

CITY OF SISTERS

BID DOCUMENTS

FOR

MCKINNEY BUTTE SAFETY

IMPROVEMENTS 2024 PROJECT

**PLANS PREPARED FOR:
THE CITY OF SISTERS**



**PLANS PREPARED BY:
THE CITY OF SISTERS
520 E. Cascade Avenue
P.O. Box 39
Sisters, Oregon 97759**

And

**BECON CIVIL ENGINEERING & LAND SURVEYING
549 SW Mill View Way
Bend, Oregon 97702**

BIDDER'S REQUIRED SUBMITTAL LISTING

The required submittal listing for the “**McKinney Butte Safety Improvements 2024 Project**” is as follows:

#	ITEM	# OF PAGES	√
1	BID SCHEDULE	1	
4	CONTRACTOR EXPERIENCE FORM	2	
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TOTAL BID PROPOSAL WILL CONTAIN A MINIMUM OF:

13 PAGES

INVITATION TO BID

Sealed bids for the construction of the City of Sisters, **McKinney Butte Safety Improvements 2024 Project**, addressed to the City Recorder, City of Sisters, Oregon will be received until 2:00 PM local time at City Hall, 520 E. Cascade Avenue, P.O. Box 39, Sisters, Oregon, on **July 9th, 2024** and then publicly opened and read at 2:00 PM at City Hall, in Sisters, Oregon. Bids shall be clearly labeled: **McKinney Butte Safety Improvements 2024 Project**.

Scope of Work:

Improvements generally include the removal and replacement of asphalt pavement, the construction of raised reinforced concrete crosswalks, adjustment of existing utilities to finish grade, and PROWAG compliant curb ramps along with the associated pavement markings at each location. The work is located along McKinney Butte road between highway US 20 and highway OR 242.

The City estimates the cost of improvements at \$230,000.

Construction plans titled, **McKinney Butte Safety Improvements** dated **May 2024**, consisting of **15** sheets and project specifications are herein incorporated into the bid documents for detail of the overall scope of the project including the scope of services for this portion of the project. **All workmanship, materials, and conditions shall conform to the 2024 Oregon Standard Specifications for Construction and the Public Works Construction Standards for the City of Sisters Oregon.**

This is a Public Works Contract and subject to Oregon Bureau of Labor and Industries (BOLI) Prevailing Wage Rates Effective January 1, 2024 for Region 10.

Completion:

It is the intent of the City of Sisters to achieve substantial completion by **June 30**, 2024.

Project Timeline:

Advertisement	June 18, 2024
Bid Opening	July 9, 2024
Bid Review	July 9, 2024
Intent to Award	July 9, 2024
Council Contract Award	July 10, 2024
Work to Begin by	July 11, 2024
Substantial Completion by	August 30, 2024 (51 Calendar Days)

Liquidated Damages

Liquidated damages will be assessed at \$500 per work day should the Contractor fail to complete the work within the time allowed.

Contract Documents

Contract Documents may be examined at the following locations:

- City of Sisters, City Hall
- Premier Builders Exchange

Addendums issued during the advertisement phase of the project will be posted on the City of Sisters website and the Premier Builder’s Exchange website only. Bidders shall submit their proposal on the proposal forms contained within the contract documents or on alternate forms as prescribed by the bid documents. The City of Sisters will not accept any bid that is not submitted as prescribed in the Bid Documents package.

All requests for plans and bid documents shall be made to Kerry Prosser, City Recorder, City of Sisters at 541.323.5213.

Requirements of Bidders

Each proposal must be submitted on the prescribed forms and accompanied by a certified check or Bid Bond executed on the prescribed form, payable to the City of Sisters, Oregon, in an amount not less than 10% (10 percent) of the amount bid. The successful Bidder will be required to furnish the necessary additional bond(s) for the faithful performance of the Contract, as prescribed in the Contract Documents.

The attention of bidders is directed to the State government requirements and conditions of employment to be observed and minimum wage rates to be paid under the Contract.

The City of Sisters will closely review the Contractor’s Experience form to ensure a Contractor with acceptable experience is awarded the Contract for the **McKinney Butte Safety Improvements 2024 Project**.

Bidder must be registered with the Construction Contractors Board (ORS 701.055) or the bid will not be received or considered.

Pre-Bid Meeting

There will be no pre-bid meeting for the **McKinney Butte Safety Improvements 2024 Project**.

All requests for clarification shall be made in writing and a Clarification Addenda will be issued prior to bid opening.

