



PUBLIC WORKS & MOBILITY DEPARTMENT – STORMWATER

1345 W. Broadway • Missoula, Montana 59802 • (406) 552-6357

November 7, 2022

Dear Contractor,

You are invited to provide a quotation for the Clark Fork Area III and V Levee Vegetation Maintenance for the City of Missoula. If you would like to visit the site with Stormwater Utility staff, please call for an appointment.

To complete the quotation, please:

- Review the Scope of Services and Attachments
- Fill-out and return the attached bid form
- Write the total amount in Part 5 of this document
- Complete the company information below
- Identify the ISA Certified Arborist who will supervise the work
- Provide copies of appropriate licenses and certifications
- Return required documents via email
- Must be received on, or before, 3:00 PM local time on November 16, 2022

Sincerely,

Tracy Campbell
Superintendent

(406) 830-5455

CampbellTL@ci.missoula.mt.us

Company Name:	<u>Treasure State Tree Service Inc.</u>
Representative Name:	<u>Malcolm Miller</u>
Representative Signature:	<u><i>Malcolm Miller</i></u>
ISA Certified Arborist:	<u>Malcolm Miller</u>
Mailing Address:	<u>1916 South 3rd St W Missoula, MT</u> <u>59801</u>
Phone:	<u>(406) 493-4709</u>
Email:	<u>malcolm.treasurestatetree@gmail.com</u>



City of Missoula Limited Solicitation

Clark Fork Area III and V Levee Vegetation Maintenance

Project Description

The Clark Fork Area III Levee is a complete flood protection system, consisting of a 2,900-embankment and 900-foot floodwall. It is located on the north side of the river, from Madison Street to Orange Street. The Clark Fork Area V Levee is a 1,200-foot embankment located on the north side of the river, from Russell Street to California Street. Together, the levees and floodwall protect millions of dollars' worth of property and more than 200 structures. Levee system summaries are provided as an attachment to this document. The City of Missoula (City) is issuing a Limited Solicitation for the removal of all non-native vegetation, cottonwoods, and any trees or shrubs >4 inches in diameter at breast height, from the levee prism and within 15 feet of the floodwall. Small woody debris will also be removed, while cut trunks (except golden willow) ≥10 inches in diameter shall be retained on site. Native shrubs (≤4 inches in diameter at breast height) will be retained to provide shelter and food for wildlife. In addition, the retained shrubs offer shade and mitigate the effects of reflective heat from the riprap. The primary purpose of this project is to address the 'Unsatisfactory' condition of the vegetation per U.S. Army Corps of Engineers' inspection reports. Additionally, it will facilitate engineering certification in accordance with the Federal Emergency Management Agency's accreditation requirements.

All debris generated during vegetation removal must be removed from the site and taken to Garden City Compost. Disposal fee shall be charged to the Stormwater Utility. All activity shall be completed in accordance with the Montana Stream Preservation Act (SPA 124 Permit), which will be obtained by the City. The selected contractor must have an ISA Certified Arborist on staff, to provide direct supervision to non-certified tree workers on site.

This work will require establishing safe work zones and detours along a primary commuter trail and in Missoula's most heavily used parks. Proactive and constant communication with the City Parks and Recreation Department (Parks) is required throughout the project, to ensure trail user safety and convenience.

All cut trees, limbs, and suckers >4 inches in diameter at breast height shall be completely severed as close to the ground as possible; and within 15 minutes of being cut, the stumps shall be treated with 15% triclopyr mixed with basal oil and dye (or approved alternative) to prevent regrowth. For smaller stumps (approximately <8 inches in diameter), contractor shall apply herbicides with daubers or other approved method to ensure targeted application of herbicide. For larger stumps, herbicide may be applied utilizing a pressurized sprayer, but contractor shall make every effort to reduce overspray resulting in non-target damage to desirable plants. To reduce herbicide drift into the river or adjacent parkland, no herbicide spraying shall occur when winds exceed 10 mph. Per Administrative Rules of Montana §4.10.201, all commercial herbicide applications require a Pesticide Applicator's License from the Montana Department of Agriculture. Public notification (on-site signage) of herbicide applications is the contractor's responsibility, as is removal of the signs. Stump height shall not exceed 2 inches above the ground level or 2 inches above natural obstacles; and stumps shall be cut flat or with the angle of the slope. Where natural obstacles or riprap inhibits cutting, vegetation shall be cut as close as is safely possible to the obstacle in question. All root structures associated with removed aboveground vegetation shall be left undisturbed.

