

# Missoula City Council

## Public Works Committee Agenda

**Date:** November 17, 2021, 11:50 am - 12:10 pm  
**Location:** ZOOM Webinar  
**Members:** Stacie Anderson, Mirtha Becerra (chair), John P. Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, Heidi West

### Attend by computer:

[Join the meeting](#)

### Attend by phone:

Cell phone users: 1-253-215-8782, 1-213-338-8477, or 1-267-831-0333

Landline users: 1-888-475-4499 or 1-877-853-5257

Webinar ID: 896 1339 8849

Password: 027222, Press \*9 to raise your hand to be recognized for public comment

### Watch the meeting:

[Web stream \(live or on demand\)](#), [YouTube](#), or Spectrum Cable Channel 190

For more ways to watch the meeting and submit public comment, see the Citizen Participation Guide.

*Issues? Call the City Clerk 406-552-6078.*

*If anyone attending this meeting needs special assistance, please provide 48 hours advance notice by calling the City Clerk Office at 406-552-6073.*

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Pages

## 1. ADMINISTRATIVE BUSINESS

### 1.1. Roll Call

### 1.2. Approval of the Minutes

#### 1.2.1. PW Committee Minutes from 11/10/2021

## 2. PUBLIC COMMENT

## 3. COMMITTEE BUSINESS

### 3.1. Appointment to the Bicycle and Pedestrian Advisory Board

John Engen

1

#### Recommended motion:

Confirm the Mayor's appointment of Erin Montgomery to the Bicycle and Pedestrian Advisory Board for a term beginning immediately and expiring on September 30, 2022.

**3.2. Bid Award with Prospect Construction Inc, for the Cooper Street Alley Water Main Replacement**

Andrew Schultz

4

**Recommended motion:**

Award the bid for Cooper Street Alley Water Main Replacement Project to Prospect Construction, Inc. for an amount not to exceed \$1,013,580.50 and authorize the return of bid bonds.

**4. ADJOURNMENT**



**City of Missoula, Montana**  
**Item to be Referred to City Council Committee**

**Committee:** Public Works

**Item:** Appointment to the Bicycle and Pedestrian Advisory Board

**Date:** November 15, 2021

**Sponsor(s):** John Engen

**Prepared by:** Heidi Bakula

**Ward(s) Affected:**

<input type="checkbox"/> Ward 1	<input type="checkbox"/> Ward 4
<input type="checkbox"/> Ward 2	<input type="checkbox"/> Ward 5
<input type="checkbox"/> Ward 3	<input type="checkbox"/> Ward 6
	<input checked="" type="checkbox"/> N/A

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**Action Required:**  
Confirm Mayor's Appointment.

**Recommended Motion(s):**  
I move the City Council:

Confirm the Mayor's appointment of Erin Montgomery to the Bicycle and Pedestrian Advisory Board for a term beginning immediately and expiring on September 30, 2022.

**Timeline:**

Referral to committee:	November 15, 2021
Committee discussion:	November 17, 2022
Council acts to set hearing:	NA
Public Hearing:	NA
Deadline:	NA

**Background and Alternatives Explored:** None.

**Financial Implications:** None.

**Links to external websites:** None.

Application Form -- Bicycle and Pedestrian Advisory Board  
Today's Date: 6/24/21

Erin Montgomery  
montgomery.erin@gmail.com  
(503) 329-3742

In which ward do you reside? 3

Applicant Background

Are you a citizen of the United States of America? Yes

Are you a registered voter? Yes

How long immediately prior to this date have you been continuously a legal resident of the City of Missoula? 1.5 years

How long immediately prior to this date have you been continuously a legal resident of the State of Montana? 1.5 years

Current Occupation: Education Assistant

Current Employer: Origins Curriculum

Briefly describe your educational background:

I have a Master's Urban Planning (MUP) from The University of Washington, Seattle, with a particular focus on the intersections of environmental planning and the built environment. My thesis was a literature review examining the barriers and facilitators of walking for transport. During my master's work, I also had the honor of being a NEXOPOLIS Scholar in Quebec City, Quebec, where I co-conducted a bicycle infrastructure inventory and assessment of the downtown core (presenting the findings to the City Council). During the same time, I was also a co-recipient of the APA/AICP National Student Project Award in Applied Research, related to The City of Seattle Neighborhood Plan Update. Finally, I have several internships under my belt, ranging from a private planning firm to a county government, a State Legislature, and Americorps. I also have a CELTA certificate to teach English (ESOL) to adults in Europe through the University of Cambridge.