Proposals

The City reserves the right to reject all proposals or any proposal not conforming to the requirements of the Contract Documents, and postpone the awarding of the contract for a period of not more than 30 days from the bid opening date.

Notification

The notification of Intent to Award will be made to all responsible bidders within seven (7) calendar days of the bid opening. Protest of bid results and Intent to Award must be in writing, must be by a bidder in good legal standing, must be specific, and must be received within seven (7) calendar days of the date of issuance of the Intent to Award. The protest envelope must give bid title reference and must be addressed to Kerry Prosser, City Recorder, City of Sisters, 520 E. Cascade Avenue, P.O. Box 39, Sisters, Oregon 97759.

INSTRUCTION TO BIDDERS

PROJECT TITLE: McKinney Butte Safety Improvements 2024 Project

LOCATION: McKinney Butte Rd. between highway US 20 and highway OR 242.

OWNER: City of Sisters
520 E. Cascade Avenue
P.O. Box 39
Sisters, Oregon 97759

PROPOSAL: To be entitled to consideration, please include:

Bid Schedule

1. Use bid schedule(s) provided. Fill in all blank spaces.
2. Bid shall be typed or prepared in blue ink, and signed in blue ink.
3. Complete without alterations or erasures.
4. Shall not contain any recapitulation of work to be done.
5. No oral, telephonic or telegraphic proposal or modifications will be considered.
6. Contractor must certify that it is or is not an Oregon business as per ORS 279A.120. ORS 279A.120 requires public contracting agencies, in determining the lowest responsible bidder, to add a percent increase to each out-of-state bidder's bid price which is equal to the percent of preference given to local bidders in the bidder's home state. The bidder shall certify that it is or is not an Oregon contractor as defined under ORS 279A.120, Preferences; Foreign Contractor, i.e., a foreign contractor is one who is not domiciled in or registered to do business in the State of Oregon.
7. All subcontractors are to be approved in writing by the Owner and carry the same insurance requirements as the prime contractor. Subcontractors shall submit Contractor's Board license number, Federal Identification Number, State Unemployment Number, and Certification of ORS 279A.120 as stated in the First Tier Subcontractor Disclosure Form.

Bid Bond

Enclose a bidder's bond, certified check (or cashier's) check with made payable to the Owner in an amount equal to 10% of the total bid.

First Tier Subcontractor Disclosure Form

The First Tier Subcontractor Disclosure Form shall be completed and returned within 2 hours of the bid submittal time. The first tier subcontractor list may also be submitted with the sealed bid at contractor's preference. The submittal of the First Tier Subcontractor Disclosure Form is mandatory for the **McKinney Butte Safety Improvements 2024 Project**.

Proposal

Enclose a completed Proposal form provided in the bid documents.

Prevailing Wage Rate Statement

The Prevailing Wage Rate Statement shall be completed and returned with the Bid Submittal per ORS 279C.800 – 279C.870.

Drug Testing Policy Statement

The Drug Testing Policy Statement shall be completed and returned with the Bid Submittal per ORS 279C.505 (2003 Chapter 794.138).

Non-Collusion Affidavit

The Non-Collusion Affidavit shall be completed and returned with the Bid Submittal.

Bid Submittal

Address and Deliver:

1. Address: City of Sisters
520 E. Cascade Avenue
P.O. Box 39
Sisters, OR 97759

2. Deliver: To CITY RECORDER, in an opaque sealed envelope marked **McKinney Butte Safety Improvements 2024 Project**, with the name of the bidder, on or before **July 9, 2024 (2:00 pm)**.

AWARD OF CONTRACT:

Will in general be made to lowest responsible bidder, if within funds allotted. The city may choose to do only a portion of the project, within funds allotted.

The competency and responsibility of bidders and of their proposed subcontractors will be considered in making the award. Owner reserves the right to reject bid of any bidder who has previously failed to perform properly and to complete on time contracts of a similar nature, who is not in a position to perform the Contract, who has habitually and without

cause neglected the payment of bills or otherwise disregarded their obligation to subcontractors, material men or employees.

Bidder should notify Owner prior to bid opening date, should omissions or errors be found in Contract Documents. Owner will clarify by sending written instructions to all bidders in the form of Addenda which will become a part of the Contract.

Owner will not be responsible for any oral instructions or interpretations.

EXAMINATIONS:

Bidder is responsible for verifying dimensions and bid quantities prior to bidding.