The following vegetation management methods may be utilized within the heel to toe portion of the levee (sloped areas containing riprap): removal with non-power handsaws, chainsaw tree removal, hand piling, manual debris removal, and cable winching. Alternative methods of vegetation removal and debris transport will be considered on



a case-by-case basis. The use of heavy equipment within the heel to toe portion of the levee will not be permitted. The limitations outlined above have been specified to minimize the possibility of levee damage and to minimize erosion potential. Most of the project areas are adjacent to city trails and/or parks, and can be accessed by vehicle. All vehicular traffic should remain on paved surfaces when possible to minimize damage to adjacent turf, shrubs, and irrigation systems. No vehicles may be left on the job site overnight, and all debris must be removed from the trails and park areas at the end of each working day. Equipment such as front-end loaders, log loading grapple trucks, and skid steer equipment may be used in parcels adjacent to the levee to assist in debris removal. Equipment operators must take care to avoid damage to adjacent turf, plant material, and irrigation heads. Damage done to City assets and/or property throughout the course of this project must be repaired by the contractor at no cost to the city.

Chipping: All tree stems, branches, and tops capable of passing through the selected contractor's chipping equipment may be chipped on site, removed from the work area, and brought to Garden City Compost. Tree stem portions deemed too large to pass through the selected contractors chipping equipment will be dealt with on a case-by-case basis by the ISA Certified Arborist. Per the SPA 124 Permit conditions, whole, cut trees ≥ 10 inches in diameter can be left on site, with the exception of golden willows. All golden willow trunks and branches shall be removed from the site. Large trees that may increase flood potential downstream must be removed from the site.

Hand piling and Hauling: In areas deemed by the contractor to be inaccessible for mechanical chipping, all cut tree stems will be hauled from site by hand or through mechanical means. The selected contractor will be responsible for repairing any skid trails, tire ruts, or areas of disturbed mineral soil which, if deemed necessary by the City, must be raked mechanically or by hand and seeded with a grass mix provided by the City. Additionally, all damage to existing recreational trails, including structural damage, shall be promptly repaired by the selected contractor.

Safety is a prime concern and the contractor shall conduct the contract work in a safe manner and shall comply with all laws, rules, and regulations relating to the safety of persons and property. Contractor shall conform to the provisions of the State of Montana regulations, current ANSI Z133.1 standards, OSHA requirements, MUTCD, and other industry safety requirements, where applicable. The contractor accepts responsibility to prevent accidents to its employees engaged upon or in vicinity of the project area. The contractor shall be solely responsible for the protection and safety of its employees and for daily inspection of the work area and safety equipment. The contractor shall also take all prudent safety measures to protect landowners and members of the public who may visit the project work area. These prudent safety measures shall include the installation and maintenance of warning, trail closure, and trail detour signs. Trail closure signs and barricades to facilitate trail closures may be provided by the Parks & Recreation Department (Parks) at the request of the contractor. The contractor will work closely with Parks to coordinate trail section closures, as public service announcements will be made by Parks prior to closing any section of the riverfront trail. A signed, ADA-compliant trail closure and detour plan may be required during the project, when the contractor's equipment is on the path. When required, the detour route and signage plan shall be provided to Parks for approval.

Hours of work shall be from 9:00 AM to 4:00 PM Monday through Friday. Trail users must be allowed full access outside of approved work hours. Contractor shall clear path daily of any debris ≥ 0.5 inches in diameter, prior to reopening path at 4:00 PM. The contractor shall be responsible for sweeping, keeping the path clear of all chips, limbs, and tree debris upon completion of the work. The contractor shall notify Parks upon completion, for pre-inspection to ensure sweeping is or is not required. In the event of snow accumulation ≥ 0.5 inches before 9:00 AM, the contractor shall not access the trail until Parks has completed mandatory snow removal and ice remediation.