List of community service experience:

Evening Service Volunteer, Filadelfia House (Community Shelter in Stockholm, Sweden) Jan - Sept 2017  
Americorps Volunteer in La Grande Oregon, working on projects related to Community Development and the Main Street Revitalization Grant Program, Fall 2010  
Communications Committee Member, Washington State Chapter of the American Planning Association (Seattle, WA) Jan 2008 - 10

What is your interest in serving on this board, commission, or committee?

My interest in serving on the Bicycle and Pedestrian Advisory Board is as a Missoula resident with (1) a background in bicycle and pedestrian planning, (2) ample experience utilizing Missoula's bicycle / pedestrian infrastructure, particularly as a parent transporting a child via stroller or bike trailer, and (3) experience living in other cities and countries with diverse built environments (some that support active transport, some that don't). As such, I have developed a keen and observant eye for walking / bicycling barriers and facilitators anywhere I go. Particularly in Missoula, I am invested as a long-term resident,

homeowner, and parent, and feel strongly committed to help improve the City's biking/walking environment for all users, in any way I can.

Do you have any special knowledge, interest, or experience that would qualify you for a position on this board, commission, or committee?

Professionally, my educational and employment background involving city planning and policy would play a key role in my capacity to contribute to the Bicycle and Pedestrian Advisory Board--particularly my academic focus on active transport and my two years as a member of the American Planning Association Communications Committee (WA State Chapter). But beyond that, I maintain a strong and consistent personal passion for the mechanics of a built environment and how that design and layout influence walking and biking behavior. Over the past year-and-a-half, I've spent considerable time on foot and bike here in Missoula, just "getting around". Many of my walks are as a Mom with a stroller, or on a bicycle with a bike trailer, and I've become keenly aware of where it's safe to bike and walk, and where it is not. I can tell you what is working, and I can tell you what needs improvement. But I can do this from the perspective of someone with both a strong knowledge base AND plenty of user experience. I feel invested as a parent and resident, yet I also fully comprehend the limitations of budgets, staff, administrative codes, and other implementation and use barriers. I would offer a combination of practicality and knowledge to the Advisory Board that I hope would be an asset to the city's endeavors, current and future.

#### References

Courtney LeBlanc  
(406) 396-4157

Ted Catton  
(406) 926-2790



**City of Missoula, Montana**  
**Item to be Referred to City Council Committee**

**Committee:** Public Works

**Item:** Bid Award with Prospect Construction Inc, for the Cooper Street Alley Water Main Replacement

**Date:** November 15, 2021

**Sponsor(s):** Andrew Schultz

**Prepared by:** Ashley Strayer

**Ward(s) Affected:**

<input checked="" type="checkbox"/> Ward 1	<input type="checkbox"/> Ward 4
<input type="checkbox"/> Ward 2	<input type="checkbox"/> Ward 5
<input type="checkbox"/> Ward 3	<input type="checkbox"/> Ward 6
<input type="checkbox"/> All Wards	<input type="checkbox"/> N/A

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**Action Required:**

Award bid to Prospect Construction, Inc. for the Cooper Street Alley Water Main Replacement and authorize the return of bid bonds.

**Recommended Motion(s):**

I move the City Council: Award the bid for Cooper Street Alley Water Main Replacement Project to Prospect Construction, Inc. for an amount not to exceed \$1,013,580.50 and authorize the return of bid bonds.

**Timeline:**

Referral to committee:	November 15, 2021
Committee discussion:	November 17, 2021
Council action (or sets hearing):	November 29, 2021
Public Hearing (if required):	N/A
Deadline:	N/A

**Background and Alternatives Explored:**

Missoula Water issued a bid to replace an existing 6" kalmein water main located in the Cooper Street alley. This main has had multiple leak repairs on it and is a top priority for Missoula Water to replace. The project will replace 5 blocks of water main in the alley and another additional block in Bulwer Street. A total of 1,250 linear feet of new water main will be installed. The alley is very crowded with other utilities including the existing water main, sewer main, and gas main, so the new water main will be bored through the alley and open trenched at the street crossings. A new fire hydrant will also be installed on Bulwer Street.

Electronic bids were opened on November 2, 2021 at 2:00 pm. A single bid was received. The bid was reviewed for completeness and accuracy and deemed responsive. Prospect Construction was the apparent lowest bidder with a total bid of \$1,013,580.50. The City's consultant engineer on the project, IMEG, has recommended that the City award the project to Prospect Construction as the lowest bidder.