Before submitting a proposal, the bidder shall carefully examine all Contract Documents, visit the site of the work, and fully inform themselves of all existing conditions and limitations. Bidders shall include in the Bid, sum or sums sufficient to cover the cost of all items in this Contract.

Bidder should notify Owner prior to bid opening date, should omissions or errors be found in Contract Documents. Owner will clarify by issuing instructions in the form of Addenda which will become a part of the Contract.

Owner will not be responsible for any oral instructions or interpretations.

Bidder is responsible to review all documents he/she will submit in the Proposal as complete. All pages listed on the Bidder's Required Submittal Listing are required to be included in the Proposal.

ANY ADDENDA:

Any addenda issued during the time of bidding are to be covered in the Proposal, and in closing a Contract they will become part thereof. Signed copy of the addenda is to be included with the bid submittal. All addenda will be made in PDF format, available on the City of Sisters website at www.ci.sisters.or.us and the Premier Builders Exchange. The City of Sisters will not mail or fax notice of Addenda, but will publish notice of any addenda on the City of Sisters' website and the Premier Builders Exchange. Addenda may be downloaded off the City's website. Bidders should frequently check the website at least once weekly until the week of bid opening. The City will issue the last addenda at least three business days prior to bid opening. Any addenda issued during the time of bidding are to be covered in the Proposal, and in closing a Contract they will become part thereof.

SUBSTITUTIONS:

In order to obtain approval of material, products, methods, as equal to those specified, submit to Owner substitution request at least five (5) days before bid opening.

CONTRACT DOCUMENTS:

The contractor and subcontractors shall comply with all Conditions of the Contract Documents.

PAYMENT ON CONTRACT:

Payment will be made as provided in the Contract. The contractor and subcontractors must pay not less than the minimum hourly rate of wage as determined by the Commissioner of Bureau of Labor for the City of Sisters, and which is not less than prevailing wage. They or their sureties must execute a statement under oath in a form prescribed by the State Labor Commissioner, certifying the hourly rate of wage paid and that no workman was paid less than prevailing rate of wage or less than the minimum hourly rate of wage and file with the Clerk of the District prior to any disbursement under the Contract and in accordance with ORS 279C.800 thru 279C.870. Contractors shall make payments in accordance with the Contract, ORS 279C.840 to 279C.870 and the laws of the State of Oregon. Contractor is required to have a \$30,000 Public Works Bond filed with CCB before starting work on the project, unless exempt. (SB 477, Sections 2-5) Contractor is required to verify their subcontractors have filed bond.

PECUNIARY INTEREST:

No director or employee of Owner shall have any pecuniary interest in the project.

LOCAL LABOR:

Contractor and subcontractors are encouraged to use local labor when available.

QUALIFICATIONS AS A CONDITION PRECEDENT TO BIDDING:

All Contractors submitting a bid must be registered with the Construction Contractors Board, or the bid will not be received or considered. A bid from an unregistered contractor will be rejected as unresponsive.

COMPLETION:

The Project shall be substantially completed by August 30, 2024.

Project Contact

All design questions and clarification inquiries shall be made to Erik Huffman, BECON Civil Engineering & Land Surveying, 541.633.3140.

All questions will be responded to in a written Addendum issued 3 days prior to bid opening. It will be available on the City of Sisters website and at the Premier Builders Exchange. All questions received after this date will not receive response.

Bidder Name _____

Bid Schedule

McKinney Butte Safety Improvements 2024 Project

Item #	Description of Item	QTY	Unit	Unit Price Bid	Total Price Bid
1	Multiuse Path Level 1, 1/2-Inch ACP Mixture (2-Inch Thickness)	60	SY		
2	Reinforced Concrete With #4 Bars (6-Inch Thickness)	2,350	SF		
3	Concrete Sidewalk (4-Inch Thickness)	504	SF		
4	Concrete Curb Ramp (Width Varies, 4-Inch Thickness)	7	EA		
5	White Thermoplastic Pavement Markings	460	LF		
6	AC Pavement Saw Cut Restoration, Level 2, 1/2-Inch ACP Mixture (4-Inch Thickness)	115	SY		
7	Traffic Signs	26	EA		
8	Detectable Warning Surface	13	EA		
9	Concrete Curb (6-Inch Exposure)	20	LF		

Amount of Bid \$ _____

Bid price written out in words: _____

All Unit Price Bids should be considered as “Furnished and Installed” unless otherwise noted in these bid documents.