Insurance

The minimum liability insurance is \$2 million in the aggregate and \$1 million per incident. Proof of vehicle insurance will be required, in addition to general liability and workers compensation.

Time Frame

The City anticipates having everything ready for the contractor to start work by December 12, 2022. The contractor will have eight weeks to complete the work once they start, all work must be done by April 14, 2023.

For all practical purposes, this project must be completed prior to high water, as much of the area to be treated will become inaccessible as river levels rise during runoff. Once underway, this project must be completed in consecutive working days (weather permitting). Working days consist of Monday through Friday, between the hours of 9:00 AM and 4:00 PM.

Minimum Requirements

- Identify the ISA Certified Arborist who will supervise the work •
Copies of appropriate licenses and certifications

Closing Date and Email for Submittals

One digital copy of the Bid and supporting documentation, clearly identified as the FY23 Clark Fork Area III and V Levee Vegetation Maintenance, shall be submitted via email to Tracy Campbell (CampbellTL@ci.missoula.mt.us), Stormwater Utility Superintendent, on or before 3:00 PM local time on November 11, 2022.

Submittals received after this deadline shall not be considered.

Questions may be directed to Tracy Campbell by telephone at 406-830-5455 or by email at CampbellTL@ci.missoula.mt.us.

General Requirements

1. City of Missoula Laws and Regulations

- a. Any contractors engaged in public work in the City of Missoula are required to have a license from the City of Missoula based upon the nature of the work. A bond is also required for each type of work in the City of Missoula. Licenses are obtainable at the office of Development Services, City Hall, Missoula, Montana.
- b. Non-discrimination: All hiring shall be on the basis of merit and qualification and there shall be no discrimination in employment on the basis of race, ancestry, color, physical or mental disability, religion, natural origin, sex, age, marital or familial status, creed, ex-offender status, physical conditions, political belief, public assistance status, sexual orientation, gender identity or expression, except where these criteria are reasonable bona fide occupational qualifications.
- c. Affirmative action policy: Contractors, subcontractors, sub grantees, and other firms doing business with the City of Missoula must be in compliance with the City of Missoula's Affirmative Action Plan, and Title 49 Montana Codes Annotated, entitled "Human Rights" or forfeit the right to continue such business dealings.
 - i. The City of Missoula's Affirmative Action Policy statement is:



- ii. “The Mayor of the City of Missoula or the Mayor’s designee may adopt an affirmative action plan to provide all persons equal opportunity for employment without regard to race, ancestry, color, handicap, religion, creed, national origin, sex, age, and marital status. In keeping with this commitment, we are assigning to all department heads and their staff the responsibility to actively facilitate equal employment opportunity for all present employees, applicants, and trainees. This responsibility shall include assurance that employment decisions are based on furthering the principle of equal employment opportunity by imposing only valid requirements or employment and assuring that all human resource actions are administered on the basis of job necessity.
- iii. Specific responsibility for developing, implementing, monitoring, and reporting are assigned to the City Personnel staff under the supervision and direction of the Chief Administrative Officer and the Mayor.
- iv. It is the policy of the City of Missoula to eliminate any practice or procedure that discriminates illegally or has an adverse impact on “affected” class. Equal opportunity shall be provided for all City employees during their terms of employment. All applicants for city employment shall be employed on the basis of their qualifications and abilities.
- v. The City of Missoula, where practical, shall utilize minority owned enterprises and shall ensure that subcontractors and vendors comply with this policy. Failure of subcontractors and vendors to comply with this policy statement shall jeopardize initial, continued, or renewed funds.
- vi. Our commitment is intended to promote equal opportunity in all employment practices and provide a positive program of affirmative action for the City of Missoula, its employees, program participants, trainees, and applicants.”

