CITY OF KIRKLAND

TOTEM LAKE PARK – PHASE 1
JOB NO. 38-19-PW     CIP No. PKC1390200

ADDENDUM NO. 2
TO THE PLANS, SPECIFICATIONS, PROPOSAL AND CONTRACT

Issued This Date: Friday, January 24, 2020
Bid Opening: Revised – January 31, 2020 @ 1:00 PM
Place of Opening: Kirkland City Hall, Council Chambers

Notice to All Plan holders:
This Addendum No. 2, containing the following revisions, additions, deletions, and/or
clarifications is hereby made part of the Plan and Contract Documents for the above-
named project. Bidders shall take this Addendum into consideration when preparing and
submitting their bids and it shall be attached to the Contract Documents.

Contractors shall acknowledge receipt of this Addendum in the place provided on
Proposal page P6. Failure to do so may disqualify the Bidder from consideration
of its bid.

All other requirements of the contract documents remain in effect.

CONTRACT DOCUMENTS:

Item 1:
Location: Bid Proposal Sheet 1-14

Description: Delete Bid Proposal Sheets 1-14 and replace with the follow updated Bid

Item 2:
Location: Bid Proposal Sheet 6 – Total Computed Price

Question: Please confirm that costs for none of the Schedule B Bid Items, B1-B5, should
be included in the Base Bid Work (A1).
Clarification: The costs for items in Bid Schedule B (B1-B5) should not be included in
schedule A1 and should be covered in each individual bid item.
Item 3:
Location: Specification Section 05 12 13 AESS Framing – Paragraph 1.05 – Quality Assurance – Paragraph A – Fabricator Qualifications – PG 403

Question: This section indicates that the fabricator should have AISC certification. As the size to bid is limited, can this provision possibly be waived? To date, 4 bidders have had to decline submitting quotes on this project due to this qualification requirement.

Clarification: The City will allow a steel fabricator having a minimum of 10 years documented experience on similar projects to be utilized in lieu of having an AISC Fabricator’s Certification. Note that WABO certified fabricators continue to be required for this project. All other portions of this specification are still applicable including the care and handling/storage, tolerances, and the quality of the finished product.

Sincerely,

Brian Baker
Senior Capital Projects Coordinator

Rod Steitzer, P.E., Capital Project Manager
CITY OF KIRKLAND

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CITY OF KIRKLAND
INFORMATION FOR BIDDERS

Bidders must bid on all items contained in the proposal.

The omission or deletion of any bid item will be considered non-responsive and shall be cause for rejection of the bid.

Submit your proposal on the Bid Proposal and other forms which are enclosed, or make a copy of the required forms and submit these documents.

The following forms must be executed in full with submittal of the bid:

1. BIDDER RESPONSIBILITY CRITERIA CHECKLIST
2. SUBCONTRACTOR RESPONSIBILITY CRITERIA CHECKLIST
3. PROPOSAL
   The lump sum or unit prices must be shown in the spaces provided on the bid schedule.
   Show total bid price in both words and figures on the Proposal.
   The Proposal form must be completed in full, signed and dated.
4. BID BOND
   A surety issued bid bond must be executed by the bidder and its surety company. The amount of the bid bond shall be not less than five percent (5%) of the total amount bid and may be shown in dollars or on a percentage basis. (A cashier’s check payable to the City of Kirkland and issued for an amount not less than 5% of the total bid may be submitted in lieu of a bid bond.)
5. NONCOLLUSION AFFIDAVIT - Notarized
6. STATEMENT OF BIDDER'S QUALIFICATIONS
   This form must be filled in and signed. The owner reserves the right to check all statements and to judge the adequacy of the bidder’s qualifications.
7. SUBCONTRACTOR IDENTIFICATION LIST
   This form must be completed for HVAC, plumbing, and electrical subcontractors if the estimate exceeds $1,000,000.

The following forms are to be executed after the contract is awarded:

1. CONTRACT
   This agreement is to be executed by the successful bidder.
2. PERFORMANCE AND PAYMENT BOND
   To be executed by the successful bidder and its surety company.
3. CONTRACTOR’S DECLARATION OF OPTION FOR MANAGEMENT OF STATUTORY RETAINED PERCENTAGE; RETAINED PERCENTAGE ESCROW AGREEMENT
   To be executed by the successful bidder based on bidder’s selection of option.
4. CERTIFICATES OF INSURANCE
   To be executed by the successful bidder and by an acceptable insurance company. The City of Kirkland must be named as an additional insured.
5. STATEMENT(S) OF INTENT TO PAY PREVAILING WAGES
   Affidavit certifying all employees of Contractor and Subcontractor shall be paid no less than the Prevailing Wage Rate(s) as determined by the Industrial Statistician of the Washington State Department of Labor and Industries.

