

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:	Project Number:
Bidder's Business Name: <i>Brunfield Const.</i>	Bid Submittal Deadline: <i>10/2/24</i>
Contractor Registration – https://secure.lni.wa.gov/verify/ <i>BRUMF-CI-114-K4</i>	
License Number:	Status: Active: Yes <input type="checkbox"/> No <input type="checkbox"/>
Effective Date (must be effective on or before Bid Submittal Deadline):	Expiration Date:
Current UBI Number – https://secure.lni.wa.gov/verify/	
UBI Number: <i>600-321-076</i>	Account Closed: Open <input type="checkbox"/> Closed <input type="checkbox"/>
Industrial Insurance Coverage – https://secure.lni.wa.gov/verify/	
Account Number: <i>323, 606-00</i>	Account Current: Yes <input type="checkbox"/> No <input type="checkbox"/>
Required Public Works Training – Effective July 1, 2019 https://secure.lni.wa.gov/verify/	
Per RCW 39.04.350 and RCW 39.06.020, has contractor had L & I training or meet exemption? <div style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></div>	
Wage Payment Status Compliance – RCW 39.04.350 (1g)	
Sworn statement or verification form received acknowledging compliance? <div style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></div>	
Employment Security Department Number – Obtain from contractor	
Employment Security Department Number: <i>445364 00 2</i>	
<ul style="list-style-type: none"> • Has Bidder provided account number on the Bid Form? Yes <input type="checkbox"/> No <input type="checkbox"/> • And/or have you asked the Bidder for documentation from ESD on account number? Yes <input type="checkbox"/> No <input type="checkbox"/> 	
State Excise Tax Registration Number – https://secure.dor.wa.gov/gteunauth/_/#2	
Tax Registration Number:	Account Closed: Open <input type="checkbox"/> Closed <input type="checkbox"/>
Not Disqualified from Bidding – WA https://secure.lni.wa.gov/debarandstrike/ContractorDebarList.aspx	
Is the Bidder listed on the "Debarred Contractors List" of the Department of Labor and Industries? (Print the pertinent page showing where the Bidder's name does or would appear on the list) Yes <input type="checkbox"/> No <input type="checkbox"/>	
Not Disqualified from Bidding – Federal (if applicable) – www.sam.gov	
Does Bidder have an "Active Exclusion Record" with the Federal Government (System for Award Management) <div style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></div>	
Checked by: <i>[Signature]</i>	
Name:	Date:

\$ 4,315,618.82

PORT OF ILWACO

BIDDER'S CHECKLIST

The bidder's attention is especially called to the following forms which must be completed in full as required and submitted collectively as the bid proposal package:

- ✓ 1. **PROPOSAL FORM** – The unit prices **must** be shown in the space provided. Show **all** unit prices in both words and figures when indicated. If a discrepancy exists between the price per unit and the extended amount of any item, the price per unit will control.
- ✓ 2. **BID GUARANTEE** – Original signed and stamped surety Bid Bond or Bid Deposit (cashier's check). The amount of the bid guarantee shall not be less than five percent (5%) of the total amount of the bid. See POI General Conditions #7 & the "Form of Bid Guarantee" for instructions on how to prepare the bid guarantee.
- ✓ 3. **LIST OF SUBCONTRACTORS** – If the invitation to bid is expected to cost one million dollars or more then the bidder shall comply with RCW 39.30.060.
- ✓ 4. **LOBBYING DISCLOSURE CERTIFICATION** – Each Bidder shall check the appropriate boxes, sign, and date. Volume I, Exhibit H.
- ✓ 5. **CERTIFICATION OF OFFEROR/BIDDER REGARDING TAX DELINQUENCY AND FELONY CONVICTION** – Each bidder shall check the appropriate boxes, sign, and date. Volume I, Exhibit I.
- ✓ 6. **DEBARMENT CERTIFICATION** – Each bidder shall check the appropriate boxes, sign, and date. Volume I, Exhibit G.

The following forms shall be executed and submitted within five (5) calendar days after Notice of Award.

- ___ 1. **CONTRACT** – To be executed by the successful bidder.
- ___ 2. **PAYMENT AND PERFORMANCE BOND** – Owner provided form to be completed by Contractor's Surety and submitted with Contractor executed Contracts.
- ___ 3. **CERTIFICATE OF INSURANCE** – Contractor shall furnish a Certificate of Insurance and all applicable Endorsements naming the Port as additional insured on its Commercial General Liability and Automobile Liability Policies.
- ___ 4. **WAGE LAWS COMPLIANCE CERTIFICATION** – To be submitted by Contractor with executed Contract.
- ___ 5. **SCHEDULE OF VALUES** – To be submitted by Contractor with executed Contract.
- ___ 6. **MATERIAL PROCUREMENT AND CONSTRUCTION SCHEDULE** – To be submitted by Contractor with executed Contract.