2. Compliance with Labor Standards and Wage Rate Requirements

- a. For public works projects, pursuant to MCA 18-2-422, all laborer and mechanics employed by the contractor(s) or subcontractors in performance of construction projects with a total cost in excess of \$25,000, shall be paid, minimum wages in conformance with the prevailing State Wage Rates published by the Montana Department of Labor and Industry. The prevailing wage rates can be found at this link: <https://erd.dli.mt.gov/laborstandards/state-prevailing-wage-rates/.com>. The City does not guarantee that labor can be procured for the minimum wages shown on the referenced schedules. The rates of wages listed are minimum only, below which the contractor cannot pay, and they do not constitute a representation that labor can be procured for the minimum listed
- b. The minimum wages included in the Project Manual are not controlling except as to the minimum for the purpose of Montana State Law or the Davis-Bacon Act; therefore, it is incumbent upon each employer to pay the standard prevailing rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions in effect and applicable to the county or locality in which the work is being performed. The contractor and all subcontractors are directed to the Montana Commissioner of Labor for information on the standard prevailing rate of wages applicable to this contract within this project area.
- c. “Standard Prevailing Rate of Wages” is defined by Section 18-2-401 MCA, as including wages, fringe benefits for health and welfare and pension contributions and travel allowance which are paid in the county or locality by other contractors for work of a similar character performed in that county or locality by each craft, classification or type of worker needed to complete a contract.
- d. Any infraction of the Laws of the State of Montana covering Labor, Title 39, Chapters 1 through 73, MCA will be forwarded to the State of Montana Department of Labor and Industry.



- e. "Travel Allowance", in effect at the time of contract award, and according to latest information received by the State of Montana Department of Labor and Industry, Labor Standards Division, shall be adhered to where applicable.
- f. Travel allowance if applicable, may or may not be all inclusive of "travel" and/or subsistence and travel time due employees. It is incumbent on the employer to determine the amounts due for each craft employed according to the method of computation outlined for each craft where applicable.
- g. To comply with Montana Law Section 18-2-406 MCA, the Contractor shall post in a prominent and accessible site on the project work area, not later than the first day of work, a legible statement of all wages to be paid to the employees employed on the project.

3. General Notes

- a. During construction, it shall be the responsibility of the contractor to protect existing utility lines. Contractor is required to verify the exact location of all underground utilities by using the Montana one-call service for utility locates.
- b. The contractor shall notify the City immediately should any conflicts exist between the attached plans and what is found in the field.
- c. The contractor shall obtain all the necessary permits, at his expense, to complete the proposed work and shall comply with all local, state, and federal regulations.
- d. The contractor shall notify appropriate personnel for utility locations and notice of construction commencement.
- e. Contractor shall protect all adjacent improvements (e.g., buildings, roadways, fences, parking lots, utilities, sidewalks, curbs, gutter, park recreation improvements, and trees) from damage and erosion. All disturbed areas shall be restored to their condition at the time the work began.
- f. All site civil construction shall be in accordance with the attached plans, Montana Public Works Standard Specifications (MPWSS, 7th Edition), City of Missoula Public Works Standards & Specifications Manual, and infrastructure installed per City of Missoula Standard Drawings.

4. Changes

Any changes to this Scope or Bid shall be pre-approved in writing or e-mail by the Stormwater Utility.

5. Bid Amount

Bid Total: \$45,360.00



ATTACHMENT A

As a condition to approving any contract, the City of Missoula requires that the following nondiscrimination language be located in all contract documents:

NON-DISCRIMINATION. All hiring shall be on the basis of merit and qualification and there shall be no discrimination in employment on the basis of race, ancestry, color, physical or mental disability, religion, national origin, sex, age, marital or familial status, creed, ex-offender status, physical condition, political belief, public assistance status, sexual orientation or gender identity/expression, except where these criteria are reasonable bona fide occupational qualifications.

AFFIRMATIVE ACTION POLICY. Contractors, subcontractors, sub grantees, and other firms doing business with the City of Missoula must be in compliance with the City of Missoula's Affirmative Action Plan, and Title 49 Montana Codes Annotated, entitled "Human Rights" or forfeit the right to continue such business dealings.