Please invoice referencing the above exact line item numbers and line items. All quantities must be approved by the Project Engineer before invoicing. 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 shall be based on actual quantities, determined as provided in the Contract documents.

To Be Considered Responsive, the following must be signed and completed by your firm:

We hereby certify to do the work as specified and at the price as quoted in conformance to all the City, State and Federal Regulations that are applicable and will indemnify the City of Sisters against all claims arising out of any actions caused by our company during the performance of this contract.

Bidders Official Company Name _____

Address _____

By _____ Date _____
(Signature of Authorized Official and Title)

By _____ Phone _____
(Type or Print Name)

Federal I.D.# _____ FAX # _____ Email: _____

CONTRACTOR'S EXPERIENCE

Please list at least five similar projects to the McKinney Butte Safety Improvements 2024 Project that have been completed in the last five years.

#1

PROJECT OWNER: _____

DESCRIPTION OF PROJECT: _____

PROJECT ENGINEER: _____

TOTAL COST OF PROJECT: _____

CONTACT NAME: _____

CONTACT NAME TELEPHONE #: _____

#2

PROJECT OWNER: _____

DESCRIPTION OF PROJECT: _____

PROJECT ENGINEER: _____

TOTAL COST OF PROJECT: _____

CONTACT NAME: _____

CONTACT NAME TELEPHONE #: _____

#3

PROJECT OWNER: _____

DESCRIPTION OF PROJECT: _____

PROJECT ENGINEER:

TOTAL COST OF PROJECT:

CONTACT NAME:

CONTACT NAME TELEPHONE #:

#4

PROJECT OWNER:

DESCRIPTION OF PROJECT:

PROJECT ENGINEER:

TOTAL COST OF PROJECT:

CONTACT NAME:

CONTACT NAME TELEPHONE #:

#5

PROJECT OWNER:

DESCRIPTION OF PROJECT:

PROJECT ENGINEER:

TOTAL COST OF PROJECT:

CONTACT NAME:

CONTACT NAME TELEPHONE #:

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That _____
 hereinafter called the PRINCIPAL, and _____
 a corporation duly organized under the laws of the State of _____, having its
 principal place of business at _____, in the State of
 _____, and authorized to do business in the State of Oregon, as SURETY, are
 held and firmly bound unto the City of Sisters, Oregon, as obligee, hereinafter called the
 CITY, in the penal sum of _____ dollars
 (\$ _____) for the payment of which, well and truly to be made, we bind ourselves,
 our heirs, executors, administrators, successors and assigns, jointly and severally, firmly
 by these presents.

THE CONDITIONS OF THIS BOND ARE SUCH That, whereas the PRINCIPAL herein
 is herewith submitting his or its bid proposal for the **McKinney Butte Safety
 Improvements 2024 Project**, said bid proposal, by reference thereto, being hereby
 made a part hereof.

NOW, THEREFORE, if the said bid proposal submitted by the said PRINCIPAL be
 accepted, and the contract be awarded to said PRINCIPAL, and if the said PRINCIPAL
 shall execute the proposed Agreement and shall furnish such performance and payment
 bonds as required by the bidding and Contract Documents within the time fixed by said
 documents, then this obligation shall be void; if the PRINCIPAL shall fail to execute the
 proposed Agreement and furnish said bond, the SURETY hereby agrees to pay to the
 CITY the penal sum as liquidated damages.

Signed and sealed this _____ day of _____, 2024.

By

Principal

Surety

By Attorney-in-fact

(A certified copy of the agent's power-of-attorney must be attached hereto.)

FIRST TIER SUBCONTRACTOR DISCLOSURE FORM

PROJECT NAME: *McKinney Butte Safety Improvements 2024 Project*

BID SUBMITTAL:

DATE: _____

TIME: _____

DISCLOSURE DEADLINE:

DATE: _____

TIME: _____

List below the Name, Address, Contact Name and Telephone Number of each subcontractor that will be furnishing labor or labor and materials that are required to be disclosed. Enter "NONE" if there are no subcontractors that need to be disclosed. (Attach additional sheets if needed).

Name/Address	Nature of Work Performed	Contact Phone #	Contract Amount
1.			
2.			
3.			
4.			
5.			

The above listed First-Tier Subcontractor(s) are providing labor or labor and materials with a dollar value equal to or greater than:

5% of the total Contract Price, but at least \$15,000 (including all alternates). If the dollar value is less than \$15,000 do not list the subcontractor above; or, \$350,000 regardless of the percentage of the total Contract Price.

