

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 91-1465A
ISSUANCE OF ADDENDUM NO. 4 TO	)	
REQUEST FOR BIDS 91B-16-SW FOR THE	)	Introduced by Rena Cusma,
PROCUREMENT OF SUBGRADE EMBANKMENT	)	Executive Officer
MATERIAL AND SAND FOR ST. JOHNS	)	
LANDFILL	)	

WHEREAS, On May 23, 1991 the Council of the Metropolitan Service District adopted Resolution No. 91-1443A authorizing issuance of a Request for Bids for Procurement and Stockpiling of Soils for the St. Johns Landfill; and

WHEREAS, Metro may realize substantial cost savings by awarding a contract for a two year period instead of a contract for a one year period as contemplated in the bid documents; and

WHEREAS, Addendum No. 4, attached as Exhibit A and incorporated herein by reference, would allow prospective bidders to alternatively bid on either a two year contract a one year contract, or both; and

WHEREAS, It has been determined, and the Council finds, that the two year contract period proposed in Addendum No. 4 would only be in the public's best interest if substantial cost savings in the amount of at least \$750,000 are realized, due to the potential problems and cost impacts associated with the longer contracting period; and

WHEREAS, It is in the public interest to encourage early completion of the work by offering the contractor the incentive payment listed in Addendum No. 4; and

WHEREAS, This resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED, That the Council of the Metropolitan Service District approves the issuance of Addendum No. 4, which is attached hereto as Exhibit A, to Request for Bids 91B-16-SW.

ADOPTED by the Council of the Metropolitan Service District this 25th day of July, 1991.



Tanya Collier, Presiding Officer

**EXHIBIT A**

**DRAFT**

**ADDENDUM NO. 4 to the Contract Documents for  
"Procurement and Stockpiling of Soils  
for the St. Johns Landfill"**

**NOTE:** The following changes, additions and deletions to the Contract Documents dated May, 1991, hereby become part of the Contract Documents. Notify all subcontractors affected by this Addendum. It is essential that all prospective bidders note the contents of this Addendum, and Metro be made aware that this Addendum has been received. Therefore, please acknowledge receipt of this Addendum by inserting its number in the space provided in the bid forms.

1. SECTION 00030, "INVITATION TO BID", Page 00030-1, 3rd paragraph, last sentence:

**DELETE:**

"no later than 365 calendar days after issuance of the Notice to Proceed."

**INSERT:**

"by October 31, 1992, or 365 calendar days after issuance of the Notice to Proceed, whichever is the longer Contract Time, if Alternate #1 is awarded; or 730 calendar days after issuance of the Notice to Proceed if Alternate #2 is awarded".

2. SECTION 00110, "INSTRUCTIONS TO BIDDERS", SUBSECTION 6, "PREPARATION OF BIDS", Page 00110-3:

**INSERT** in the first paragraph at the end of first sentence:

"If Bidder submits only Alternate #1, Bidder shall insert in the Bid Items on the Alternate #2 schedule 'NOT APPLICABLE.' If Bidder submits only an Alternate #2 Bid, Bidder shall insert in the Bid Items on the Alternate #1 schedule 'NOT APPLICABLE'."

3. SECTION 00110, "INSTRUCTIONS TO BIDDERS", SUBSECTION 7, "SUBMISSION OF BIDS", Page 00110-4:

**ADD** to the end of the paragraph:

"Bidders may submit Bids on both the Alternate #1 and Alternate #2 schedules, or on only the Alternate #1 or the Alternate #2 schedule."

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4. SECTION 00110, "INSTRUCTIONS TO BIDDERS", SUBSECTION 8, "MODIFICATION OR WITHDRAWAL OF BIDS", Page 00110-4:

DELETE from end of first paragraph:

"this Contract."

INSERT:

"the Alternate #1 and/or for the Alternate #2 Bid."

5. SECTION 00110, "INSTRUCTIONS TO BIDDERS", SUBSECTION 12, "BASIS OF AWARD, Page 00110-5:

INSERT in first paragraph after "Total Bid Amount":

"of Alternate #1, or the lowest Total Bid Amount of Alternate #2 if it is at least \$750,000 less than the lowest Total Bid Amount of Alternate #1. If no bid is received for Alternate #2 that is at least \$750,000 less than the lowest Total Bid Amount of Alternate #1, Metro will reject all bids received under Alternate #2."

6. SECTION 00110, "INSTRUCTIONS TO BIDDERS", Page 00110-6, SUBSECTION 13, "ALTERNATES":

DELETE: "[Not Used]"

INSERT:

"Alternate #1 of the SCHEDULE OF BID PRICES solicits prices for the Work if the Work is carried out by October 31, 1992, or within 365 calendar days from issuance of the Notice to Proceed, whichever is the longer Contract Time.

Alternate #2 of the SCHEDULE OF BID PRICES solicits prices for the Work if the Work is carried out within 730 calendar days from issuance of the Notice to Proceed."

7. SECTION 00300, "BID FORMS", Pages 00300-1 to 00300-14:

REPLACE this section with the attached "BID FORMS", Pages 00300-1 to 00300-17, which includes the SCHEDULE OF BID PRICES for Alternate #1 and Alternate #2.