The City's Affirmative Action Policy Statement is:

The Mayor of the City of Missoula or the Mayor's designee may adopt an affirmative action plan to provide all persons equal opportunity for employment without regard to race, ancestry, color, handicap, religion, creed, national origin, sex, age, sexual orientation, gender identity or expression or marital status. In keeping with this commitment, we are assigning to all department heads and their staff the responsibility to actively facilitate equal employment opportunity for all present employees, applicants, and trainees. This responsibility shall include assurance that employment decisions are based on furthering the principle of equal employment opportunity by imposing only valid requirements for employment and assuring that all human resource actions are administered on the basis of job necessity.

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The City of Missoula, where practical, shall utilize minority owned enterprises and shall ensure that subcontractors and vendors comply with this policy. Failure of subcontractors and vendors to comply with this policy statement shall jeopardize initial, continued, or renewed funds. Our commitment is intended to promote equal opportunity in all employment practices and provide a positive program of affirmative action for the City of Missoula, its employees, program participants, trainees and applicants.

ATTACHMENT B



City of Missoula Insurance Requirements (12/27/17)

Indemnity and Insurance:

For **other than professional services** rendered, to the fullest extent permitted by law, Consultant agrees to defend, indemnify, and hold the City harmless against claims, demands, suits, damages, losses, and expenses connected therewith that may be asserted or claimed against, recovered from or suffered by the City by reason of any injury or loss, including but not limited to, personal injury, including bodily injury or death, property damage, occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act on the part of Consultant or Consultant's agents or employees.

For the **professional services** rendered, to the fullest extent permitted by law, Consultant agrees to indemnify and hold the City harmless against claims, demands, suits, damages, losses, and expenses, including reasonable defense attorney fees, to the extent caused by the negligence or willful misconduct of the Consultant or Consultant's agents or employees.

For this purpose, Consultant shall provide City with proof of Consultant's liability insurance issued by a reliable company or companies for personal injury and property damage in amounts not less than as follows:

- Workers' Compensation – statutory
- Employers' Liability - \$1,000,000 per occurrence; \$2,000,000 annual aggregate
- Commercial General Liability - \$1,000,000 per occurrence; \$2,000,000 annual aggregate
- Automobile Liability - \$1,000,000 property damage/bodily injury; \$2,000,000 annual aggregate
- Professional Liability - \$1,000,000 per claim; \$2,000,000 annual aggregate

The city shall be included or named as an **additional or named insured on the Commercial General and Automobile Liability policies**. The insurance must be in a form suitable to City.

ATTACHMENT C

U.S. Army Corps of Engineers
National Levee Database
(<https://levees.sec.usace.army.mil/>)
System Summaries for Clark Fork Area III and V Levees



PUBLIC WORKS & MOBILITY DEPARTMENT – STORMWATER

1345 W. Broadway • Missoula, Montana 59802 • (406) 552-6357

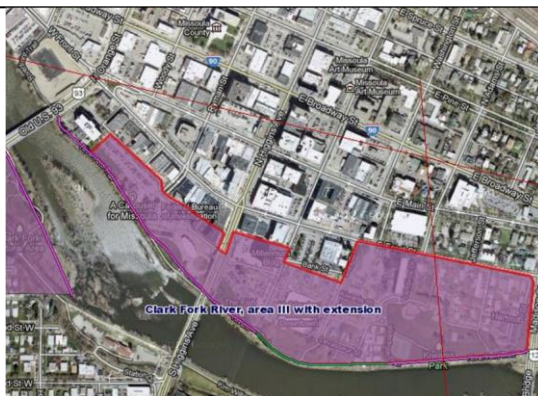
November 4, 2019

Project Description: The Clark Fork Area III levee is a federally authorized and non-federally operated and maintained complete levee system located in Missoula, MT. At approximately 3,800 feet, with 2,900 feet of embankment and 900 feet of floodwall, the upstream begins at the Madison Street Bridge with the downstream ending at the North Orange Street Bridge abutment. The project is located on the right bank of the Clark Fork River. Construction on the Clark Fork Area III levee began October 1965 and was completed in June 1966 under authority of the 1950 Flood Control Act approved May 17, 1950. Currently, the project is operated and maintained by the City of Missoula. The Clark