FORM SUBMITTED BY (BIDDER NAME): _____

CONTACT NAME _____ **PHONE #:** _____

DELIVER FORM TO AGENCY: *City of Sisters* _____

PERSON DESIGNATED TO RECEIVE FORM: *City Recorder*
PHONE #: *541.549.6022* _____

AGENCY ADDRESS: *520 E. Cascade Avenue, P.O. Box 39, Sisters, OR 97759* _____

UNLESS OTHERWISE STATED IN THE ORIGINAL SOLICITATION, THIS DOCUMENT SHALL NOT BE FAXED. IT IS THE RESPONSIBILITY OF THE BIDDERS TO SUBMIT THIS DISCLOSURE FORM AND ANY ADDITIONAL SHEETS, WITH THE PROJECT NAME CLEARLY MARKED, AT THE LOCATION INDICATED BY THE SPECIFIED DISCLOSURE DEADLINE. SEE INSTRUCTIONS TO BIDDERS.

PROPOSAL
McKinney Butte Safety Improvements 2024 Project

BIDDER'S DECLARATION:

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

The Bidder further declares that he has carefully examined the Contract Documents for the construction of the project, that he has personally inspected the site, that he has satisfied himself as to the quantities involved, and that this proposal is made according to the provisions and under the terms of the Contract Documents, which documents are hereby made a part of this proposal.

The Bidder further declares that the provisions required by ORS 279C.800 to 279C.870 relating to prevailing wage rates shall be complied with.

The Bidder further agrees that he has exercised his own judgment regarding subsurface condition and has utilized all data which he believes pertinent from the City and other sources in arriving at his conclusions.

CONTRACT EXECUTION:

The Bidder agrees that if this proposal is accepted, he will, within ten (10) days, not including Sundays and legal holidays, after notice of award, sign the Agreement in the form annexed hereto, and will at that time, deliver to the City of Sisters the PERFORMANCE BOND and the PAYMENT BOND required herein, and will to the extent of his proposal, furnish all machinery, tools, apparatus, and other means of construction and do the work and furnish all the materials necessary to complete the work in the manner, in the time, and according to the methods specified in the Contract Documents and required by the City thereunder.

In the event that the Bidder shall fail to enter into a contract within such time, the bid security in the amount stated in the INVITATION TO BID and deposited herewith, shall be retained by the City and it is agreed that said sum is a fair measure of the amount of damage that the City will sustain because of such failure to enter into a contract.

CERTIFICATES OF INSURANCE:

The bidder further agrees to furnish the City, before commencing the work under the Contract, the certificates of insurance as specified in these documents.

CONSTRUCTION TIME LIMITS:

The Bidder agrees to begin work within seven (7) calendar days after the date of the City's written notice to proceed, and to complete all work to be done under the contract in the time frames noted in the INVITATION TO BID after the date of the City's written notice to proceed.

LIQUIDATED DAMAGES:

In the event the Bidder is awarded the Agreement and shall fail to complete the work within the time limit or extended time limit agreed upon, as more particularly set forth in the Bid Documents, liquidated damages shall be paid to the City per the Bid Documents.

SUBCONTRACTORS:

The Bidder will list all proposed subcontractors by their proper corporate name and the portion of the work the subcontractor intends to perform in the spaces provided below. Contractor is also required to comply with the regulations regarding First Tier Subcontractors and applicable submittals.

Subcontractor	Work item to be performed
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The City reserves the right to reject any subcontractor that the City deems unfit for the scope of the work proposed.

LUMP SUM OR UNIT PRICES:

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 following lump sum or unit price amounts. The Bidder agrees that the lump sum prices and the unit prices represent a true measure of the labor and materials required to perform the work, including all allowances for overhead and profit for each type and unit of work called for in these Contract Documents.

The City reserves the right to reject any and all bids, to waive any informalities and to accept the bid of the lowest responsible Bidder.

ADDENDA:

The Bidder acknowledges that addenda numbers _____
(Bidder insert number of each addendum received)
have been received and examined as part of these Contract Documents.