SPECIAL NOTE: Prior to commencing work, the contractor and all subcontractors must have applied and paid for a City of Kirkland business license.
CITY OF KIRKLAND
BIDDER RESPONSIBILITY CRITERIA

It is the intent of City to award a contract to the low responsible bidder. Before award, the bidder must meet the following bidder responsibility criteria to be considered a responsible bidder. The bidder may be required by the City to submit documentation demonstrating compliance with the criteria. The bidder must:

☐ 1. Have a current certificate of registration as a contractor in compliance with chapter 18.27 RCW, which must have been in effect at the time of bid submittal;

☐ 2. Have a current Washington Unified Business Identifier (UBI) number;

☐ 3. Have:
   a. Industrial Insurance (workers' compensation) coverage for the bidder's employees working in Washington, as required in Title 51 RCW;
   b. A Washington Employment Security Department number, as required in Title 50 RCW;
   c. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;

☐ 4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3). Meet responsibility criteria in RCW 39.04.350

☐ 5. Until December 31, 2017, not have violated more than one time the off-site, prefabricated, non-standard, project specific items reporting requirements of RCW 39.04.370.

☐ 6. For public works projects subject to the apprenticeship utilization requirements of RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the first date of advertising for the project.
CITY OF KIRKLAND
SUBCONTRACTOR RESPONSIBILITY CRITERIA

☐ A. The Contractor shall include the language of this section in each of its first tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. Upon request of the Owner, the Contractor shall promptly provide documentation to the Owner demonstrating that the subcontractor meets the subcontractor responsibility criteria below. The requirements of this section apply to all subcontractors regardless of tier.

☐ B. At the time of subcontract execution, the Contractor shall verify that each of its first tier subcontractors meets the following bidder responsibility criteria:

☐ 1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;

☐ 2. Have a current Washington Unified Business Identifier (UBI) number;

☐ 3. Have:
   a) Industrial Insurance (workers’ compensation) coverage for the subcontractor’s employees working in Washington, as required in Title 51 RCW;
   b) A Washington Employment Security Department number, as required in Title 50 RCW;
   c) A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
   d) An electrical contractor license, if required by Chapter 19.28 RCW;
   e) An elevator contractor license, if required by Chapter 70.87 RCW.

☐ 4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3). Meet responsibility criteria in RCW 39.04.350

☐ 5. Until December 31, 2017, not have violated more than one time the off-site, prefabricated, non-standard, project specific items reporting requirements of RCW 39.04.370.

☐ 6. For public works projects subject to the apprenticeship utilization requirements of RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the first date of advertising for the project.
CITY OF KIRKLAND
BID PROPOSAL

TOTEM LAKE PARK – PHASE 1
CIP NO. PKC1390200
JOB NO. 38-19-PW

To: Director of Finance
City of Kirkland
123 Fifth Avenue
Kirkland, Washington 98033

The undersigned, hereinafter called the Bidder, declares that the only persons or parties interested in this proposal are those named herein; that this proposal is in all respects fair and without fraud; that it is made without collusion with any official or employee of the City of Kirkland, hereinafter called the Owner; and that the proposal is made without any connection or collusion with any person making another proposal on this contract.

The bidder further declares that it has carefully examined the contract documents for the construction of the project; that it has personally inspected the site; that it has satisfied itself as to the quantities involved, including materials and equipment and conditions of work involved, including the fact that the description of the quantities of work materials, as included herein, is brief and is intended only to indicate the general nature of the work and to identify the said quantities with the detailed requirements of the contract documents; and that this proposal is made according to the provisions and under the terms of the contract documents, which documents are hereby made a part of this proposal.

The bidder further agrees that it has exercised its own judgment regarding the interpretation of subsurface information and has utilized all data which it believes pertinent from the engineer-architect, owner, and other sources in arriving at its conclusions.

The bidder agrees to hold its bid proposal open for 45 days after the actual date of bid opening and to accept the provisions of the Instructions to Bidders regarding disposition of bid bond.

The bidder agrees that if this proposal is accepted, it will, within ten (10) calendar days after notification of acceptance, execute the contract with the Owner in the form of contract included in the contract documents, and will, at the time of execution of the contract, deliver to the Owner the Performance and Payment Bond and all Certificates of Insurance required therein, and will, to the extent of its proposals, furnish all machinery, tools, apparatus, and other means of construction and do the work in the manner, in the time, and according to the methods as specified in the contract documents and required by the engineer or other project manager designated thereunder.

The bidder further agrees, if awarded the contract, to begin work within ten (10) calendar days after the date of the execution of the contract and to complete the construction within the time specified in Section 1-08.5 of the Special Provisions.