Levee System Summary Clark Fork River Area 3 Missoula, Missoula County, MT

Fork Area III levee protects portions of downtown Missoula, MT, including commercial and residential property with a high density population due to the urban setting. And with the majority of leveed area serving as a public park, parking lot area, and residential lands, there is an increase in population of 3.6% from 2000 to 2010 leading to an increase of risk if the area was to be inundated. The levee has not experienced significant flood loading and has never overtopped, breached, or had any major modifications or remedial measures during its lifetime.



Risk Characterization: The Corps of Engineers assessed this levee in 2013 and determined a very low risk of overtopping due to flooding. Within its history, there have been no overtopping or breaching events with a record flood of 5% levee height in 1975. The event exceeds a 500-year return period. If inundation of the levee were to occur, there would be approximately \$14 billion in property damages and 86 structures affected; however, this is very unlikely. This assigns a very low risk characterization to the Clark Fork Area III Levee as determined by USACE Levee safety Action Classification.

What is driving the risk? (Listed in order of priority)

What is being done about it? (Risk Management)

Floodwall Underseepage and Piping and Floodwall Stability	Perform a stability and seepage analysis for the structure adjacent to the floodwall if there is intention to seek a Corps encroachment approval.
Embankment and Foundation Seepage and Piping	Perform a more detailed hydraulic analysis to confirm the adequacy of the original riprap design for expected velocities. Additionally, monitor the performance of identified encroachments during high water events.



Levee System Summary Clark Fork River Area 5 Missoula, Missoula County, MT

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

November 4, 2019

Project Description: The Clark Fork Area V levee system is a federally authorized and non-federally operated and maintained complete levee system located in Missoula, MT. At approximately 1,200 feet in length, the upstream end of the levee ties into the California Street Bridge and the downstream end of the levee ties into the Russell Street Bridge. The levee crown is covered by an asphalt pedestrian path with riprap armoring on the riverward side. The Clark Fork Area V levee protects mostly commercial and residential property with no critical infrastructure identified. There is a high density population due to the urban setting. Construction on the Clark Fork Area V Levee was completed between June 1963 and January 1964 after the levee system was authorized by the 1950 Flood Control Act approved on May 17, 1950. The Clark Fork Area V flood control project was designed to protect against a 100-year event with 3feet of freeboard protecting a flood event. The Clark Fork Area V levee has never overtopped, breached, and no major modifications or rehabilitation measures have been made to this levee. Additionally, the Flynn Irrigation Ditch could potentially allow flooding to affect an area outside of the primary protection area, but flows would be immediately limited by downstream culvert constrictions, thus the likelihood of large impact due to inundation is likely low.



Risk Characterization: The Corps of Engineers assessed this levee in 2013 and determined there is low risk of overtopping due to flooding. Within its history, there have been no overtopping or breaching events and a record flood of 50% levee height in 1975. There is a greater than 500 year return period, which decreases the overtopping risk significantly. If inundation were to occur, there would be approximately \$14 million in property damages and 120 structures affected. This assigns very low risk characterization to the Clark Fork Area V Levee as determined by USACE Safety Action Classification.

What is driving the risk? (Risk Management) What is being done about it? (Listed in order of priority)

Embankment and Foundation Seepage and Piping	Remove trees and vegetation exceeding tolerable Corps standards along the levee system including large diameter trees along the floodwall.
Embankment Erosion	Perform a more detailed hydraulic analysis to confirm the adequacy of the original riprap design for expected velocities. Additionally continue regular levee maintenance.

What Is Important to Know?

Levee Specific Information: The following table provides specific information related to this levee system.

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U.S. ARMY CORPS OF ENGINEERS – Seattle District
4735 E Marginal Way S, Seattle, WA 98134
<http://www.nws.usace.army.mil/>