM NAME: Western Refinery Services, Inc.

STATE OF WASHINGTON)
) ss.
 COUNTY OF WHATCOM)

On this 14 day of MAY, 2024, before me personally appeared RYAN LIKKE 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: 8/22/26

.....
 This proposal for _____ is non-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.

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 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 **2024 and 2025 Swift Creek Channel Excavation, Work Order No. 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 29th day of April, 2024.

Western Refinery Services, Inc.
Principal
By [Signature]

(Seal)

Philadelphia Indemnity Insurance Company
Surety
By [Signature]
Attorney-In-Fact
Joshua Wright



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 5TH DAY OF MARCH, 2021.



(Seal)

John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th 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:

Commonwealth of Pennsylvania - Notary Seal
Vanessa Mckenzie, Notary Public
Montgomery County
My commission expires November 3, 2024
Commission number 1366394
Member, Pennsylvania Association of Notaries

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 5th 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 29th day of April, 2024

Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



SUBCONTRACTOR LIST

Prepared in Compliance with RCW 39.30.060, as amended.

To be submitted with, or as a supplement to, the Bid Proposal for **2024 and 2025 Swift Creek Channel Excavation, Work Order No. 21055**, as applicable, and in accordance with RCW 39.30.060:

Failure to submit, as follows, the names of Subcontractors will result in the bidder's bid being non-responsive and therefore void:

- a) Within one hour after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of the work of: HVAC (heating, ventilation, and air conditioning); plumbing as described in chapter 18.106 RCW; and electrical as described in chapter 19.28 RCW, or to name itself for the work; and
- b) Within forty-eight hours after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of the work of structural steel installation and rebar installation.

If a Subcontractors List is submitted as a supplement after the bid submittal time as described above, the list must be delivered to:

Whatcom County AS-Finance
 Attn: Sara Winger, Purchasing Coordinator
 311 Grand Ave Ste 503
 Bellingham, WA, 98225

To the extent the Project includes one or more categories of work referenced in RCW 39.30.060, and no subcontractor is listed below to perform such work, the bidder certifies that the work will either (i) be performed by the bidder itself, or (ii) be performed by a lower tier subcontractor who will not contract directly with the bidder.

| CATEGORY OF WORK | SUBCONTRACTOR NAME |
|-------------------------------|--------------------|
| HVAC | N/A |
| Plumbing | N/A |
| Electrical | N/A |
| | |
| | |
| | |
| Structural Steel Installation | N/A |
| Rebar Installation | N/A |

* Bidders are notified that it is the opinion of the enforcement agency that PVC or metal conduit, junction boxes, etc, are considered electrical equipment and therefore considered part of electrical work, even if the installation is for future use and no wiring or electrical current is connected during the project.