

## ATTACHMENT B: INSTRUCTIONS TO JOB ORDER CONTRACT BIDDERS

### 1. EXPLANATION TO PROSPECTIVE BIDDERS

Any prospective bidder desiring an explanation or interpretation of the solicitation, manual, etc., must make a request in writing to the FPS JOC Project Coordinator no later than seven (7) days before the bid due date. Oral explanations or instructions given before the award of a contract will not be binding.

Any information given to a prospective bidder concerning a solicitation will be furnished promptly to all other prospective bidders as an addendum to the solicitation, if the information is necessary in submitting bids or if the lack of it would be prejudicial to other prospective bidders.

### 2. PREPARATION OF BIDS

Phase II: Coefficients Bid (using the included Bid Proposal form):

There should be two bid coefficients per region outlined in the RFP: (1) Standard, normal working hours' coefficient (2) Non-standard working hours' coefficient for each regional area as defined in the Request for Proposals.

These Coefficients are to be bid by the Contractor as the factors that will be used to multiply the price for each priced item obtained from the specified Unit Price Book. A City Cost Index from the Unit Price book will also multiply the price for each priced item, thus the Index should not be included in the Coefficients. The coefficient, when multiplied by a priced item unit price from the Unit Price Book, quantity, and city cost index, will represent the total compensation to the Contractor for that item, including any apportionment to the individual item of any administrative, work order proposal preparation effort, and other indirect costs, and increase or decrease in overhead and profit desired by the Contractor for a Work Order relative to that listed in the Unit Price Book.

No other entries, modifications, or qualifications to the bid shall be made. Failure to comply in full with these requirements shall be grounds for a bid being declared non-responsive.

The bidder shall complete all other required information on the bid proposal form, including signature in ink by an authorized official of the firm. Failure to complete the bid proposal form in full may result in a bid being declared non-responsive. The proposal form shall be submitted in a sealed envelope and delivered to: The Department of Enterprise Services, Facility Professional Services Division, Attn: Amanda Witt, 1500 Jefferson Street, Post Office Box 41476, Olympia, WA 98504. The Coefficients bid must be received in accordance with the advertisement prior to the time of the scheduled interview.

### 3. BID GUARANTEE

- a. If the bidder fails to furnish a bid guarantee in an amount equal to five percent (5%) of \$50,000 by the time set for receiving the Phase II bid, the bid will be determined non responsive.
- b. The bidder shall furnish a bid guarantee in the form of a firm commitment, such as a bid bond, postal money order, certified check, or cashier's check, payable to the Washington State Treasurer. The Owner will return bid guarantees other than bid bond (the bid bond becomes the property of the Owner).

- c. The bidder will allow the Owner 60 days for acceptance of its bid. The bidder will submit executed contract, and Certificate of Insurance within fifteen (15) days after receipt of the contract forms from the Owner.
- d. If the apparent successful bidder fails to execute all contractual documents or provide insurance as required by the solicitation within the time specified. The Owner may terminate the award of the contract.

#### **4. ACKNOWLEDGMENT OF ADDENDA TO INVITATIONS FOR BIDS**

Bidder shall acknowledge receipt of any addenda to this solicitation by identifying the addenda numbers and dates in the space provided for this purpose on the bid form. Failure to acknowledge addenda may result in the bid being declared non-responsive.

#### **5. JOC COEFFICIENTS, STANDARD and NON-STANDARD HOURS**

The Bidder shall submit two coefficients for each regional area as defined in the Request for Proposals: the Standard Coefficient for Work that is conducted during normal working hours (5:30AM to 6:00PM, Monday through Friday) and the Non-standard for Work that occurs during other than normal working hours (6:01PM to 5:29AM, Monday through Friday, and weekends and holidays). For the purposes of evaluation, the Owner anticipates that 90% of the Work will occur during normal working hours and 10% will occur during non-standard hours. This distribution is presented for informational use only and is NOT a commitment of work.

#### **6. SITE INVESTIGATION AND CONDITIONS AFFECTING THE WORK**

The JOC acknowledges that, for each individual Work Request, it must take steps necessary to ascertain the nature and location of the work, and that it must investigate and satisfy itself as to the general and local conditions which can affect the work or its cost, including but not limited to:

- a. Conditions bearing upon transportation, disposal, handling and storage of materials;
- b. The availability of labor, water, electric power and road;
- c. Uncertainties of weather, river stages, tides or similar physical conditions at the site;
- d. The conformation and conditions of the grounds;
- e. The character of equipment and facilities needed preliminary to and during the work.

The Job Order Contractor also acknowledges that, for each individual Work Request, it must satisfy itself as to the character, quality and quantity of surface and subsurface materials or obstacles to be encountered insofar as this information is reasonably ascertainable from a visual inspection of the site, unless other information is provided by the Owner upon which the Contractor may rely. Any failure of the Contractor to take the actions described and acknowledged in this paragraph will not relieve the Contractor from responsibility for estimating properly the difficulty and cost of successfully performing the work.

#### **7. TAXES**

- a. Washington State Sales Tax (WSST)
  - i. The Contractor shall indicate the amount of Washington State Sales Tax (WSST) and all other taxes imposed by law on each Work Order Proposal and any associated Change Orders. The Owner will include WSST in progress payments. The Contractor shall pay

the WSST to the Department of Revenue and shall furnish proof of payment to the Owner upon request.

