

RESOLUTION NO. 1430

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, AWARDING A PUBLIC WORKS CONTRACT FOR THE S. 3RD STREET SIDEWALK REPLACEMENT PROJECT TO NELSON CONSTRUCTION CORPORATION; AND, AUTHORIZING THE MAYOR TO EXECUTE A PUBLIC WORKS CONTRACT WITH NELSON CONSTRUCTION CORPORATION FOR SAID WORK.

WHEREAS, the City of Dayton ("City") desires to perform the S. 3rd Street Sidewalk Replacement ("Project"); and

WHEREAS, the Project is considered a Public Works Contract as defined in RCW 39.04.010;

WHEREAS, in accordance with requirements as provided in Chapter 39.04 RCW, the City solicited bids for the Project; and

WHEREAS, the City received two bids from the following bidders: 1) Nelson Construction Corporation and Barker, Inc.; and

WHEREAS, upon review of the bids in conjunction with Revised Code of Washington 39.04.010, it was determined that Nelson Construction Corporation was the lowest, responsive bidder at \$266,422.05; and

WHEREAS, the City Council constitutes the legislative authority of the City of Dayton and deems this Project to be in the best interest of the city; and

WHEREAS, the City Council desires to award the public works contract to the lowest, responsive bidder, Nelson Construction Corporation, and that the Mayor be granted the authority to execute said Public Works Contract with Nelson Construction Corporation, to perform the Project for a total not to exceed \$266,422.05.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DO RESOLVE AS FOLLOWS:

SECTION 1. Bid Award. The City Council hereby awards the public works contract the S. 3rd Street Sidewalk Replacement Project to Nelson Construction Corporation, in the form attached hereto as Exhibit "A."

SECTION 2. Authorization. The Mayor is hereby authorized to execute a Public Works

Construction Contract with Nelson Construction Corporation, to perform the construction services related to the S. 3rd Street Sidewalk Replacement Project, not to exceed \$266,422.05.

SECTION 3. The Mayor or his designee is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation on behalf of the City of Dayton.

SECTION 4. This Resolution shall take effect and be in full force upon its approval.

ADOPTED by the City Council of the City of Dayton, Washington on this 12 day of August, 2020.

City of Dayton


Zac Weatherford, Mayor

Attested/Authenticated by:


Trina Cole, City Administrator

Approved as to form:


Quinn Plant, City Attorney

Local Agency Contract

THIS AGREEMENT, made and entered into this day of , between the , and the City of Dayton, Washington under and by virtue of Title 47 RCW, as amended and **Nelson Construction, Corp.**

hereinafter called the Contractor.

WITNESSETH:

That in consideration of the terms and conditions contained herein and attached and made a part of this agreement, the parties hereto covenant and agree as follows:

- I. The Contractor shall do all work and furnish all tools, materials, and equipment for:
City of Dayton South 3rd Street Sidewalk Replacement project.

in accordance with and as described in the attached plans and specifications, and the standard specifications of the which are by this reference incorporated herein and made part hereof and, shall perform any changes in the work in accord with the Contract Documents.

The Contractor shall provide and bear the expense of all equipment, work and labor, of any sort whatsoever that may be required for the transfer of materials and for constructing and completing the work provided for in these Contract Documents except those items mentioned therein to be furnished by .

II. hereby promises and agrees with the Contractor to employ, and does employ the Contractor to provide the materials and to do and cause to be done the above described work and to complete and finish the same in accord with the attached plans and specifications and the terms and conditions herein contained and hereby contracts to pay for the same according to the attached specifications and the schedule of unit or itemized prices at the time and in the manner and upon the conditions provided for in this contract.

III. The Contractor for himself/herself, and for his/her heirs, executors, administrators, successors, and assigns, does hereby agree to full performance of all covenants required of the Contractor in the contract.

IV. It is further provided that no liability shall attach to the State by reason of entering into this contract, except as provided herein.

IN WITNESS WHEREOF, the Contractor has executed this instrument, on the day and year first below written and has caused this instrument to be executed by and in the name of the day and year first above written.

Executed by the Contractor John Nelson . President
August 25th 2020
Nelson Construction Corp.
(Contractor)

Local Agency: City of Dayton, Washington

Title: Mayor

By: [Signature]

Date: August 19, 2020 , _____



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Walla Walla, WA 99362
(509) 529-9260, Fax (509) 529-8102
www.andersonperry.com

engineering • surveying • natural resources

July 31, 2020

City of Dayton
111 South 1st Street
Dayton, Washington 99328

ATTN: Zac Weatherford, Mayor

RE: South 3rd Street Sidewalk Replacement

Dear Mayor Weatherford:

This letter describes the bid results from July 16, 2020 for the South 3rd Street Sidewalk Replacement project bid opening.