___ **7. LIST OF SUBCONTRACTORS** – To be submitted by Contractor with executed Contract.

___ **8. PROJECT LABOR RATES AND EQUIPMENT RATES FOR CHANGE ORDER WORK** -
To be submitted by Contractor and Subcontractors with executed Contract.

___ **9. CONTRACTOR'S W-9** – To be submitted by Contractor with executed Contract.

The following shall be filed prior to Notice to Proceed.

___ **1. STATEMENT OF INTENT TO PAY PREVAILING WAGES** – To be filed immediately by the
Prime Contractor after Contract is awarded and before work begins and subsequently by all
those providing labor on the project.

Ilwaco Bulkhead Resilience Project Ilwaco, WA

PROPOSAL FORM

PORT OF ILWACO
165 Howerton Way SE
ILWACO, WA 98624

1. BIDS - Having carefully examined the site(s), bid documents, and specifications for the Ilwaco Bulkhead Resilience Project located in Ilwaco, Washington the undersigned proposes to furnish all labor, materials and equipment required to perform all work in accordance with the above-named documents for the following price. The Total Bid Amount includes all work, regardless of whether it is specifically itemized below.

BID SCHEDULE: Ilwaco Bulkhead Resilience Project

Item No.	Description of Item	Approx. Quantity	Units	Unit Price Dollars/Cents	Total Price Dollars/Cents
1.	Mobilization And Demobilization	1	LS	\$ 400,000.00	\$ 400,000.00
2.	Project Administration	1	LS	\$ 65,000.00	\$ 65,000.00
3.	Temporary Environmental Controls and Monitoring	1	LS	\$ 53,500.00	\$ 53,500.00
4.	Health And Safety	1	LS	\$ 70,000.00	\$ 70,000.00
5.	Field Engineering	1	LS	\$ 75,000.00	\$ 75,000.00
6.	Project Closeout	1	LS	\$ 41,000.00	\$ 41,000.00
7.	Demolition	1	LS	\$ 255,000.00	\$ 255,000.00
8.	Steel Sheet Pile Bulkhead	212	LF	\$ 6,700.00	\$1,420,400.00
9.	Concrete Pile Cap	212	LF	\$ 2,500.00	\$ 530,000.00
10.	Permanent Ground Anchors	18	EA	\$ 42,000.00	\$ 756,000.00
11.	Furnish, Place and Compact Imported Bulkhead Gravel Backfill	733	TON	\$ 140.00	\$102,620.00
12.	Furnish, Place and Compact Imported Fill	410	TON	\$ 126.00	\$ 51,660.00
13.	Furnish, Place and Compact Imported Crushed Surfacing Base Course	482	TON	\$ 110.00	\$ 53,020.00
14.	Furnish, Place and Compact Asphalt Paving	223	TON	\$ 310.00	\$ 69,130.00
15.	Miscellaneous Finish Work	1	LS	\$ 20,000.00	\$ 20,000.00
16.	Import and Place Armor Stone	270	TON	\$ 200.00	\$ 54,000.00
17.	Import and Place Bedding Stone	188	TON	\$ 110.00	\$ 20,680.00
18.	Import and Place Fish Mix	35	TON	\$ 200.00	\$ 7,000.00

SUB-TOTAL:

\$ 4,044,010.00

8.2% WSST:

\$ 331,608.82

TOTAL BID AMOUNT:

\$ 4,375,618.82

2. BID GUARANTY - Accompanying this proposal is a Bid Guaranty in the amount of five percent (5%) of the total bid amount.
3. WITHDRAWAL - The above proposal will not be withdrawn within forty-five (45) days after the actual date of the opening hereof.
4. CONTRACT - If the undersigned be notified of acceptance of this Proposal within forty-five (45) days of the time set for opening of bids, they agree to execute a contract for the above stated sum and shall bond their work as required by law and that they will begin work within ten (10) days after Notice to Proceed. The undersigned also agrees to execute the contract contained in this Bid Solicitation without modification.
5. SIGNING AUTHORITY - By signing below, the undersigned hereby acknowledges that they are authorized and duly bound to execute this Bid Proposal Form on behalf of the Contractor and that their signature is binding upon the Contractor. The signing party further certifies that the Contractor represented has visited the Port of Ilwaco's website before the bid due date and time to familiarize themselves with the bid documents and all changes made via Addendum.
6. CONTRACTOR VERIFICATION - The bidder is instructed to provide with this bid submittal the following registration and identification numbers.
CONTRACTOR REGISTRATION NO.
(insert number here) BRUMF-CI-114-K4
DEPT. OF LABOR AND INDUSTRIES ACCOUNT NO.
(insert number here) 323,606-00
EMPLOYMENT SECURITY DEPARTMENT NO.
(insert number here) 465364 00 2
WASHINGTON UNIFIED BUSINESS IDENTIFIER (UBI) NO.
(insert number here) 600-321-076
7. CONTRACTOR - certifies by signing below that they are not disqualified from bidding on any public works contract under RCW 39.06.010 or RCW 39.12.065(3).
8. CONTRACTOR - certifies by signing below that they have not violated RCW 39.04.370 more than one time as determined by the Department of Labor and Industries.
9. NON-COLLUSION DECLARATION - CONTRACTOR (as signed below), under penalty of perjury under the laws of the State of Washington, do state and affirm that the quote submitted to the Port of Ilwaco is a genuine and not a sham or collusive quote, or made in the interest or on behalf of any person not herein named; and further says that the said Contractor has not directly or indirectly induced or solicited any Contractor on the above work or supplies to put in a sham quote or any other person or corporation to refrain from quoting; and that said Contractor has not in any manner sought by collusion to secure an advantage over any other Contractor or Contractors.
10. ADDENDA - Bidder acknowledges receipt of Addenda by checking the box(es):

1 ☒ 2 ☒ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐

CONTRACTOR - Brumfield Construction, Inc.

SIGNED - 

Robert Brumfield - President

ADDRESS - Print name and title
P.O. Box 600
Aberdeen, WA 98520

TELEPHONE - 360-268-9231 DATE: 10/02/2024

NOTE: PLEASE PUT NAME OF PROJECT ON ENVELOPE CONTAINING BID DOCUMENTS.

BID BOND

(surety bond)

KNOW ALL BY THESE PRESENTS:

That we Brumfield Construction, Inc., as
Principal, and Merchants Bonding Company (Mutual), as
Surety, are held and firmly bound unto the **Port of Ilwaco**, as Obligee, in the penal sum at least
equal to FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF THE BID, for the payment of
which the Principal and Surety bind themselves, their heirs, executors, administrators, successors
and assigns, jointly and severally, by these presents.

The Condition of this Obligation is such that if the obligee shall make any award to the principal for
Ilwaco Bulkhead Resilience Project according to the
terms of the proposal or bid made by the Principal therefor and the Principal shall duly make and
enter into a contract with the Obligee in accordance with the terms of said proposal or bid and award
and shall give bond for the faithful performance thereof, with Surety or Sureties approved by the
Obligee; or if the Principal shall in case of failure so to do, pay and forfeit to the Obligee the penal
amount of the deposit specified in the call for bids, then this obligation shall be null and void; otherwise
it shall be and remain in full force and effect and the Surety shall forthwith pay and forfeit to the
Obligee, as penalty and liquidated damages, the amount of this bond.

SIGNED, SEALED AND DATED THIS 25th, DAY OF September, 2024.

BY: 

Principal

(ORIGINAL SEAL HERE)

BY: 

Surety Dawn Fykes (Attorney-in-Fact)

The Bid Bond consists of this form and a Power of Attorney of the Surety evidencing the authority of the signor of this Bid Bond. Both this Bid Bond and the Power of Attorney shall be submitted in a fully executed, original hard copy document. The Bid Bond shall have original signatures for the principal and surety and include the original surety seal. The Power of Attorney shall be an original document and include the original corporate seal of surety represented. Submission of copies will render bid non-responsive.

MERCHANTS
BONDING COMPANY
POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa, d/b/a Merchants National Indemnity Company (in California only) (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

Amy Scott; David J Hickman; Dawn Fykes; Jay Holwegner; Matthew I Snowden; Stephanie M Young

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 2nd day of January, 2024.



MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.
d/b/a MERCHANTS NATIONAL INDEMNITY COMPANY

By

Larry Taylor
President

STATE OF IOWA
COUNTY OF DALLAS ss.

On this 2nd day of January, 2024, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.



Kim Lee

Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 25th day of September, 2024.



William Warner Jr.
Secretary



To Be Submitted with the Bid Proposal

Project Name Ilwaco Bulkhead Resilience Project

Failure to list subcontractors with whom the bidder, if awarded the contract, will directly subcontract for performance of the work of structural steel installation, rebar installation, heating, ventilation and air conditioning, plumbing, as described in Chapter 18.106 RCW, and electrical, as described in Chapter 19.28 RCW or naming more than one subcontractor to perform the same work will result in your bid being non-responsive and therefore void.