**Financial Implications:**

\$1,013,580.50 from the Water Enterprise Fund

**Links to external websites:**

None



November 8, 2021

City of Missoula  
Attn: Andy Schultz  
1345 West Broadway  
Missoula, MT 59802

**sent via email:**  
[SchultzA@ci.missoula.mt.us](mailto:SchultzA@ci.missoula.mt.us)

RE: Cooper Street Alley Water Main Replacement Project  
City Project #2020-012, EQ #21-1262  
Bid Results & Award Recommendation

Dear Andy,

As a summary, the bids for the above project were due electronically via the QuestCDN bidding site on November 2, 2021 at 2:00pm (local time), and then opened online through the QuestCDN site by Missoula City Clerk, Marty Rehbein. At the time of bid opening, one (1) electronic bid was received, from Prospect Construction, and was reviewed and considered responsive by the City Clerk at that time. IMEG then conducted an additional and more thorough review of the electronic bids to confirm the responsiveness of the bidders. For the submitted bid, the Contractor did not submit the City of Missoula Apprenticeship Form with their Bid Form in order to apply for the bidder's preference.

We have reviewed the submitted bids for completeness and accuracy and based on the unit prices, total bid price, and the application of the apprenticeship bidder's preference (for bid evaluation only). A review of the Bid Form completeness was conducted. All contractors acknowledged the three (3) addenda, listed 3 projects of similar complexity, listed ACI technician information, completed the Bid Form, completed the Debarment Certification form, and provided unit prices and totals for all items and schedules through the QuestCDN website.

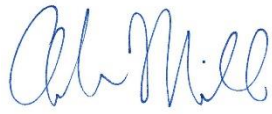
See attached for a Bid Tabulation including contractor(s) bid prices and the engineer's estimate. As there was only one responsive bid received, it has been determined that Prospect Construction is the apparent lowest responsive bidder with a total bid of \$1,013,580.50. Based on the thorough review of all bid conditions and prices, IMEG Corp. recommends Prospect Construction at the bid price above for the above-mentioned project.

Please see the included enclosures that are both for your records and are required to be provided to DEQ for the DWSRF loan program to receive Authorization to Award:

- Certified Bid Tabulation
- Bid Form, Bid Bond, Debarment Certification Form – Prospect Construction
- Addendum #1, #2, and #3
- Proof of Bid Advertisement Publication
- MBE & WBE Compliance Job Advertisement – Prospect Construction

If you have any questions, comments, or concerns, please feel free to contact us at (406) 721-0142 or at [Andrew.J.Mill@imegcorp.com](mailto:Andrew.J.Mill@imegcorp.com) / [Cory.S.Davis@imegcorp.com](mailto:Cory.S.Davis@imegcorp.com).

Sincerely,  
**IMEG Corp.**

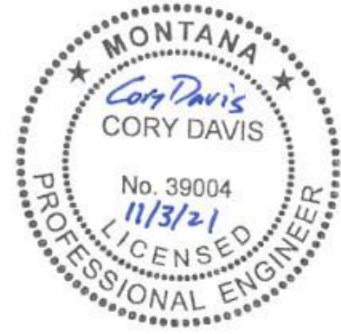


Andrew Mill, P.E.

**IMEG Corp.**



Cory Davis, P.E.



Enclosures: As noted above

C. Scan & File (w/ enclosures)

\\\\files\\Active\\Projects\\2020\\20004258.00\\Construction\\5\_Bidding\\3\_Bid Tabs & Award\\ltr.2021-11-08.CityMsla.Bid Results.Cooper Alley Water Mains.docx