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8. SECTION 00500, "CONSTRUCTION AGREEMENT", Item 5, "Page 00500-2:

CHANGE: "5. Time of Completion; Liquidated Damages"

TO: "5. Time of Completion; Liquidated Damages and Early Completion Incentives"

DELETE from 1st paragraph, 4th sentence:

"no later than 365 calendar days after issuance of the Notice to Proceed."

INSERT in 1st paragraph, end of 4th sentence:

"by October 31, 1992, or 365 calendar days after issuance of the Notice to Proceed, whichever is the longer Contract Time, if Alternate #1 is awarded; or 730 calendar days after issuance of the Notice to Proceed if Alternate # 2 is awarded".

INSERT new paragraph:

"If Contractor Substantially Completes the Work early, before the end of the Contract Time, Contractor shall receive incentive payments from Metro as described in the Contract Documents."

9. SECTION 00700, "GENERAL CONDITIONS", ARTICLE 1, "GENERAL PROVISIONS", Page 00700-1, Item 1.01.03, "Alternates Bids":

CHANGE the Item to read:

"1.01.03 Alternate Bids--are written offers of a Bidder to perform the work as described in Subsection 13 of SECTION 00110, INSTRUCTIONS TO BIDDERS."

10. SECTION 00700, "GENERAL CONDITIONS", ARTICLE 9, "PAYMENTS AND COMPLETION", Page 00700-37, Item 9.03 "Progress Payment Procedure":

INSERT new Item:

"9.03.07 Incentive Payments -- Time is of the essence for the performance of the Work under this Contract. If Contractor Substantially Completes the Work before the end of the Contract Time, the actual benefits to Metro for the early completion will be difficult or impractical to determine. It is therefore agreed that Metro will pay to Contractor, the amount of one thousand (\$1,000.00) dollars, for each and every calendar day that the date of Substantial Completion occurs before the end of the Contract Time. "

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- 11. SECTION 00700, "GENERAL CONDITIONS", ARTICLE 9, "PAYMENTS AND COMPLETION", Page 00700-39, Item 9.08 "Final Payment":

INSERT at end of first paragraph:

"Metro will include with the final payment, any monies which may be due as incentive payment for the Contractor Substantially Completing the Work early."

- 12. SECTION 02220, "EMBANKMENT AND GRADING", Page 02220-1, paragraph 1.3 E and Page 02220-3 paragraph 1.5 G:

INSERT at end of both paragraphs:

"Soil which is contaminated with petroleum (Hydrocarbons) will be acceptable for this project only as 'subgrade embankment' if it has been treated to level one standards as defined in Oregon Administrative Rule (OAR) 340-22-305 to 360. Specific written verification of said treatment will be required by Metro prior to acceptance of this contaminated borrow material on the job site."

- 13. SECTION 02220, "EMBANKMENT AND GRADING", Page 02220-4, paragraph 1.6 B:

INSERT new paragraph at end of paragraph:

"In addition to the above, should the Contractor elect to supply treated petroleum contaminated soil as 'subgrade embankment', specific submittal shall include soil treatment methods used and recent laboratory test to indicate compliance with OAR 340-22-305 to 360."

- 14. SECTION 02220, "EMBANKMENT AND GRADING", Page 02220-6, Section 3.1, "WEATHER CONDITIONS":

INSERT after "winter season of 1991/1992.":

"if the Alternate #1 is awarded, or the winter seasons of 1991/1992 and 1992/1993 if the Alternate #2 Bid is awarded."

- 15. APPENDIX:

INSERT attached new APPENDIX index page.

INSERT at end of Appendix section attached "APPENDIX G - LETTER TO THE PORT OF PORTLAND".

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Jim Watkins, Engineering and Analysis Manager

Date

**SECTION 00300**

**BID FORMS**

**NOTE TO BIDDER:** Bidders must provide all of the information requested in this Bid. Bidder should preferably type or use **BLACK** ink for completing this Bid.

**To:** Metropolitan Service District  
**Address:** 2000 S.W. First Avenue, Portland, OR 97201-5398  
**Contract:** Procurement and Stockpiling of Soils for the St. Johns Landfill

**Bidder:**

**Address:**

**Bidder's Contract:**

**Date:** Telephone: ( )

**BIDDER'S DECLARATION AND UNDERSTANDING**

The undersigned, hereinafter called the Bidder, declares that the only persons or parties interested in this Bid are those named herein, that this Bid is, in all respects, fair and without fraud, that it is made without collusion with any official of Metro, and that the Bid is made without any connection or collusion with any person submitting another Bid on this Contract.

The Bidder further declares that it has carefully examined the Contract Documents for the completion of the Work, has personally inspected the Site, has satisfied itself as to the Work involved, and that this bid is made in accordance with the provisions and under the terms of the Contract Documents which are hereby made a part of this Bid.

Any printed matter on any letter or paper enclosed herewith which is not part of the Bidding Documents or which was not requested by Metro is not to be considered a part of this Bid, and the undersigned agrees that such printed matter shall be entirely disregarded and, notwithstanding such printed matter, that the Bid is a Bid to do the Work and furnish the labor and materials and all other things required by the Contract Documents strictly within the time and in accordance with such Specifications. This Bid is irrevocable for sixty (60) days following the date of the opening of Bids.

**BID SECURITY**

Bid security in the form of a certified check, cashier's check or Bid bond as further described in the Instructions for Bidders and in the amount of \$100,000 is enclosed herewith and is subject to all the conditions stated in the Instructions for Bidders.