RESIDENT BIDDER STATUS:

Bidder Certifies that it is a:

_____ Resident Bidder as defined in ORS 279A.120

_____ Not a resident bidder as defined in ORS 279A.120
Resident of State _____.

SURETY:

If the bidder is awarded the construction contract on this proposal, the surety who provides the "Performance Bond" and "Payment Bond" will be:

Name: Address:

BIDDER:

The name of the bidder submitting this proposal:

Name: Address:

The above stated address is the address to which all communications concerned with this proposal and with the contract are to be sent. The names of the principal officers of the corporation, or partnership, or of all persons interested in this proposal as principals are as follows:

If sole proprietor or partnership:

In witness hereto the undersigned has set his (its) hand this
_____ day of _____, 2024.

Signature of Bidder

Title

If corporation:

In witness whereof the undersigned corporation has caused this instrument to be executed by its duly authorized officers this

_____ day of _____, 2024

Name of Corporation

By _____
President

NON-COLLUSION AFFIDAVIT

CONTRACT:

STATE OF OREGON)
) SS.
COUNTY OF _____)

I state that I am the _____ of _____ and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors and officers. I am the person responsible in my firm for the price(s) and the amount of this bid.

I further 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 on the attached appendix.

(2) That neither the price(s) nor the amount of this bid, and neither the approximate price(s) nor approximate amount of this bid have been discussed with any other firm or person which 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 firm or person to refrain from bidding on this contract, or to submit a bid higher than this bid, or submit a bid intentionally high or non-competitive or any other form of complementary bid.

(4) The bid of my firm is made in good faith and pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other non-competitive bid.

(5) _____, it's affiliates, and subsidiaries, officers, directors and employees are not currently under investigation by any government agency and have not in the last four years been convicted of or found liable for any act prohibited by State and Federal law in the jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as described on the attached appendix.

I further state that _____ understands and acknowledges that the above representations are material and important, and will be relied on for the City of Sisters, Oregon in awarding the contract from which this bid is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the City of Sisters, Oregon of the true facts relating to the submission of bids for the contract.

Name of Contractor: _____

Signature: _____

Print Name: _____

Title: _____

Sworn to and subscribed before me this _____ day of _____, 2024.

(SEAL)

NOTARY PUBLIC OF OREGON

My commission expires: _____

PREVAILING WAGE RATE COMPLIANCE STATEMENT

The bidder states that provisions of ORS 279C.800 – 279C.870 (Oregon Prevailing Wage Rates) will be complied with on the **McKinney Butte Safety Improvements 2024 Project.**

COMPANY NAME _____

SIGNATURE _____

TITLE _____

DATE _____

- Applicable prevailing wage rates are those in effect at the time the initial specifications are first advertised for bid solicitation. ORS 279C.830(1)(c); OAR 839-025-0020(4) and (5) The workers must be paid not less than the applicable state prevailing wage rate. ORS 279C.830; OAR 839-020-0115(3)
- The contractor and every subcontractor must have a public works bond filed with the Construction Contractors Board before starting work on the project. ORS 279C.830(2)(a) Every subcontractor is required to have a public works bond filed with the Construction Contractors Board before starting work on the project. ORS 279C.830(2)(b)
- If the contractor fails to pay for labor and services, the City can pay for them and withhold these amounts from payments to the contractor. ORS 279C.515; OAR 839.025.0020(2)(a)
- The contractor must pay daily, weekly, weekend and holiday overtime as required. ORS 279C.520; OAR 839-025-020(2)(c)
- The contractor must make prompt payment for all medical services for which the contractor has agreed to pay, and for all amounts for which the contractor collects or deducts from the worker’s wages. ORS 279C.530; OAR 839-025-0020(2)(d)
- The employer must give written notice to the workers of the number of hours per day and days per week they may be required to work. OAR 839-025-0020(2)(c)

BOLI Contact:

Bureau of Labor and Industries
 Wage and Hour Division
 Prevailing Wage Unit
 800 N.E. Oregon Street, #32
 Portland, OR 97232
www.oregon.gov/BOLI

DRUG TESTING POLICY STATEMENT

The bidder states that provisions of ORS 279C.505 [Chapter 794.138] requiring an employee drug-testing program will be complied with the **McKinney Butte Safety Improvements 2024 Project.**

COMPANY NAME:

SIGNATURE:

TITLE:

DATE:



PERFORMANCE BOND

(NOTE: CONTRACTOR MUST USE THIS FORM, NOT A SURETY COMPANY FORM. MUST BE ACCOMPANIED BY A POWER OF ATTORNEY FOR THE SURETY'S OFFICER AUTHORIZED TO SIGN)

We the undersigned _____
 as PRINCIPAL (hereinafter called CONTRACTOR), and _____
 _____ a corporation organized and existing under and by virtue of the laws of the
 state of _____ duly authorized to do surety business in the
 state of Oregon and named on the current list of approved surety companies acceptable
 on federal bonds and conforming with the underwriting limitations as published in the
 Authorized Insurance List in the State of Oregon published by the Office of the Insurance
 Commissioner and which carries an "A" rating 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, to pay to CITY OF SISTERS as OBLIGEE (hereinafter called CITY OF
 SISTERS), the amount of _____
 (equal to 100% of the total bid amount) in lawful money of the United States of America.