**BID TABULATION**

City of Missoula - Cooper Street Alley Water Main Replacement Project

**Bid Due & Opening Date: 11/2/2021 @ 2:00 pm**

City of Missoula Project Number: 2020-012

IMEG Project Number: 20004258.00

					Engineer Estimate		Prospect Construction	
Line Item	Item Code	Description	U/M	Qty.	Unit Price	Total	Unit Price	Total
SCHEDULE A: WATER MAIN REPLACEMENT								
A1	A1	Miscellaneous Work	EA	30,000	\$ 1.00	\$ 30,000.00	\$ 1.00	\$ 30,000.00
A2	A2	Permits (Water Main per City of Missoula)	LS	1	\$ 4,306.00	\$ 4,306.00	\$ 4,306.00	\$ 4,306.00
A3	A3	Water Service Repair Permit(s) (per City of Missoula)	EA	39	\$ 269.00	\$ 10,491.00	\$ 269.00	\$ 10,491.00
A4	A4	Mobilization / Demobilization	LS	1	\$ 40,000.00	\$ 40,000.00	\$ 49,000.00	\$ 49,000.00
A5	A5	Construction Traffic Control (MPWSS 01570 & City of Missoula)	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 31,500.00	\$ 31,500.00
A6	A6	Erosion Control & Compliance	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 11,500.00	\$ 11,500.00
A7	A7	Testing and Start Up (including temporary blowoffs and/or air reliefs)	LS	1	\$ 12,000.00	\$ 12,000.00	\$ 45,000.00	\$ 45,000.00
A8	A8	4" Class 200 DR11 HDPE DIPS Water Main (Bored)	LF	1,749	\$ 310.00	\$ 542,190.00	\$ 187.00	\$ 327,063.00
A9	A9	4" Class 200 DR11 HDPE DIPS Water Main (Open-Trench)	LF	149	\$ 100.00	\$ 14,900.00	\$ 150.00	\$ 22,350.00
A10	A10	Connection of 4" HDPE between Bored & Open-Trench Sections	EA	9	\$ 1,000.00	\$ 9,000.00	\$ 1,500.00	\$ 13,500.00
A11	A11	4" Gate Valve and Valve Box	EA	6	\$ 1,300.00	\$ 7,800.00	\$ 2,500.00	\$ 15,000.00
A12	A12	8" Class 350 D.I.P. Water Main	LF	342	\$ 100.00	\$ 34,200.00	\$ 145.00	\$ 49,590.00
A13	A13	6" Class 350 D.I.P. Water Line	LF	47	\$ 90.00	\$ 4,230.00	\$ 153.00	\$ 7,191.00
A14	A14	8" x 4" Cross	EA	1	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
A15	A15	12" x 4" Tapping Sleeve for Hot Tap (in Hawthorne Street)	EA	1	\$ 2,000.00	\$ 2,000.00	\$ 5,000.00	\$ 5,000.00
A16	A16	6" x 4" Increaser/Reducer	EA	1	\$ 600.00	\$ 600.00	\$ 1,500.00	\$ 1,500.00
A17	A17	24" x 8" Tapping Sleeve for Hot Tap (in Cooper/Bulwer intersection)	EA	1	\$ 4,000.00	\$ 4,000.00	\$ 6,000.00	\$ 6,000.00
A18	A18	8" Gate Valve and Valve Box	EA	4	\$ 1,800.00	\$ 7,200.00	\$ 3,750.00	\$ 15,000.00
A19	A19	8" x 6" Increaser/Reducer	EA	1	\$ 800.00	\$ 800.00	\$ 1,700.00	\$ 1,700.00
A20	A20	6" Gate Valve and Valve Box	EA	1	\$ 1,400.00	\$ 1,400.00	\$ 3,000.00	\$ 3,000.00
A21	A21	6" Bend (Any Angle)	EA	2	\$ 800.00	\$ 1,600.00	\$ 1,300.00	\$ 2,600.00
A22	A22	8" Bend (Any Angle)	EA	1	\$ 800.00	\$ 800.00	\$ 1,600.00	\$ 1,600.00
A23	A23	6" x 6" x 6" Tee	EA	1	\$ 1,200.00	\$ 1,200.00	\$ 1,800.00	\$ 1,800.00
A24	A24	Connection to Existing 6" Water Main(s) (includes any pups of 6" D.I.P. and Restrained Couplers) (in Burns Street)	EA	2	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00
A25	A25	Cut Out & Remove Existing 6" Tee at Burns Street	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 3,500.00	\$ 3,500.00
A26	A26	New Fire Hydrant Assembly (including Storz Adapter)	EA	1	\$ 5,000.00	\$ 5,000.00	\$ 8,000.00	\$ 8,000.00
A27	A27	Existing Fire Hydrant Removal/Abandonment (removal, disposal, and surface restoration)	LS	1	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
A28	A28	2" or Smaller Tapping Saddle for 4" HDPE Water Main	EA	38	\$ 100.00	\$ 3,800.00	\$ 400.00	\$ 15,200.00
A29	A29	2" or Smaller Tapping Saddle for 8" DIP Water Main	EA	1	\$ 100.00	\$ 100.00	\$ 400.00	\$ 400.00
A30	A30	2" or Smaller Corporation Stop	EA	39	\$ 150.00	\$ 5,850.00	\$ 250.00	\$ 9,750.00
A31	A31	Labor for Making 2" or Smaller Service Tap(s)	EA	39	\$ 250.00	\$ 9,750.00	\$ 1,600.00	\$ 62,400.00
A32	A32	Connection to Existing 2" or Smaller Water Service Lines	EA	39	\$ 800.00	\$ 31,200.00	\$ 1,400.00	\$ 54,600.00
A33	A33	1" SIDR 7 HDPE Water Service Lines	LF	200	\$ 70.00	\$ 14,000.00	\$ 255.00	\$ 51,000.00
A34	A34	Curb Stop and Box	EA	20	\$ 400.00	\$ 8,000.00	\$ 750.00	\$ 15,000.00
A35	A35	Blueboard Insulation	LF	105	\$ 10.00	\$ 1,050.00	\$ 50.00	\$ 5,250.00
A36	A36	Cut and Cap Existing 6" Water Main(s)	EA	2	\$ 700.00	\$ 1,400.00	\$ 3,100.00	\$ 6,200.00
A37	A37	Abandon Existing Valve and/or Remove & Dispose of Existing Valve	EA	3	\$ 500.00	\$ 1,500.00	\$ 2,400.00	\$ 7,200.00
A38	A38	Asphalt Cushion & Backfill Replacements (per City of Missoula)	LF	538	\$ 30.00	\$ 16,140.00	\$ 70.25	\$ 37,794.50
A39	A39	3" Asphalt Pave Back & Asphalt Restoration (per City of Missoula)	LF	538	\$ 30.00	\$ 16,140.00	\$ 127.50	\$ 68,595.00
A40	A40	1" Manual Air Relief (Permanent)	EA	1	\$ 2,500.00	\$ 2,500.00	\$ 3,500.00	\$ 3,500.00
Subtotal, SCHEDULE A						\$ 874,147.00		\$ 1,013,580.50