## CONTRACT EXECUTION, BONDS AND INSURANCE

The Bidder agrees that if this Bid is accepted, it will, within seven (7) days after Notice of Conditional Award, sign the Construction Agreement in the form annexed hereto, and will at that time deliver to Metro the Performance Bond and the Labor and Materials Payment Bond required herein and in the form annexed hereto, along with all certificates of insurance and certified copies of insurance policies specified and required in these Contract Documents, and will, to the extent of its Bid, furnish all machinery, tools, apparatus, and other means of operation and construction and do the Work and furnish all the materials necessary to complete all Work as specified or indicated in the Contract Documents.

## COMMENCEMENT OF WORK AND CONTRACT COMPLETION TIME

The time frame for the award and execution of this Contract shall be as described in the Instructions for Bidders and in the Contract Documents. The Successful Bidder further agrees to commence the Work within ten (10) days of issuance of the Notice to Proceed and to diligently prosecute the Work to its final completion in accordance with the Contract Documents.

## LIQUIDATED DAMAGES

In the event the Bidder is awarded the Contract and fails to complete the Work in compliance with the time required by the Contract Documents, liquidated damages shall be paid to Metro as described in the General Conditions.

## SALES AND USE TAXES

The Bidder agrees that all applicable federal, state and local sales and use taxes are included in the stated bid prices for the Work.

## LUMP SUM AND UNIT PRICE WORK

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 on the listed lump sum and unit price amounts. The amounts shall be shown in both words and figures. In case of a discrepancy, the amount shown in words shall govern.

## PREVAILING WAGES FOR PUBLIC WORK

Bidder hereby certifies that the provisions of ORS 279.350, regarding prevailing wages, shall be complied with on this project.



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Alternate #1 - SCHEDULE OF BID PRICES

The Bidder, whose legal signature binding the Bidder to the bid prices indicated on these pages is found on the signature page, hereby bids as follows:

<u>Item No.</u>	<u>Estimated Quantity</u>	<u>Description of Item</u>	<u>Unit Price</u>	<u>Total Cost</u>
1.	1 L.S.	Mobilization		
(Per Lump Sum)		(Words)	\$	\$
2.	1 L.S.	Site Safety and Health Program		
(Per Lump Sum)			\$	\$
3.	5 Ac.	Clearing and Grubbing		
(Per Acre)			\$	\$
4.	10,000 C.Y.	Top Soil Removal		
(Per Cubic Yard)			\$	\$
5.	25,000 C.Y.	Low Permeable Soil Removal		
(Per Cubic Yard)			\$	\$
6.	955,000 Ton	Procure and Deliver Subgrade Embankment Material		
(Per Ton)			\$	\$
7.	177,000 C.Y.	Compact Subgrade Embankment		
(Per Cubic Yard)			\$	\$

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Alternate #1 - SCHEDULE OF BID PRICES, Continued

<u>Item No.</u>	<u>Estimated Quantity</u>	<u>Description of Item</u>	<u>Unit Price</u>	<u>Total Cost</u>
8.	400,000 Ton	Type I Sand (Preload)		
	(Per Ton)	(Words)	\$	\$
9.	6,000 L.F.	Temporary Drainage Ditch		
	(Per Lineal Foot)		\$	\$
10.	100 EA.	Strawbale Sediment Barrier		
	(Per Each)		\$	\$
11.	5,000 L.F.	Sediment Fencing		
	(Per Lineal Foot)		\$	\$
12.	150,000 S.Y.	Plastic Covering		
	(Per Square Yard)		\$	\$
13.	2,000 S.Y.	Erosion Blankets		
	(Per Square Yard)		\$	\$
14.	10,000 S.Y.	Hydroseeding		
	(Per Square Yard)		\$	\$
15.	2,600 L.F.	Horizontal Gas Trenches, In Place		
	(Per Lineal Foot)		\$	\$
16.	1 EA.	Well Extension, H-5		
	(Per Each)	NOT APPLICABLE	\$ N.A.	\$ N.A.

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Alternate #1 - SCHEDULE OF BID PRICES, Continued

<u>Item No.</u>	<u>Estimated Quantity</u>	<u>Description of Item</u>	<u>Unit Price</u>	<u>Total Cost</u>
17.	3 EA.	Well Abandonment, Complete		
(Per Each)		NOT APPLICABLE	\$ N.A.	\$ N.A.
		(Words)		(Figures)
18.	19 EA.	Settlement Markers, In Place		
(Per Each)			\$	\$

Alternate #1-TOTAL BID AMOUNT \$ \_\_\_\_\_

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Alternate #2 - SCHEDULE OF BID PRICES

The Bidder, whose legal signature binding the Bidder to the bid prices indicated on these pages is found on the signature page, hereby bids as follows:

<u>Item No.</u>	<u>Estimated Quantity</u>	<u>Description of Item</u>	<u>Unit Price</u>	<u>Total Cost</u>
1.	1 L.S.	Mobilization		
<u>(Per Lump Sum)</u>			<u>\$</u>	<u>\$</u>
		(Words)		(Figures)
2.	1 L.S.	Site Safety and Health Program		
<u>(Per Lump Sum)</u>			<u>\$</u>	<u>\$</u>
3.	5 Ac.	Clearing and Grubbing		
<u>(Per Acre)</u>			<u>\$</u>	<u>\$</u>
4.	10,000 C.Y.	Top Soil Removal		
<u>(Per Cubic Yard)</u>			<u>\$</u>	<u>\$</u>
5.	25,000 C.Y.	Low Permeable Soil Removal		
<u>(Per Cubic Yard)</u>			<u>\$</u>	<u>\$</u>
6.	955,000 Ton	Procure and Deliver Subgrade Embankment Material		
<u>(Per Ton)</u>			<u>\$</u>	<u>\$</u>
7.	177,000 C.Y.	Compact Subgrade Embankment		
<u>(Per Cubic Yard)</u>			<u>\$</u>	<u>\$</u>