WHEREAS, the CONTRACTOR entered into a contract with CITY OF SISTERS
 dated _____ which Contract is hereunto annexed and made a part hereof,
 for accomplishment of the all contract terms for the project described as follows:
McKinney Butte Safety Improvements 2024 Project

NOW, THEREFORE, the condition of this obligation is such that if the
 CONTRACTOR shall promptly, truly and faithfully perform all the undertakings,
 covenants, terms, conditions, and agreements of the aforesaid contract and having
 performed its obligations thereunder, then this obligation shall be null and void; otherwise
 it shall remain in full force and effect.

Whenever CONTRACTOR shall be declared by CITY OF SISTERS to be in default
 under the Contract Documents for the project described herein, the SURETY may
 promptly remedy the default by completing the project in accordance with the Contract
 Documents and the project Specifications with a contractor approved by the CITY OF
 SISTERS. SURETY, for value received, further stipulates and agrees that all changes,
 extensions of time, alterations, or additions to the terms of the Contract or Specifications
 for the above described contract are within the scope of the SURETY's undertaking on

this bond, and SURETY hereby waives notice of any such change, extension of time, alteration or addition to the terms of the _contract or to the Work or to the Specifications. Any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications shall automatically increase the obligation of the Surety hereunder in a like amount, provided that such increase shall not exceed twenty-five percent (25%) of the original amount of the obligation without the consent of the Surety.

This obligation shall continue to bind the PRINCIPAL and SURETY, notwithstanding successive payments made hereunder, until the full amount of the obligation is exhausted.

SURETY shall indemnify, defend, and protect the CITY OF SISTERS against any claim of direct or indirect loss resulting from the failure of the CONTRACTOR (or any of the employees, subcontractors, or lower tier subcontractors of the CONTRACTOR) to faithfully perform the terms of the contract.

No right of action shall accrue on this bond to or for the use of any person or corporation other than CITY OF SISTERS or its heirs, executors, administrators, successors or assigns.

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

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 2024.

SURETY

CONTRACTOR

By:_____

By*:_____

Title:_____

Title:_____

Street Address

Street Address

City State ZIP

City State ZIP

Phone Number

Phone Number

* Must be signed by president or vice-president of Contractor.



PAYMENT BOND

(NOTE: CONTRACTOR MUST USE THIS FORM, NOT A SURETY COMPANY FORM. MUST BE ACCOMPANIED BY A POWER OF ATTORNEY FOR THE SURETY'S OFFICER AUTHORIZED TO SIGN)

KNOW BY ALL MEN BY THESE PRESENTS:

We the undersigned _____
 as PRINCIPAL (hereinafter called CONTRACTOR), and _____
 _____ a corporation organized and existing under and by virtue of the laws of the
 state of _____ duly authorized to do surety business in the
 state of Oregon and named on the current list of approved surety companies acceptable
 on federal bonds and conforming with the underwriting limitations as published in the
 Authorized Insurance List in the State of Oregon published by the Office of the Insurance
 Commissioner and which carries an "A" rating 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, to pay to CITY OF SISTERS as OBLIGEE (hereinafter called CITY OF
 SISTERS), _____ the _____ amount _____ of
 _____ in lawful
 money of the United States of America.

WHEREAS, the CONTRACTOR entered into a contract with CITY OF SISTERS
 dated _____, which Contract is hereunto annexed and made a part
 hereof, for accomplishment of the all contract terms for the project described as follows:
McKinney Butte Safety Improvements 2024 Project

NOW, THEREFORE, the condition of this obligation is such that if the
 CONTRACTOR shall promptly, truly and faithfully perform all the undertakings,
 covenants, terms, conditions, and agreements of the aforesaid contract and having
 performed its obligations thereunder and promptly make payments to all persons, firms,
 subcontractors, corporations and/or others furnishing materials for or performing labor in
 the prosecution of the Work provided for in the aforesaid contract, then this obligation
 shall be null and void; otherwise it shall remain in full force and effect.