**BID TAB SUMMARY**

				Engineer Estimate		Prospect Construction	
<b>TOTAL BID COST of ALL SCHEDULES (A)</b>				<b>\$</b>	<b>874,147.00</b>	<b>\$</b>	<b>1,013,580.50</b>
<b>TOTAL ESTIMATED COST of ALL SCHEDULES + CONTINGENCY 20%</b>				<b>\$</b>	<b>1,048,976.40</b>		



**SECTION 00300**

**BID FORM**

**PROJECT IDENTIFICATION:**

Cooper Street Alley Water Main Replacement Project

(Name of Project)

Alley south of Cooper Street and Bulwer Street in Missoula, MT

(Location)

As described in the Invitation to Bid.

**CONTRACT IDENTIFICATION AND NUMBER:**

Cooper Street Alley Water Main Replacement Project

Owner Project Number: 2020-012

Engineer Project Number: 20004258.00

**THIS BID SUBMITTED TO:**

City of Missoula – City Clerk

(Organization)

435 Ryman Street

(Street; P.O. Box)

Missoula

(City)

Montana

(State)

59802

(Zip Code)

**ARTICLE 1 – CONTRACT**

**1.01** The undersigned Bidder proposes and agrees if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents, to perform and furnish all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

**ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS**

**2.01** Bidder accepts all of the terms and conditions of the Advertisement or Invitation to Bid, and Instructions to Bidders, including without limitations those dealing with the disposition of Bid Security. This Bid will remain subject to acceptance for sixty (60) days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

**ARTICLE 3 – BIDDER'S REPRESENTATIONS**

**3.01** In submitting this Bid, Bidder represents, as set forth in the Agreement, that:

A. Bidder has examined and carefully studied the Bidding Documents, other related data identified in the Bidding Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Addendum No.</u>	<u>Addendum Date</u>	<u>Description</u>
<u>1</u>	<u>10/21/21</u>	<u>Pre-Bid Meeting Minutes &amp; Attendance</u>
<u>2</u>	<u>10/22/21</u>	<u>Revised Bid Due Date</u>
<u>3</u>	<u>10/27/21</u>	<u>Revised Federal Wage Determination</u>
<u>          </u>	<u>          </u>	<u>          </u>

- B. Bidder has visited the Site and has become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities) which have been identified in the Special Provisions as provided in paragraph 4.02 of the General Conditions, and (2) reports and drawings of a Hazard Environmental Condition, if any, which has been identified in the Special Provisions as provided in paragraph 4.06 of the General Conditions.
- E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by Bidder, and safety precautions and programs incident thereto.
- F. Bidder does not consider that any further examinations, investigations, explorations, tests, studies or data are necessary for the determination of this Bid for performance of the Work at the prices bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of the Work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports and drawings identified in the Bidding Documents, and all additional examinations, investigations, explorations, tests, studies and data with the Bidding Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- J. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.