Alternate #2 - SCHEDULE OF BID PRICES, Continued

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<u>Item No.</u>	<u>Estimated Quantity</u>	<u>Description of Item</u>	<u>Unit Price</u>	<u>Total Cost</u>
8.	400,000 Ton	Type I Sand (Preload)		
(Per Ton)			\$	\$
		(Words)		(Figures)
9.	6,000 L.F.	Temporary Drainage Ditch		
(Per Lineal Foot)			\$	\$
10.	100 EA.	Strawbale Sediment Barrier		
(Per Each)			\$	\$
11.	5,000 L.F.	Sediment Fencing		
(Per Lineal Foot)			\$	\$
12.	150,000 S.Y.	Plastic Covering		
(Per Square Yard)			\$	\$
13.	2,000 S.Y.	Erosion Blankets		
(Per Square Yard)			\$	\$
14.	10,000 S.Y.	Hydroseeding		
(Per Square Yard)			\$	\$
15.	2,600 L.F.	Horizontal Gas Trenches, In Place		
(Per Lineal Foot)			\$	\$

Alternate #2 - SCHEDULE OF BID PRICES, Continued

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<u>Item No.</u>	<u>Estimated Quantity</u>	<u>Description of Item</u>	<u>Unit Price</u>	<u>Total Cost</u>
16. (Per Each)	1 EA. NOT APPLICABLE	Well Extension, H-5	\$ N.A.	\$ N.A.
17. (Per Each)	3 EA. NOT APPLICABLE	Well Abandonment, Complete	\$ N.A.	\$ N.A.
		(Words)	(Figures)	
18. (Per Each)	19 EA.	Settlement Markers, In Place	\$	\$

Alternate #2-TOTAL BID AMOUNT \$ \_\_\_\_\_

**ADDENDA**

The Bidder hereby acknowledges receipt and acceptance of Addenda Numbers:

(Insert No. and Date of Each Addendum Received)

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**SURETY**

If the Bidder is awarded a Contract on this Bid, the Surety or Sureties who provide(s) the Performance Bond and Labor and Materials Payment Bond will be:

**SURETY**

**ADDRESS**

1.

2.

**DISADVANTAGED BUSINESS PROGRAM COMPLIANCE FORM**

(To be submitted with Bid)

Name of Metro Project: Procurement and Stockpiling of Soils for the St. Johns Landfill

Name of Bidder: \_\_\_\_\_

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

Phone: \_\_\_\_\_

In accordance with Metro's Disadvantaged Business Program, the above-named Bidder has accomplished the following:

- \_\_\_ 1. Has fully met the contract goals and will subcontract \_\_\_ percent of the Bid Amount to DBEs and \_\_\_ percent to WBEs.
- \_\_\_ 2. Has partially met the contract goals and will subcontract \_\_\_ percent of the Bid Amount to DBEs and \_\_\_ percent to WBEs. Bidder has made good faith efforts prior to Bid opening to meet the full goals and will submit documentation of the same to Metro within twenty-four (24) hours of Metro's request.
- \_\_\_ 3. Will not subcontract any of the Bid Amount to DBEs or WBEs but has made good faith efforts prior to Bid opening to meet the contract goals and will submit documentation of such good faith efforts to Metro within twenty-four (24) hours of Metro's request.



## RESIDENT/NON-RESIDENT BIDDER STATUS

Oregon law requires that Metro, in determining the lowest responsive Bidder, must add a percent increase on the Bid of a non-resident Bidder equal to the percent, if any, of the preference given to that Bidder in the state in which that Bidder resides. Consequently, each Bidder must indicate whether it is a resident or non-resident Bidder. A resident Bidder is a Bidder that has paid unemployment taxes or income taxes in the state of Oregon during the twelve (12) calendar months immediately preceding submission of this Bid, has a business address in Oregon, and has stated in its Bid that the Bidder is a "resident Bidder." A "non-resident Bidder" is a Bidder who is not a resident Bidder (ORS 279.029).

The undersigned Bidder states that it is: (check one)

1. A resident Bidder \_\_\_\_\_
2. A non-resident Bidder \_\_\_\_\_

Indicate state in which Bidder resides: \_\_\_\_\_

**SIGNATURE PAGE**

The name of the Bidder submitting this Bid is \_\_\_\_\_  
doing business at

\_\_\_\_\_

Street	City	State	Zip
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which is the full business address to which all communications concerned with this Bid and with the Contract shall be sent.