In the event the bidder is awarded the contract and shall fail to complete the work within the time limit or extended time limit agreed upon as more particularly set forth in the contract documents, liquidated damages shall be paid to the Owner per the specifications contained in the contract documents.
The bidder further proposes to accept as full payment for the work proposed herein, the amounts computed under the provisions of the contract documents and based upon the lump sum and unit price amounts entered by the bidder for the various bid items included in the Bid Schedule. The bidder further agrees the lump sum and unit prices entered for the various bid items included in the Bid Schedule include all use taxes, overhead, profit, bond premiums, insurance premiums and all other miscellaneous and incidental expenses as well as all costs of materials, labor, tools and equipment required to perform and complete the work.

Within the three-year period immediately preceding the date of the bid solicitation for this Project, bidder has not been 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 to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.

The undersigned bids and agrees to complete all construction of the TOTEM LAKE PARK - PHASE 1; JOB NO. 38-19-PW for the following:

Total Computed Price (in figures for Schedule A & B): $___________

Washington State Sales Tax 10.1% (in figures for Schedule A & B): $___________

Total Bid (in figures): $________________________

Total Bid (in words): ________________________________

Receipt of Addenda No(s). _______________ is hereby acknowledged.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

______________________________ Location or Place Executed: (City, State)
CONTRACTOR (Firm Name)

By ________________________________ Name and title of person signing

(Indicate whether Contractor is Partnership, Corporation, or Sole Proprietorship)

______________________________ Date
Washington State Contractor's Registration Number

______________________________ Contractor's Industrial Insurance Account Number

BID PROPOSAL - 6 -
Employment Security Identification Number

Uniform Business Identification (UBI) Number

Contractor's Address:

Telephone Number

Fax Number

EMAIL

** Bid proposal to be submitted in a sealed envelope marked "Bid Enclosed" for TOTEM LAKE PARK – PHASE 1, JOB NO. 38-19-PW.
**CITY OF KIRKLAND**  
**BID SCHEDULE**

**TOTEM LAKE PARK - PHASE 1**  
**JOB NO. 38-19-PW**

**ALL BASE BID WORK**

Note: Unit prices for all items, all extensions, and the total amount of the bid must be shown. All entries must be typed or entered in ink.

**Schedule A**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Item Description</th>
<th>Est. Qty</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>All Base Bid Work</td>
<td>1</td>
<td>LS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL Tax (10.1%) for Schedule A:** $________________________

**TOTAL COMPUTED PRICE for Schedule A:** $_____________________

**UNIT PRICE BID WORK**

Note: Unit price bid items, shall be used for adjusting the contract price when differing site conditions are encountered. All entries must be typed or entered in ink.

**Schedule B**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Item Description</th>
<th>Est. Qty</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Subtotal:</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>Contaminated Soils and Creosote Piling - Excavation, Haul, and Disposal</td>
<td>150</td>
<td>Ton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2</td>
<td>Pea Gravel backfill for areas of Contaminated Soil and Creosote Piling Removal</td>
<td>150</td>
<td>Ton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B3</td>
<td>2 inch Diameter Pipe Piles - Boardwalk Deep Foundation Installation</td>
<td>1239</td>
<td>EA (10' Length)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B4</td>
<td>4 inch Diameter Pipe Piles - Miscellaneous Park Elements Deep Foundation Installation</td>
<td>170</td>
<td>EA (10' Length)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
In Order for a Bid to be considered responsible, the bidder shall submit a price on each and every item of work included in Schedules A & B. The successful bidder will be determined based on the lowest cost for the total amount of Schedule A plus Schedule B as well as meeting the bidder responsibility criteria further identified in this specification package.
BID DEPOSIT

Herewith find deposit in the form of a cashier's check or certified check in the amount of $_________________, which amount is not less than five percent (5%) of the total bid.

SIGN HERE ____________________________

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, ____________________________, as Principal, and ____________________________, as Surety, are held and firmly bound unto the City of Kirkland, as Obligee, in the penal sum of ____________________________ dollars, for the payment of which the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

The condition of this obligation is such that if the Obligee shall make any award to the Principal for Project Name Job Number

according to the terms of the proposal or bid made by the Principal therefor, and the Principal shall duly make and enter into a contract with the Obligee in accordance with the terms of said proposal or bid and award and shall give bond for faithful performance thereof, with Surety or Sureties approved by the Obligee; or if the Principal shall, in case of failure to do so, pay and forfeit to the Obligee the penal amount of the deposit specified in the call for bids, then this obligation shall be null and void; otherwise it shall be and remain in full force and effect and the Surety shall forthwith pay and forfeit to the Obligee, as penalty and liquidated damages, the amount of this bond.