Whenever CONTRACTOR shall be declared by CITY OF SISTERS to be in default
 under the Contract Documents for the project described herein, the SURETY shall
 promptly remedy the default by completing the project in accordance with the Contract
 Documents and the project Specifications with a contractor approved by the CITY OF
 SISTERS. SURETY, for value received, further stipulates and agrees that all changes,
 extensions of time, alterations, or additions to the terms of the Contract or Specifications

for the above described contract are within the scope of the SURETY's undertaking on this bond, and SURETY hereby waives notice of any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications. Any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications shall automatically increase the obligation of the Surety hereunder in a like amount, provided that such increase shall not exceed twenty-five percent (25%) of the original amount of the obligation without the consent of the Surety.

This obligation shall continue to bind the PRINCIPAL and SURETY, notwithstanding successive payments made hereunder, until the full amount of the obligation is exhausted.

SURETY shall indemnify, defend, and protect the CITY OF SISTERS against any claim of direct or indirect loss resulting from the failure of the CONTRACTOR (or any of the employees, subcontractors, or lower tier subcontractors of the CONTRACTOR) to faithfully perform the terms of the contract.

No right of action shall accrue on this bond to or for the use of any person or corporation other than CITY OF SISTERS or its heirs, executors, administrators, successors or assigns.

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

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 2024.

SURETY

CONTRACTOR

By:_____

By*:_____

Title:_____

Title:_____

Street Address

Street Address

City State ZIP

City State ZIP

Phone Number

Phone Number

* Must be signed by president or vice-president of Contractor.

AFFIDAVIT #1

TO: CITY OF SISTERS, OREGON

RE: **McKinney Butte Safety Improvements 2024 Project**

GENTLEMEN:

COMES NOW _____ ,

doing business as _____ ,

who being first duly sworn, deposes and says:

That all sums due to suppliers, materialmen, subcontractors, sub-subcontractors, employees and government agencies for wages, goods, services, products, or equipment furnished in connection with the above project have been paid in full. Except as hereinafter stated, this includes, but not limited to all State and Federal withholding taxes, worker's compensation insurance, Oregon unemployment insurance, FUTA unemployment insurance, and social security taxes.

The only obligations which have not been paid and which are known to us are as follows:

1. _____ \$ _____

2. _____ \$ _____

3. _____ \$ _____

4. _____ \$ _____

5. _____ \$ _____

If extra space is needed, please attach an extra sheet, date and sign.

WE HEREBY authorize you to pay from the remaining funds, the foregoing obligations by making a check payable to us and to the unpaid creditor/s jointly.

DATED this _____ day of _____, 2024.

By: _____

Title: _____

STATE OF OREGON)
)ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by _____, the authorized representative for said business, and that (s)he was authorized to sign this affidavit.

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 20____, by and between _____, hereinafter called "OWNER"
(Name or Owner)

and _____ doing business as (an individual,) or (a partnership, or (a corporation) hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete the construction of the **McKinney Butte Safety Improvements 2024 Project.**

2. The CONTRACTOR will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECT described herein.

3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS within _____ calendar days after the date of the NOTICE TO PROCEED and will complete the same within _____ calendar days unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.

4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of \$ _____, or as shown in the BID schedule.

5. The term "CONTRACT DOCUMENTS" means and includes the following:

- A Invitation to Bid
- B Bid Schedule
- C Contractor’s Experience Form
- D Bid Bond
- E First Tier Contractor Disclosure Form

F	Proposal
G	Non-Collusion Affidavit
H	Prevailing Wage Rate Compliance Statement
I	Drug Testing Policy Statement
J	Performance Bond
K	Payment Bond
L	Affidavit #1
M	Agreement
N	Certificate of Materials Origin
O	City of Sisters General Conditions
P	Exhibit "A" Public Contracting Code
Q	Prevailing Wage Rates
R	City of Sisters Public Works Standards and Specifications
S	Oregon Standard Specifications for Construction 2024
T	Drawings dated May 2024
U	Special Specifications
V	ADDENDA:

6. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions such amounts as required by the CONTRACT DOCUMENTS.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in _____ number of copies, each of which shall be deemed an original on the date first above written.

OWNER

By _____

Name _____

Title _____

(Seal)

ATTEST:

Name _____

Title _____

CONTRACTOR:

By _____

Name _____

Address _____

(Seal)

ATTEST:

Name _____

Title _____