The names of the principal officers of the corporation submitting this Bid, or of all of the partners, if the Bidder is a partnership or joint venture, or of all persons interested in this Bid as individuals are as follows:

_____	_____
_____	_____
_____	_____

If Individual

IN WITNESS hereto the undersigned has set his/her hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Signature of Bidder

\_\_\_\_\_  
Printed Name of Bidder

\_\_\_\_\_  
Title

If Partnership or Joint Venture

IN WITNESS hereto the undersigned has set his/her hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Name of Partnership or Joint Venture

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

\_\_\_\_\_  
Printed Name of Person Signing

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

If Corporation

IN WITNESS WHEREOF the undersigned corporation has caused this instrument to be executed and its seal affixed by its duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Name of Corporation

\_\_\_\_\_  
State of Incorporation

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

\_\_\_\_\_  
Printed Name of Person Signing

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

NON-COLLUSION AFFIDAVIT

STATE OF \_\_\_\_\_ )

County of \_\_\_\_\_ )

I state that I am \_\_\_\_\_ of \_\_\_\_\_  
(Title) (Name of Bidder)

and that I am authorized to make this Affidavit on behalf of the Bidder. I am the person authorized by the Bidder and responsible for the price(s) and the amount of this Bid.

I state that:

- (1) The Price(s) and amount of this Bid have been arrived at independently and without consultation, communication or agreement with any other contractor, Bidder or potential Bidder, except as disclosed in the attached appendix.
- (2) Neither the price(s) nor the amount of this Bid, and neither the approximate price(s) nor approximate amount of this Bid, have been disclosed to any other person who is a Bidder or potential Bidder, and they will not be disclosed before bid opening.
- (3) No attempt has been made or will be made to induce any person to refrain from bidding on this contract, or to submit a Bid higher than this Bid, or to submit any intentionally high or non-competitive bid or other from of complementary Bid.
- (4) This Bid is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any person to submit a complementary or other noncompetitive Bid.
- (5) \_\_\_\_\_, its affiliates, subsidiaries, officers, directors and employees  
(Name of Bidder)

(as applicable) are not currently under investigation by any governmental agency and have not in the last four years been convicted of or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as listed and described in the attached appendix.

I state that I and \_\_\_\_\_ understand and acknowledge  
(Name of Bidder)

that the above representations are material and important, and will be relied on by Metro in awarding the Contract for which this Bid is submitted. Any misstatement in this Affidavit will be treated as fraudulent concealment from Metro of the true facts relating to the submission of Bids for this Contract.

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Printed Name of Affiant

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_

My Commission Expires: / /

**BID BOND**

(NOTE: BIDDERS MUST USE THIS FORM, NOT A SURETY COMPANY FORM)

KNOW ALL MEN BY THESE PRESENTS:

We the undersigned, \_\_\_\_\_  
as Principal, and \_\_\_\_\_, a corporation organized and existing under and by  
virtue of the laws of the State of \_\_\_\_\_ and duly authorized to do Surety business in  
the State of Oregon and name on the current list of approved Surety companies acceptable on federal bonds  
and conforming with the underwriting limitations as published in the Federal Register by the audit staff of  
the Bureau of Accounts and the U.S. Treasury Department and is of the appropriate class for the bond  
amount as determined by Best's Rating System, as Surety, hereby hold and firmly bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, unto the METROPOLITAN  
SERVICE DISTRICT, as Obligee, in the sum of One Hundred Thousand Dollars (\$ 100,000) in lawful  
money of the United States of America, for the payment of which sum well and truly to be made as agreed  
and liquidated damages.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT whereas the Principal has submitted  
to the Metropolitan Service District a certain bid for work required for the Soils Procurement and  
Preloading of the St. Johns Landfill, which work is specifically described in the accompanying bid;

NOW, THEREFORE, if the Metropolitan Service District does not award a contract to the  
Principal within the time specified in the Instructions to Bidders for the work described in said bid, or in the  
alternate, if said bid shall be accepted and the Principal, within the time and in the manner described under  
the Contract Documents, enters into a written contract in accordance with the bid, files the two bonds, one  
guaranteeing faithful performance of the work to be done and the other guaranteeing payment for labor and  
materials as required by law, and files the required certified copies of insurance policies and certificates of  
insurance, then the obligation shall be null and void; otherwise, the same shall remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and  
this bond shall be in no way impaired or affected by any extension of the time within which the Metropolitan  
Service District may accept such bid; and said Surety does hereby waive notice of any such extension.

If more than one Surety is on this bond, each Surety hereby agrees that it is jointly and severally  
liable for all obligations on this bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
SURETY  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
PRINCIPAL  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

**DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION FORM**

1. Name of Metro Project: Procurement and Stockpiling of Soils for the St. Johns Landfill
2. Name of Bidder \_\_\_\_\_  
 Address \_\_\_\_\_

3. The above-named Bidder intends to subcontract \_\_\_ percent of the Bid to the following Disadvantaged Business Enterprises (DBEs):

Names, Contact Persons, Addresses and Phone Numbers of DBE Firms Bidder Anticipates Utilizing	Nature of Participation	Dollar Value of Participation
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total DBE Participation Amount \_\_\_\_\_  
 Amount of Bid \_\_\_\_\_  
 DBE Percent of Bid \_\_\_\_\_

\_\_\_\_\_  
 Authorized Signature  
 \_\_\_\_\_  
 Title  
 \_\_\_\_\_  
 Date

**THIS FORM IS TO BE COMPLETED, SIGNED AND SUBMITTED WITHIN 24 HOURS OF REQUEST BY METRO**

**WOMEN BUSINESS ENTERPRISES UTILIZATION FORM**

1. Name of Metro Project: Procurement and Stockpiling of Soils for the St. Johns Landfill.
2. Name of Bidder \_\_\_\_\_  
Address \_\_\_\_\_
3. The above-named Bidder intends to subcontract \_\_\_ percent of the Bid to the following Women Business Enterprises (WBEs):