Bids for the project were received and opened at Dayton - City Hall on July 16, 2020 at 2:00 p.m. The City received two bids from the following bidders:

1. Nelson Construction Corp.
2. Barker, Inc.

All of the bids were opened and read. After the bid opening, the bids were reviewed again, and the Bidder Responsibility Criteria pursuant to the Revised Code of Washington 39.04.010 was examined with respect to the apparent low bidder (see attached). No discrepancies were found.

After the bid opening, we entered the bid prices into a Microsoft Excel spreadsheet to check the price extensions and verify that the total bid amounts read matched the amounts written on each bid. No errors were found in the bids. A copy of the Bid Tabulation, which shows the bidders' prices and costs for each individual bid item, is attached.


The bid totals ranged from \$266,422.05 to \$298,504.50. The Engineer's Estimate was \$250,275.00.

The bids were competitive with an approximately \$32,000 difference between the lowest bidder and the second lowest bidder. The apparent low bidder is Nelson Construction Corp. Their bid was approximately \$16,000 higher than the Engineer's Estimate.

From our review of the bids, we recommend the City of Dayton consider awarding the South 3rd Street Sidewalk Replacement project to Nelson Construction Corp., contingent upon approval from the City's Attorney and concurrence from the CA Agency, Columbia County. Assuming no complications, we believe that a contractor should be able to start construction in early September after the Contract, bonds and insurance have been finalized.

Please contact me if you have any questions.

ANDERSON PERRY & ASSOCIATES, INC.

By 
Adam Schmidt, P.E.

AS/aw

Attachments

cc: File No. 918-158-02, w/attach

S:\Docs\Dayton\918-158 S 3rd St Sidewalk\Bid Results Letter.docx

Appendix D

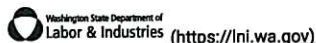
FOR OWNERS

Mandatory Bidder Responsibility Checklist

The following checklist may be used by Owners in documenting that a Bidder meets the mandatory bidder responsibility criteria. It is suggested that Owners print a copy of documentation from the appropriate website to include with this checklist in the contract file.

General Information	
Project Name: City of Dayton South 3rd Street Sidewalk Improvements	Project Number: 918-158
Bidder's Business Name: Nelson Construction Corp.	Bid Submittal Deadline: July 16, 2020, 2:00 p.m.
Contractor Registration – https://fortress.wa.gov/lni/bbip/	
License Number: MORENNC930BT	Status: Active: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Effective Date (must be effective on or before Bid Submittal Deadline): 02/14/2007	Expiration Date: 02/14/2021
Current UBI Number – http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/	
UBI Number: 602 674 342	Account Closed: Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/>
Industrial Insurance Coverage – https://fortress.wa.gov/lni/crpsi/MainMenu.aspx	
Account Number: 673,156-00	Account Current: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Employment Security Department Number –	
Employment Security Department Number:	
<ul style="list-style-type: none"> • Has Bidder provided account number on the Bid Form? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • And/or have you asked the Bidder for documentation from Employment Security Department on account number? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 	
State Excise Tax Registration Number – http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/	
Tax Registration Number: 602 674 342	Account Closed: Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/>
Not Disqualified from Bidding – http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/DebarredContractors/default.asp	
Is the Bidder listed on the "Contractors Not Allowed to Bid" list of the Department of Labor and Industries? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Checked by:	
Name of Employee: <i>Amber Wafer</i>	Date: 7/17/2020

Many L&I employees are out of the office today (July 17) due to a mandatory furlough. L&I services vital to public health and safety — DOSH, electrical inspections, and workers' compensation benefits — remain operational. We will return to normal business hours on Monday.



MORENO & NELSON CONSTRUCTION

Owner or tradesperson

Principals

NELSON, JOHN BRANDON, PRESIDENT

MORENO, DAX JSE, VICE PRESIDENT

(End: 01/11/2017)

PO BOX 794

WALLA WALLA, WA 99362

509-526-5249

WALLA WALLA County

Doing business as

MORENO & NELSON CONSTRUCTION

WA UBI No.

602 674 342

Business type

Corporation

License

Verify the contractor's active registration / license / certification (depending on trade) and any past violations.

Construction Contractor

Active

Meets current requirements.

License specialties

GENERAL

License no.