#### **ARTICLE 4 – BIDDER’S CERTIFICATION**

**4.01** Bidder further certifies that this Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.

The Bidder certifies that no official of the Owner, Engineer or any member of such officials’ immediate family, has direct or indirect interest in the pecuniary profits or Contracts of the Bidder.

#### **ARTICLE 5 – BASIS OF BID**

**5.01** The Bidder will complete the Work in accordance with the Contract Documents and the provisions below for the prices as shown on the attached Bid Schedule Sheet.

- A. Unit Prices have been computed in accordance with paragraph 11.03. of the General

Conditions.

B. Bidder acknowledges that estimated quantities are not guaranteed and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Bid items will be based on actual quantities provided, determined as provided in the Contract Documents.

C. The undersigned agrees that the unit prices shall govern in checking the Bid, and should a discrepancy exist in the Total Estimated Price and Total Amount of Unit Prices Bid as listed on the attached Bid Sheet after extensions are checked and corrections made, if any, the Total Amount of Unit Prices Bid as corrected shall be used in awarding this Contract.

D. The OWNER reserves the right to reject any or all bids.

## **ARTICLE 6 – TIME OF COMPLETION**

**6.01** Bidder agrees that the Work will be substantially completed and ready for final payment in accordance with 14.07 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.

**6.02** Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified above, which shall be stated in the Agreement.

## **ARTICLE 7 – BID DOCUMENTS**

**7.01** The following documents are attached to and made a condition of the Bid:

A. Required Bid security in the amount of 10% of the maximum Bid price including alternates, if any, and in the form of a Bid Bond, or other form of Bid Security as identified in the Instructions To Bidders.

B. AGENCY required certifications. (Refer to Special Provisions, for AGENCY certifications and requirements.)

C. Any requirements per Special Provisions, including: (1) tabulation of Subcontractors, Suppliers, and others; (2) individuals and entities required to be identified in this Bid; (3) required Bidder qualifications statement with supporting data; and,

D. City of Missoula Apprenticeship Bidder's Preference Application Form.

## **ARTICLE 8 – CITY OF MISSOULA APPRENTICESHIP BIDDER'S PREFERENCE PROGRAM**

**8.01** The City of Missoula will award a 5% bidding preference (with a total value of preference not to exceed \$100,000) on projects estimated to exceed \$500,000 for bidders that do the following:

A. Claim preference and furnish written proof of being a party to a State approved apprenticeship training program for each apprenticeable trade the bidder will employ to construct the project; and

B. Provide evidence of their willingness to contractually commit to an apprentice utilization requirement stating at least 10% of all labor hours on the construction project site will be comprised of registered apprentices who are registered with a Montana state-approved apprenticeship training program; and

C. Provide the estimated total number of construction job site labor hours and the total number of apprenticeship hours for the project.

The lowest responsible total bid, taking the preference into consideration, shall be awarded the contract unless the solicitation provides for additional award criteria or exceptions to this policy. The contract

amount awarded shall be the amount of the bid submitted, exclusive of the bidding preference.

All contractors and subcontractors applying for this bidder's preference must retain certified payroll reports on at least a monthly basis, certifying the names of all workers performing labor hours, their trade, hours worked, with designations for journey level workers or apprentices or other. Certified payroll reports provided are subject to review and inspection by the City of Missoula and/or its agents for compliance.

The failure by a contractor awarded an apprenticeship bidder's preference to comply with the City of Missoula and State of Montana registered apprentice regulations is a breach of contract for which the City is entitled to all remedies, including liquidated damages and temporary or permanent cessation of work allowed by law and under the contract. Failure to comply with all federal, state or municipal apprentice utilization requirements is evidence bearing on a contractor's qualification for award of future contracts.

## ARTICLE 9 – BID SUBMITTAL

**9.01** The terms used in this Bid with the initial capital letters have the meanings indicated in the Instructions To Bidders, General Conditions, and the Supplementary Conditions.