Names, Contact Persons, Addresses and Phone Numbers of DBE Firms Bidder Anticipates Utilizing	Nature of Participation	Dollar Value of Participation
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total WBE Participation Amount \_\_\_\_\_

Amount of Bid \_\_\_\_\_

WBE Percent of Bid \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**THIS FORM IS TO BE COMPLETED, SIGNED AND SUBMITTED WITHIN 24 HOURS OF REQUEST BY METRO**

## **APPENDICES**

<b>APPENDIX A</b>	<b>..... LANDFILL BRIDGE - ALLOWABLE LOADS</b>
<b>APPENDIX B</b>	<b>.... SITE CHARACTERIZATION/HEALTH &amp; SAFETY HAZARDS</b>
<b>APPENDIX C</b>	<b>..... SITE ACCESS</b>
<b>APPENDIX D</b>	<b>..... METRO CODE SECTION 2.04.100</b>
<b>APPENDIX E</b>	<b>..... PREVAILING WAGE RATES</b>
<b>APPENDIX F</b>	<b>..... METHODOLOGY FOR DETERMINING NORMAL ADVERSE WEATHER DAYS FOR CONSTRUCTION</b>
<b>APPENDIX G</b>	<b>..... LETTER TO PORT OF PORTLAND</b>



**APPENDIX G**

**LETTER TO THE PORT OF PORTLAND**



# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

July 2, 1991

Executive Officer  
Rena Cusma

Metro Council

Tanya Collier  
Presiding Officer  
District 9

Jim Gardner  
Deputy Presiding  
Officer  
District 3

Susan McLain  
District 1

Lawrence Bauer  
District 2

Richard Devlin  
District 4

Tom DeJardin  
District 5

George Van Bergen  
District 6

Ruth McFarland  
District 7

Judy Wyers  
District 8

Roger Buchanan  
District 10

David Knowles  
District 11

Sandi Hansen  
District 12

R.L. Friedenwald, Manager  
Facilities Services Division, Engineering  
Port of Portland  
P.O. Box 3529  
Portland, OR 97208

Dear Mr. Friedenwald:

I am informed that at least one potential bidder for Metro's soil procurement contract has contacted the Port and proposed to dredge material from the Columbia River under the Port's permit, dewater this material on Port property and transport it to the St. Johns Landfill. A beneficial public purpose might be served if this material met our specifications and could be procured at a lower cost than other materials. Therefore, I encourage the Port of Portland to seriously consider making this material available to potential bidders utilizing the above approach.

Sincerely,

Bob Martin  
Solid Waste Director

BM:ay

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 91-1465 FOR THE  
PURPOSE OF AUTHORIZING ISSUANCE OF AN ADDENDUM TO A  
REQUEST FOR BIDS FOR THE PROCUREMENT OF SUBGRADE  
EMBANKMENT MATERIAL AND SAND FOR ST. JOHNS LANDFILL

---

Date: July 2, 1991

Presented by: Bob Martin  
Jim Watkins

PROPOSED ACTION

Adopt Resolution No. 91-1465 which authorizes issuance of Addendum No. 4 to Request for Bids 91B-16-SW. This addendum allows Metro to consider bids for a two-year soil procurement, as well as a one-year soil procurement.

FACTUAL BACKGROUND AND ANALYSIS

On May 23, 1991 Metro's Council approved Resolution No. 91-1443A authorizing the issuance of a Request for Bids for Procurement and Stockpiling of Soils for the St. Johns Landfill. Staff requested an accelerated bid and approval period to utilize as much of the 1991 construction season as possible. In addition, staff limited the contract period to one year to maximize the benefit of preloading high settlement areas before the material is needed to close each subarea. It was also desirable to complete this contract prior to closing Subarea 1 in 1992 to minimize potential contractor impact claims that could arise with two general contractors functioning simultaneously on the same site.

Subsequently, it has come to staff's attention that competition could be increased and significant savings could result if the bid opening was delayed and if the RFB included an alternate bid which allowed an additional year for completion of the project. The request to delay the bid opening was based on potential bidders need for additional time to develop potential options associated with using dredge sand to meet contract requirements. Staff is informed that at least one potential bidder has approached the Port of Portland and proposed to dredge material from the Columbia River under the Port's permit, dewater it on Port property, and transport it to St. Johns Landfill. A letter which encourages the Port to seriously consider this approach from any bidder is attached to this addendum to inform all potential bidders.

The primary benefit of including an alternate to the base bid would be to evaluate the potential savings from extending the contract period from one year to two years. It is conceivable that the risk associated with a one year contract could result in significantly higher bids than bids received for a two year period. In addition allowing up to two years for delivery of materials provides flexibility that may increase the number of

bids and methods of performing the work. One example that has been presented to staff is a proposed backhaul of sand, rock and soil by Jack Gray Transport (JGT) from Gilliam County. By more effectively utilizing the existing solid waste transport system, JGT may be able to provide a relatively low bid price and high quality dry material, to Metro's benefit. However, to complete the contract requirements JGT would need a two year contract period.