MORENNC930BT

Effective — expiration

02/14/2007 — 02/14/2021

Bond

Guarantee Company of North America USA,
The

\$12,000.00

Bond account no.

21175194

Received by L&I

06/12/2019

Effective date

03/20/2019

Expiration date

Until Canceled

Bond history

Insurance

Cincinnati Casualty Company

\$1,000,000.00

Policy no.

EPP0429721

Received by L&I

01/28/2020

Effective date

03/20/2017

Expiration date

03/20/2021

Insurance history

Savings

No savings accounts during the previous 6 year period.

Lawsuits against the bond or savings

No lawsuits against the bond or savings accounts during the previous 6 year period.

L&I Tax debts

No L&I tax debts are recorded for this contractor license during the previous 6 year period, but some debts may be recorded by other agencies.

License Violations

Infraction no.	Satisfied
EFEED00269	RCW/WAC
Issue date	19.28.271 RCW
02/26/2020	Violation amount
Violation city	\$250.00
WALLA WALLA	
Type of violation	
ELECTRICAL CITATION	
Description	
Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.	

Infraction no.	Satisfied
EFEED00268	RCW/WAC
Issue date	19.28.041 RCW
02/26/2020	Violation amount
Violation city	\$1,000.00
WALLA WALLA	
Type of violation	
ELECTRICAL CITATION	
Description	
Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment that convey or utilize electrical current without having a valid electrical contractor license.	

Certifications & Endorsements

OMWBE Certifications

No active certifications exist for this business.

Apprentice Training Agent

No active Washington registered apprentices exist for this business. Washington allows the use of apprentices registered with Oregon or Montana. Contact the [Oregon Bureau of Labor & Industries](#) or [Montana Department of Labor & Industry](#) to verify if this business has apprentices.

Workers' Comp

Do you know if the business has employees? If so, verify the business is up-to-date on workers' comp premiums.

This company has multiple workers' comp accounts.

Active accounts

L&I Account ID	Account is current.
673,156-00	
Doing business as	
NELSON CONSTRUCTION CORP	
Estimated workers reported	
Quarter 1 of Year 2020 "51 to 75 Workers"	
L&I account contact	
T0 / JULIE SUR (360)902-4715 - Email: SURJ235@ini.wa.gov	
Track this contractor ?	

Public Works Requirements

Verify the contractor is eligible to perform work on public works projects.

Required Training— Effective July 1, 2019

Exempt from this requirement.

Contractor Strikes

No strikes have been issued against this contractor.

Contractors not allowed to bid
No debarments have been issued against this contractor.

Workplace Safety & Health

Check for any past safety and health violations found on jobsites this business was responsible for.

No inspections during the previous 6 year period.



STATE OF WASHINGTON

Department of Labor & Industries

Certificate of Workers' Compensation Coverage

July 17, 2020

WA UBI No.	602 674 342
L&I Account ID	673,156-00
Legal Business Name	MORENO & NELSON CONSTRUCTION CORP
Doing Business As	NELSON CONSTRUCTION CORP
Workers' Comp Premium Status:	Account is current.
Estimated Workers Reported (See Description Below)	Quarter 1 of Year 2020 "51 to 75 Workers"
Account Representative	Employer Services Help Line, (360) 902-4817
Licensed Contractor?	Yes
License No.	MORENNC930BT
License Expiration	02/14/2021

What does "Estimated Workers Reported" mean?

Estimated workers reported represents the number of full time position requiring at least 480 hours of work per calendar quarter. A single 480 hour position may be filled by one person, or several part time workers.

Industrial Insurance Information

Employers report and pay premiums each quarter based on hours of employee work already performed, and are liable for premiums found later to be due.

Industrial insurance accounts have no policy periods, cancellation dates, limitations of coverage or waiver of subrogation (See [RCW 51.12.050](#) and [51.16.190](#)).

Washington State Department of Revenue

[Services](#)[Business Lookup](#)[MORENO & NELSON CONSTRUCTION CORP.](#)

Tax Information

[New search](#) [Back to results](#)

Entity name: MORENO & NELSON CONSTRUCTION CORP.