SIGNED, SEALED AND DATED THIS _____________ DAY OF ________________, 20___

PRINCIPAL: ____________________________

SURETY: ____________________________

Note: If a Bid Bond is provided, it must be accompanied by a power of attorney which appoints the Surety's true and lawful attorney-in-fact to make, execute, seal and deliver this Bid Bond.
CITY OF KIRKLAND
NONCOLLUSION AFFIDAVIT
TOTEM LAKE PARK – PHASE 1
CIP NO. PKC1390200
JOB NO. 38-19-PW

STATE OF WASHINGTON )
COUNTY OF KING )

The undersigned, being duly sworn, on oath deposes and says that the person(s), firm, association, partnership or corporation herein named has 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.

____________________________________  ______________________________________
Firm Name  Authorized Signature

____________________________________
Type Name

____________________________________
Title

Sworn to before me, this ___ day of ____________________, 20__.

____________________________________
Notary Public in and for the State of Washington
Residing at ________________________________
My Commission Expires ____________________

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., ET. 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.
CITY OF KIRKLAND
STATEMENT OF BIDDER'S QUALIFICATIONS

Contractor Name: ___________________________  Contact: ___________________________

Business Address: __________________________

Business phone: ___________________________  Fax: ___________________________

Number of years the Contractor has been engaged in the construction business under the present firm name: ___________________________

Describe the general character of work performed by your company: ___________________________

List five projects of a similar nature which Contractor has completed within the last 10 years. Include contract amount and contact information for references:

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Amount</th>
<th>Owner/Agency</th>
<th>Contact</th>
<th>Phone</th>
<th>Year Completed</th>
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</table>

List major equipment anticipated to be used on this project; indicate whether Contractor-owned or to be leased from others: ___________________________

Bank reference(s): __________________________

Washington State Contractor Registration No.: __________________________

Uniform Business Identification No.: __________________________

I certify that other contracts now in progress or hereafter obtained will not interfere with timely performance of the City of Kirkland project should I become the successful bidder.

Authorized Signature: __________________________

Print Name: __________________________  Title: __________________________
RCW 39.30.060 requires the following:

"Every invitation to bid on a prime contract that is expected to cost one million dollars or more for the construction, alteration, or repair of any public building or public work of the state or a state agency or municipality as defined under RCW 39.04.010 ... shall require each prime contract bidder to submit as part of the bid, or within one hour after the published bid submittal time [see note below], 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. The prime contract bidder shall not list more than one subcontractor for each category of work identified, unless subcontractors vary with bid alternates, in which case the prime contract bidder must indicate which subcontractor will be used for which alternate. Failure of the prime contract bidder to submit as part of the bid the names of such subcontractors or to name itself to perform such work or the naming of two or more subcontractors to perform the same work shall render the prime contract bidder's bid non-responsive and, therefore, void."

NOTE: The City of Kirkland has elected not to allow bidders to submit the information required by RCW 39.30.060 after the published bid submittal time. A proposal will be considered irregular and will be rejected if the bidder does not provide the above list as part of its proposal when submitting its bid.

Each bidder shall submit a list of:

1. HVAC, plumbing, and electrical subcontractors; and

2. The specific items of work those subcontractors will perform on the contract; and

3. The specific items of work that will be performed by the bidder on the contract.
CITY OF KIRKLAND
SUBCONTRACTOR IDENTIFICATION LIST

*REQUIRED IF ESTIMATE AMOUNT EXCEEDS $1,000,000 (Reference RCW 39.30.060 RCW)

Proposed Subcontractors and items of work to be performed:
Subcontractor Name: ____________________________________________________________
Item Numbers: __________________________________________________________________

Subcontractor Name: ____________________________________________________________
Item Numbers: __________________________________________________________________

Subcontractor Name: ____________________________________________________________
Item Numbers: __________________________________________________________________

Subcontractor Name: ____________________________________________________________
Item Numbers: __________________________________________________________________

- make additional pages if necessary -

Work to be performed by Prime Contractor:
Item Numbers: __________________________________________________________________
CITY OF KIRKLAND
BIDDER'S CHECKLIST

1. Have you reviewed the Bidder Responsibility and Subcontractor Responsibility Criteria?
2. Have you enclosed a bid bond or certified check with your bid? (Must be at least 5% of the total amount bid)
3. Have you entered a bid amount for all items and all schedules?
4. Do the written amounts of the proposal agree with the amounts shown in the figures?
5. Have you acknowledged receipt of addenda?
6. Has the proposal been properly completed and signed?
7. Have you completed the Statement of Bidder's Qualifications?
8. Have you completed the City of Kirkland Non-collusion Affidavit?
9. Have you completed the Subcontractor Identification List? (This is to be completed for HVAC, plumbing, and electrical subcontractors if the estimate amount exceeds $1,000,000.)
10. Bid proposal to be submitted in a sealed envelope marked "Bid Enclosed" for: TOTEM LAKE PARK – PHASE 1; JOB No. 38-19-PW