To evaluate the desirability of allowing an alternate two year contract period, staff had to weight the potential for significant savings against estimated costs and impacts associated with a two year contract as described below. Extending the contract period would increase Metro's construction management costs. Inclusion of the alternate in the Contract Documents will delay the bid process and thus the start of dry weather-dependent work. In addition, a two year haul period could delay the closure date of Subarea 5, depending on the actual rate of settlement that occurs, and increase the potential interference with other contractors who will be actively closing the landfill.

After analyzing the above, staff recommends approval of Addendum No. 4 (Exhibit A), which provides two schedules of bid prices. The first schedule (Alternate #1) is for a one year base period or until October 31, 1992 whichever is later. This is intended to reduce the contractor's risk (and thus cost to Metro) by giving the contractor the benefit of the full 1992 dry weather season. The second schedule is presented as Alternate #2 which allows for a contract period of two years. Since there are definite and potential cost increases and impacts resulting from Alternate #2, staff is also recommending that unless the lowest responsive, responsible bid received under Alternate #2 is at least \$750,000 lower than the lowest responsive, responsible bid received under Alternate #1, all bids submitted under Alternate #2 will be rejected as not in the public's best interest. This approach recognizes that because of the potential problems and impacts associated with awarding a contract under Alternate #2, Metro does not intend to issue such a contract unless there are significant cost savings.

To allow Addendum No. 4 to be considered within the time frame specified in Metro Code 2.04.032(e), Metro issued Addendum No. 3, which extends the deadline for bids from June 28, 1991 to August 9, 1991.

To minimize delay in the bid process, the following dates related to the soil procurement RFB could be changed as shown below:

Solid Waste Committee Review	July 16, 1991
Metro Council Review	July 25, 1991
Issue Addendum No. 4	July 26, 1991
Bid Deadline	August 09, 1991
Solid Waste Committee Review	August 20, 1991
Metro Council Review	August 22, 1991

As stated above there are several reasons why it is desirable that soil procurement be completed before the time limits of either Alternate #1 or Alternate #2. To encourage the contractor to finish early, Addendum No. 4 provides for a \$1,000 payment to the contractor for each day that the work is substantially completed before the time limit chosen by Metro. The \$1,000 per day approximates Metro's potential savings in construction management and other costs.

Finally, to further inform all potential bidders staff has sent a copy of this staff report and draft Addendum No. 4 to all persons on the list of bid document holders.

#### BUDGET IMPACT

As described above, if a bid is received that meets the requirements of Bid Alternate #2, Metro will realize substantial cost savings.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1465.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 91-1465A
ISSUANCE OF ADDENDUM NO. 4 TO	)	
REQUEST FOR BIDS 91B-16-SW FOR THE	)	Introduced by Rena Cusma,
PROCUREMENT OF SUBGRADE EMBANKMENT	)	Executive Officer
MATERIAL AND SAND FOR ST. JOHNS	)	
LANDFILL	)	

WHEREAS, On May 23, 1991 the Council of the Metropolitan Service District adopted Resolution No. 91-1443A authorizing issuance of a Request for Bids for Procurement and Stockpiling of Soils for the St. Johns Landfill; and

WHEREAS, [~~It has been suggested to Metro that~~] Metro may realize substantial cost savings by awarding a contract for a two year period instead of a contract for a one year period as contemplated in the bid documents; and

WHEREAS, Addendum No. 4, attached as Exhibit A and incorporated herein by reference, would allow prospective bidders to alternatively bid on either a two year contract a one year contract, or both; and

WHEREAS, It has been determined, and the Council finds, that the two year contract period proposed in Addendum No. 4 would only be in the public's best interest if substantial cost savings in the amount of at least \$750,000 are realized, due to the potential problems and cost impacts associated with the longer contracting period; and

WHEREAS, It is in the public interest to encourage early completion of the work by offering the contractor the incentive payment listed in Addendum No. 4; and

WHEREAS, This resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED, That the Council of the Metropolitan Service District approves the issuance of Addendum No. 4, which is attached hereto as Exhibit A, to Request for Bids 91B-16-SW.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 91-1465
ISSUANCE OF ADDENDUM NO. 4 TO	)	
REQUEST FOR BIDS 91B-16-SW FOR THE	)	Introduced by Rena Cusma,
PROCUREMENT OF SUBGRADE EMBANKMENT	)	Executive Officer
MATERIAL AND SAND FOR ST. JOHNS	)	
LANDFILL	)	

WHEREAS, On May 23, 1991 the Council of the Metropolitan Service District adopted Resolution No. 91-1443A authorizing issuance of a Request for Bids for Procurement and Stockpiling of Soils for the St. Johns Landfill; and

WHEREAS, It has been suggested to Metro that Metro may realize substantial cost savings by awarding a contract for a two year period instead of a contract for a one year period as contemplated in the bid documents; and

WHEREAS, Addendum No. 4, attached as Exhibit A and incorporated herein by reference, would allow prospective bidders to alternatively bid on either a two year contract, a one year contract, or both; and

WHEREAS, It has been determined, and the Council finds, that the two year contract period proposed in Addendum No. 4 would only be in the public's best interest if substantial cost savings in the amount of at least \$750,000 are realized, due to the potential problems and cost impacts associated with the longer contracting period; and

WHEREAS, It is in the public interest to encourage early completion of the work by offering the contractor the incentive payment listed in Addendum No. 4; and



WHEREAS, This resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED, That the Council of the Metropolitan Service District approves the issuance of Addendum No. 4, which is attached hereto as Exhibit A, to Request for Bids 91B-16-SW.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

DATE: July 18, 1991

TO: Metro Council  
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: RESOLUTION NO. 91-1465A

Resolution No. 91-1465A is the fourth addendum to RFB #91B-16-SW, "Procurement and Stockpiling of Soils for the St. Johns Landfill." Appendices A through F are published in the RFB document and can be reviewed in the Council Department, Resolution No. 91-1443A file; or the Solid Waste Department (contact: Jennifer Ness). The first three addendums are filed in the Resolution No. 91-1443A file also.