Entity type: [Profit Corporation](#)

DBA name: NELSON CONSTRUCTION CORP

Excise tax account ID #: 602-674-342

UBI #: 602-674-342

Opened: January 1, 2007

Closed:

Mailing address: PO BOX 794
WALLA WALLA WA 99362-0250

NAICS: 238110 - Poured Concrete Foundation and Structure Contractors

Reseller Permit(s)

[Filter](#)

Reseller permit #	Status	Effective date	Expiration date
A15657521	Active	Jan-01-2020	Dec-31-2021
A15657519	Expired	Jan-01-2018	Dec-31-2019
A15657517	Expired	Jan-01-2016	Dec-31-2017
A15657515	Expired	Jan-01-2014	Dec-31-2015
A15657513	Expired	Jan-01-2012	Dec-31-2013

Business License Locations

[Filter](#)

Business name	License account ID #	Location address
NELSON CONSTRUCTION CORP.	602674342-001-0001	665 STINSEN WALLA WALLA WA 99362
MORENO & NELSON CONST.	602674342-001-0002	665 STINSON AVE WALLA WALLA WA 99362

The Business Lookup information is updated nightly. Search date and time: 7/17/2020 8:06:31 AM

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 - ▶ [Active Exclusions](#)
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Moreno & Nelson Construction Corp
 DUNS: 006574554 CAGE Code: 76Q89
 Status: Active
 Expiration Date: 12/08/2020
 Purpose of Registration: All Awards

665 Stinson Ave
 Walla Walla, WA, 99362
 UNITED STATES

Entity Overview

Entity Registration Summary

Name: Moreno & Nelson Construction Corp
Business Type: Business or Organization
Last Updated By: Christy Dial
Registration Status: Active
Activation Date: 12/19/2019
Expiration Date: 12/08/2020

Exclusion Summary

Active Exclusion Records? No



IBM-P-20200717-1140
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BID TABULATION
City of Dayton, WA
South 3rd Street Sidewalk Replacement

Bid Opening: July 16, 2020, 2:00 p.m.		Engineer's Estimate		Nelson Construction Corp.		Barker, Inc.	
Item	Description	Unit	Quantity	Unit Price	Total	Unit Price	Total
1	Mobilization	LS	All Req'd	\$15,000.00	\$15,000.00	\$14,687.08	\$14,687.08
2	ADA Features Surveying	LS	All Req'd	1,000.00	1,000.00	5,369.01	5,369.01
3	SPCC Plan	LS	All Req'd	1,000.00	1,000.00	1,342.25	1,342.25
4	Project Temporary Traffic Control	LS	All Req'd	10,000.00	10,000.00	3,262.85	3,262.85
5	Removal of Structures and Obstructions	LS	All Req'd	10,000.00	10,000.00	5,556.13	5,556.13
6	Removal of Cement Concrete Sidewalks and Driveways	SY	1,740	11.00	19,140.00	7.17	12,475.80
7	Removal of Cement Concrete Curb and Gutter/Curb	LF	710	5.00	3,550.00	3.52	2,499.20
8	Unsuitable Foundation Excavation, Incl. Haul	CY	50	60.00	3,000.00	37.05	1,852.50
9	HMA for Pavement Repair	SY	360	60.00	21,600.00	65.01	23,403.60
10	Adjust Existing Catch Basin	EA	5	400.00	2,000.00	291.58	1,457.90
11	ESC Lead	DAY	5	200.00	1,000.00	671.13	3,355.65
12	Erosion Control and Water Pollution Prevention	LS	All Req'd	5,000.00	5,000.00	1,462.26	1,462.26
13	Landscape Restoration	FA	EST	5,000.00	5,000.00	5,000.00	5,000.00
14	Irrigation System Repair	FA	EST	1,000.00	1,000.00	1,000.00	1,000.00
15	Cement Concrete Traffic Curb and Gutter	LF	770	30.00	23,100.00	41.33	31,824.10
16	Cement Concrete Pedestrian Curb	LF	40	20.00	800.00	32.13	1,285.20
17	Cement Concrete Driveway, 6-In. Thick	SY	165	60.00	9,900.00	54.48	8,989.20
18	Cement Concrete Sidewalk	SY	1,525	45.00	68,625.00	55.69	84,927.25
19	Cement Concrete Sidewalk Ramp	EA	33	1,200.00	39,600.00	1,338.94	44,185.02
20	Reset Brick Pavers	SF	40	50.00	2,000.00	28.72	1,148.80
21	Relocate Existing Signing	LS	All Req'd	1,000.00	1,000.00	1,342.25	1,342.25
22	Paint Stop Line	LF	200	4.00	800.00	4.55	910.00
23	Paint Crosswalk Line	SF	1540	4.00	6,160.00	5.90	9,086.00
TOTAL BID					\$250,275.00		\$266,422.05
Total Shown on Bid Schedule					N/A		\$266,422.05
Difference					N/A		\$0.00
							\$298,504.50
							\$298,504.50
							\$0.00