SUBMITTED on November 2nd, 2021  
(Date) (Year)

Montana Contractor's Registration # 255598

Employer's Tax ID No. 91-1871877

### Bidder Qualifications (per Article 3 of Instructions to Bidders):

Contractor or their Superintendent

Contractor or Superintendent's Name: Roger Swartz

Project name and details (location, size of main, length of main) of three (3) projects with similar scope and complexity completed in the last 5 years:

1) Project Name: Lower Russell Levee Phase 1

Location: Kent, WA Date Complete: 7/10/2020

Description (main size, type, length, etc.): 3,700 LF of 8" watermain

Project Owner Contact: Erik Peters Phone Number: 206-477-4800

2) Project Name: Water System Improvement

Location: Enumclaw, WA Date Complete: 5/22/2017

Description (main size, type, and length): 250 LF of 8" watermain

35ea PRV installs at private residents.

Project Owner Contact: Scott Woodbury Phone Number: 360-615-5728

3) Project Name: Yelm SW Well 1A Water System Improvements

Location: Yelm, WA

Date Complete: 1/27/2017

Description (main size, type, and length): 520 LF og 16" watermain

200 LF of 12" watermain

Project Owner Contact: Chad Bedlington

Phone Number: 360-458-8406

**For Projects including any concrete curb/gutter and/or sidewalk construction (otherwise enter N/A):**

Name(s) of current ACI Certified Concrete Flatwork Technician for Project: Chris Saale

\*minimum of one (1) required

ACI Concrete Flatwork Technician Certification ID#: 01126453

Name(s) of current ACI Certified Flatwork Technician for project: \_\_\_\_\_

ACI Concrete Flatwork Technician Certification ID#: \_\_\_\_\_

**If BIDDER is:**

**A Corporation**

Prospect Construction, Inc. DBA

Name: Prospect Construction Group, Inc.

(Corporation Name)

State of Incorporation: Washington

Type (General Business, Professional, Service, Limited Liability): General Business

By: \_\_\_\_\_

Ryan Sondgroth

(Signature of person authorized to sign)

Title: Vice President

Attest: \_\_\_\_\_

Elaine Mayhall, Witness

(Signature)

Business Address: 4404 Expressway, Suite 202, Missoula MT 59808

Phone No.: 406-493-1300

FAX No: 253-446-1601

Date of Qualification To Do Business [in Montana] Is: 5/27/2020

(Corporate Seal)



**An Individual**

Name: \_\_\_\_\_  
(Name typed or printed)

By: \_\_\_\_\_  
(Individual's Signature)

Doing business as: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Phone No.: \_\_\_\_\_ FAX No: \_\_\_\_\_

**A Partnership**

Name: \_\_\_\_\_  
(Partnership Name)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name, typed or printed)

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Phone No.: \_\_\_\_\_ FAX No: \_\_\_\_\_

**A Joint Venture** (Each Joint Venture must sign)

Joint Venturer Name: \_\_\_\_\_  
(Name)

By: \_\_\_\_\_  
(Signature of Joint Venture Partner)

Name: \_\_\_\_\_  
(Name, printed or typed)

Title: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Phone No.: \_\_\_\_\_ FAX No: \_\_\_\_\_

Joint Venturer Name: \_\_\_\_\_  
(Name)

By: \_\_\_\_\_  
(Signature of Joint Venture Partner)

Name: \_\_\_\_\_  
(Name, printed or typed)

Title: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Phone No.: \_\_\_\_\_ FAX No: \_\_\_\_\_

Address of Joint Venture for Receipt of Official Communication:

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone No.: \_\_\_\_\_ FAX No: \_\_\_\_\_

(Each Joint Venture must sign. The manner of signing for each individual, partnership and corporation that is a party to the joint venture should be in the manner indicated above.)

**END OF SECTION**

PENAL SUM FORM

BID BOND

Any singular reference to Bidder, Surety, Owner, or other party shall be considered plural where applicable.

BIDDER (Name and Address):

Prospect Construction, Inc. DBA Prospect Construction Group Inc.  
116 23rd Street SE  
Puyallup, WA 98372

SURETY (Name and Address of Principal Place of Business):

Liberty Mutual Insurance Company  
1001 4th Avenue, Suite 3700  
Seattle, WA 98154

OWNER (Name and Address):

City of Missoula  
435 Ryman Street  
Missoula, MT 59802

BID

Bid Due Date: 11/2/2021

Project as described in the Invitation to Bid:

Cooper Street Alley Water Main Replacement Project  
City Project No. 2020-012

BOND

Bond Number: Bid

Date (Not later than Bid due date): 11/2/2021

Penal sum Ten Percent of the Total Bid Amount  
(Words)

10% of the Total Bid Amount  
(Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms printed on the reverse side hereof, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent, or representative.