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

TO: Council Solid Waste Committee

FROM: Karla Forsythe, <sup>KLF</sup> Council Analyst

DATE: July 11, 1991

RE: Resolution No. 91-1465, For the Purpose of Authorizing the Issuance of Addendum No. 4 to Request for Bids 91-B-16-SW for the Procurement of Subgrade Embankment Material and Sand for St. Johns Landfill

The Solid Waste Department is requesting Council approval of an addendum to the RFB to procure subgrade embankment material and sand for St. Johns Landfill.

Under Metro Code Section 2.04.032 (e), if an addendum to bid documents previously approved by Council will materially add to or delete from the original scope of work in the bid documents, the addendum must be approved by separate resolution. The proposed addendum adds to the scope of work because it would allow Metro to consider bids for a two-year soil procurement.

#### Comments for Committee consideration

1. The Solid Waste Department staff report indicates that staff weighed the potential for significant savings against estimated costs and impacts of lengthening the contract term. Based on its analysis, Department staff recommends issuing two alternate bid requests. It would be helpful if staff could outline briefly the points considered in its analysis.

2. Staff proposes structuring the bid award so that bids on Alternate #2 will be accepted only if they are at least \$750,000 lower than the lowest bid under Alternate #1. What is the basis for the \$750,000 figure?

3. The staff report states that competition could be increased by including the alternate bid. Since the staff report provides an example related to one potential bidder, it would be helpful if Department staff could discuss the reasons why this approach will increase rather than tend to limit competition.

RESOLUTION NO. 91-1465  
Solid Waste Committee  
Page Two

4. The second "Whereas" paragraph of Resolution No. 91-1465 states that "it has been suggested to Metro that Metro may realize substantial cost savings by awarding a contract for a two year period instead of a contract for a one year period as contemplated in the bid documents."

Findings in support of Council action should be based on the Council's review of the independent analysis conducted by Department staff, rather than suggestions which may have come from particular potential bidders. Council staff recommends revision of the second paragraph to clarify the basis for Council action in this matter, by deleting the reference to a suggestion.

The revised paragraph would read as follows (bracketed language to be deleted):

WHEREAS, [It has been suggested to Metro that] Metro may realize substantial cost savings by awarding a contract for a two year period instead of a contract for a one year period as contemplated in the bid documents;.

If the Committee concurs with this recommendation, Council staff will prepare an amended version of the Resolution for submission to the full Council.

c: Bob Martin  
Jim Watkins

## SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION 91-1465, FOR THE PURPOSE OF AUTHORIZING ISSUANCE OF ADDENDUM NO. 4 TO REQUEST FOR BIDS 91-B-16-SW FOR THE PROCUREMENT OF SUBGRADE EMBANKMENT MATERIAL AND SAND FOR ST. JOHNS LANDFILL

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Date: July 17, 1991

Presented by: Councilor DeJardin

Committee Recommendation: At the July 16 meeting, the Committee voted unanimously to recommend Council adoption of Resolution No. 91-1465, as amended. Voting in favor: Councilors DeJardin, Gardner, McFarland, McLain and Wyers.

Committee Issues/Discussion: Bob Martin, Director of Solid Waste and Jim Watkins, Engineer and Analysis Manager reviewed the staff report related to the request. They noted that the purpose of the procurement is to obtain subgrade embankment material and sand for use in the closure of the St. John's Landfill. Martin and Watkins explained that originally it was anticipated that the procurement would be for a one-year period. Council consideration of the procurement was accelerated to permit "preloading" high settlement areas at St. John's, allow for completion of the contract during the 1991 dry season and avoid having two contractors working at the site at the same time.

Potential vendors suggested that the needed material could be provided over a two-year period from a variety of sources at a substantial savings to Metro. Among the suggestions were that Jack Gray Trucking backhaul material from the Arlington or that a vendor could provide dewatered Columbia River dredge spoil. As a result, the Solid Waste Department is requesting several changes in the original Request for Bids. These include: 1) permitting bidders to bid on either a one or a two-year contract, 2) provide that a two-year contract bid will be considered only if it is \$750,000 cheaper than a one-year alternative, and 3) provide an incentive payment of \$1,000 per day for early completion of the contract.

Martin and Watkins were asked to explain how the figure of \$750,000 was determined as the minimum savings needed to justify accepting a two-year contract. They noted that the figure included increased site management costs for one year and estimates of potential contractor delay costs payable by Metro as the result of having two contractors working at the same time. The committee also asked if it was necessary to include a precise figure in the bid document and was advised that it was a condition for awarding the contract and therefore should be included.

Committee staff recommended a minor amendment to clarify language related to potential savings from a two-year contract which was adopted by the committee.