- b. Business and Occupation Tax (B&O)
  - i. The Contractor shall include Washington State B&O Tax as part of their coefficient and NOT include it directly in any Work Order or associated Change Order.

## **8. WASHINGTON STATE DIVERSE BUSINESS GOALS**

- a. The state diverse business goals are: 10% Washington State Certified Minority-Owned Businesses; 6% Washington State Certified Women-Owned Businesses; 5% Washington State Certified Veteran-Owned Businesses; and 5% Washington State Law Defined Small Businesses (RCW 39.26.010 (21)).
- b. In accordance with the legislative findings and policies the State of Washington encourages participation in all of its contracts by MWBE firms certified by the Washington State Office of Minority and Women's Business Enterprises (OMWBE), Veteran firms certified by the Washington State Department of Veterans' Affairs (DVA), and Washington State Law Defined Small Businesses: EXECUTIVE ORDER 13-01 VETERANS TRANSITION SUPPORT; RCW.39.19, RCW 43.19.725, RCW 39.26.005, and RCW 39.26.010. Participation may be either on a direct basis in response to this invitation or as a subcontractor to the successful bidder.
- c. Any affirmative action requirements set forth in federal regulations or statutes included or referenced in the contract documents will apply.
- d. The Contractor must submit Diverse Business Inclusion Plan and past performance on approved subcontractor inclusion plans documentation as outlined in the Request for Proposal. Failing to do so will result in being deemed non-responsive.
- e. The Proposer's goals are voluntary. No preference will be included in the evaluation of proposals, no minimum level of MWBE or Veteran Owned or Washington Small Business participation will be required as a condition for receiving an award and proposals will not be rejected or considered non-responsive on that basis (unless a zero (0) goal amount is submitted).
- f. Work Orders cannot be performed without a letter from DES/OMWBE approving the JOC plan.
- g. The state of Washington encourages participation in all of its contracts by Veteran-owned businesses (defined in RCW 43.60.010) and located at <http://www.dva.wa.gov/program/certified-veteran-and-servicemember-owned-businesses> and Small, Mini and Micro businesses (defined in RCW 39.26.010) which have registered in WEBS at <https://fortress.wa.gov/ga/webs/>.

## **9. SUBMISSION OF COEFFICIENTS BID**

- a. Bids must be submitted prior to the time shown on the Bid Proposal form in a sealed envelope, clearly marked with the project name, project number and the bidder's name and address.
- b. Any modification to the bid shall be submitted in sealed envelopes on or before the time shown, and shall be addressed to the office specified in the solicitation, and shall include:
  - i. The time specified for receipt
  - ii. The contract number and description
  - iii. The name and address of the bidder

- c. The only acceptable evidence to establish the time of receipt at the office designated in the solicitation is the time/date stamped or hand printed by the Owner's representative on the bid wrapper or other documentary evidence of receipt maintained by the Owner. Any bid or modification of a bid, received after the times specified will not be considered.
- d. All bids will be formally opened promptly following the completion and scoring of all the presentation/interviews.
- e. A bid may be withdrawn by a bidder's authorized representative before interviews begin.

**10. BID RESULTS**

After the Bid Opening, Bidders may obtain bid results by calling (360) 407-8028.

**11. CONTRACT AWARD**

- a. The selection of the successful Job Order Contractor firm will be based on the highest number of Phase II scores.
- b. The Contract will only become effective when signed by the Owner. Prior to the Owner's signature, any and all costs incurred shall be the sole responsibility of the bidder.
- c. The Job Order Contract (JOC) includes:
  - i. The Contract Documents included in the RFP
  - ii. The Job Order Contractor's Coefficients bid (regular/non-regular work). See Supplemental Conditions, Paragraph D1, for further definition of the Coefficient

**12. Minimum Committed Amount**

- a. Owner Minimum Committed Amount = \$ 50,000
- b. Yearly Not to exceed Contract = \$ 6,000,000
- c. Not to exceed Contract over the first two years = \$ 12,000,000
- d. If extended one year, not to exceed Contract over three years = \$ 18,000,000

**13. PARTNERING**

A "Partnering" process between the Owner and Job Order Contractor will be required throughout the project. It is anticipated that the principals of the Contractor and the Owner may choose the form of partnering to be used during the project. The intent of partnering is to provide training for the Owner's and the Contractor's staffs, to develop mutually acceptable methods, procedures and forms, to encourage productive communication, improve the level of mutual trust, respect, and cooperation, and to expedite issue resolution.

**14. PUBLIC WORKS AND PREVAILING WAGE TRAINING/EXEMPTION**

Public Works and Prevailing Wage Training/Exemption. Bidders shall have received training on the requirements related to public works and prevailing wage under this chapter and chapter 39.12 RCW. The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make

the records available on its website. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption.

**15. APPRENTICESHIP UTILIZATION**

In accordance with RCW 39.10.450 and RCW 39.04.320, any work order over \$350,000, excluding Washington state sales and use tax, and including over 600 single trade hours shall utilize a state registered apprenticeship program for no less than 15% of the labor hours performed by that single trade.