BIDDER

Prospect Construction, Inc. DBA  
Prospect Construction Group Inc.

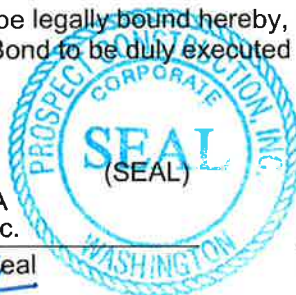
Bidder's Name and Corporate Seal

By: 

Signature and Title Ryan Sondgroth, Vice President

Attest: 

Signature and Title Elaine Mayhall, Witness



SURETY

Liberty Mutual Insurance Company

Surety's Name and Corporate Seal

By: 

Signature and Title

Katharine J. Snider, Attorney-in-Fact

Attest: 

Signature and Title

Cynthia L. Jay, Witness



Seal No. 5649

Note: Above addresses are to be used for giving required notice.

## PENAL SUM FORM

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Surety's liability.
2. Default of bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation shall be null and void if:
  - 3.1. Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
  - 3.2. All Bids are rejected by Owner, or
  - 3.3. Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this bond will be due and payable upon default by Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from Bid due date without Surety's written consent.
6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after Bid due date.
7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid and shall be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute seal, and deliver such bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company  
West American Insurance Company

Certificate No: **8205061-023049**

## POWER OF ATTORNEY

**KNOWN ALL PERSONS BY THESE PRESENTS:** That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Alicon A. Keltner, Alyssa J. Lopez, Amelia G. Burrill, Annelies M. Richie, Brandon K. Bush, Brent E. Heilesen, Carley Espiritu, Christopher Kinyon, Cynthia L. Jay, Diane M. Harding, Edward Sims, Eric A. Zimmerman, Erica E. Mosley, Heather L. Allen, Holli Albers, Jacob T. Haddock, James B. Binder, Jamie L. Marques, Katharine J. Snider, Kyle Joseph Howat, Terrie Conard

all of the city of Tacoma state of WA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

**IN WITNESS WHEREOF**, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 19th day of March, 2021.



Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company  
West American Insurance Company

By:

David M. Carey  
David M. Carey, Assistant Secretary

State of PENNSYLVANIA  
County of MONTGOMERY ss

On this 19th day of March, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

**IN WITNESS WHEREOF**, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal  
Teresa Pastella, Notary Public  
Montgomery County  
My commission expires March 28, 2025  
Commission number 1126044  
Member, Pennsylvania Association of Notaries

By:

Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

### ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

### ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seals of said Companies this 2nd day of November, 2021.



By:

Renee C. Llewellyn  
Renee C. Llewellyn, Assistant Secretary



City of Missoula - Cooper Street Alley  
Water Main Replacement

EQ# 21-1262

SRF Project Number

United States Environmental Protection Agency  
Washington, DC 20460

**Certification Regarding Debarment, Suspension, and  
Other Responsibility Matters**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Bryce McLaren, Operations Manager

Typed Name & Title of Authorized Representative

  
Signature of Authorized Representative

11/2/2021

Date

\_\_\_\_\_ I am unable to certify to the above statements. My explanation is attached.

RESOLUTION OF BOARD OF DIRECTORS OF  
PROSPECT CONSTRUCTION, INC.

CORPORATE RESOLUTION

IT IS HEREBY RESOLVED by the Board of Directors of Prospect Construction, Inc., a Washington Corporation, that Gordon S. McLaren, President, Ryan Sondgroth, V.P. of Estimating, Susan L. Dunn, Secretary, Bryce McLaren, Operations Manager, and Nick Patch, Area Manager – Montana, are hereby authorized, on behalf of the Corporation to execute alone and deliver any and all instruments and documents which may be necessary and proper.

IN WITNESS WHEREOF, I have hereunto set my hand as Secretary of said Corporation, and affixed its Corporate Seal by order of its Board of Trustees, this 1<sup>st</sup> Day of November 2021.

ATTEST:

PROSPECT CONSTRUCTION, INC.



SUSAN DUNN  
Secretary



GORDON MCLAREN  
President