Subcontractor(s) with whom the bidder will directly subcontract that are proposed to perform the work of structural steel installation, rebar installation, heating, ventilation and air conditioning, plumbing, as described in Chapter 18.106 RCW, and electrical as described in Chapter 19.28 RCW must be listed below. The work to be performed is to be listed below the subcontractor(s) name.

To the extent the Project includes one or more categories of work referenced in RCW 39.30.060, and no subcontractor is listed below to perform such work, the bidder certifies that the work will either (i) be performed by the bidder itself, or (ii) be performed by a lower tier subcontractor who will not contract directly with the bidder.

Subcontractor Name Donald B. Murphy Contractors, Inc.

Work to be performed Permanent Ground Anchors

Subcontractor Name Rebar International, Inc.

Work to be performed Rebar Installation and Supply

Subcontractor Name Mtn2Coast

Work to be performed Field Engineering

Subcontractor Name Bayview Asphalt, Inc.

Work to be performed Asphalt

Subcontractor Name _____

Work to be performed _____

* Bidder's are notified that it is the opinion of the enforcement agency that PVC or metal conduit, junction boxes, etc. are considered electrical equipment and therefore considered part of electrical work, even if the installation is for future use and no wiring or electrical current is connected during the project.

EXHIBIT H

DISCLOSURE OF LOBBYING ACTIVITIES

The Contractor will comply with 49 CFR Part 20 New Restrictions on Lobbying.

Certification for Contracts, Grants, Loans, and Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any grant agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or grant agreement.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or grant agreement, the undersigned shall complete and submit Standard Form-LLL (Rev. 7-97), "Disclosure of Lobbying Activities," in accordance with its instructions.

The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and grant agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor certifies or affirms that truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et seq. and 49 CFR Part 20 apply to this certification and disclosure, if any.

Signature: _____

Date: 10/02/2024

Name: _____

Robert Brumfield

Position President

Company: _____

Brumfield Construction, Inc.

NOTE: CONTRACTORS ARE REQUIRED, PURSUANT TO FEDERAL LAW, TO INCLUDE THE ABOVE LANGUAGE IN SUBCONTRACTS OVER \$100,000, AND TO OBTAIN THIS CERTIFICATE FROM EACH SUBCONTRACTOR ENTERING INTO AN AGREEMENT EXCEEDING \$100,000 AT ANY TIER UNDER THIS CONTRACT.

EXHIBIT I

CERTIFICATION OF OFFERER/BIDDER REGARDING TAX DELINQUENCY AND FELONY CONVICTIONS

The Contractor and all lower tiers of subcontractors must complete the following certification statements. Written notice of any change in certification must immediately be forwarded from tier to tier up to the Port. Each tier must indicate its current status as it relates to tax delinquency and felony conviction by marking with an X in the box following the applicable response. The Contractor agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification in all lower tier subcontracts and all certifications will be forwarded from tier to tier up to the Port.

Certifications

- 1) The applicant represents that it is ☐, is not ☒ a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- 2) The applicant represents that it is ☐, is not ☒ a corporation that was convicted of a criminal violation under any Federal law within the preceding 24 months.

Note

If an applicant responds in the affirmative to any of the above representations, the applicant is ineligible to receive an award unless the Port has received notification from the agency suspension and debarment official (SDO) that the SDO has considered suspension or debarment and determined that further action is not required to protect the Government's interests. The applicant therefore must provide information to the owner about its tax liability or conviction to the Owner, who will then notify the U.S. Department of Transportation-Maritime Division, which will then notify the agency's SDO to facilitate completion of the required considerations before award decisions are made.

Term Definitions

Felony conviction: Felony conviction means a conviction within the preceding twenty-four (24) months of a felony criminal violation under any Federal law and includes conviction of an offense defined in a section of the U.S. code that specifically classifies the offense as a felony and conviction of an offense that is classified as a felony under 18 U.S.C. § 3559.

Tax Delinquency: A tax delinquency is any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

I certify under penalty of perjury that the above statements are true.

Signature:  Date: 10/02/2024
Name: Robert Brumfield Position: President
Company: Brumfield Construction, Inc.

EXHIBIT G

DEBARMENT CERTIFICATION

Prime Contractor – First Tier Participant

The Contractor agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification in all lower tier subcontracts and all certifications will be forwarded from tier to tier up to the Port.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participant:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

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

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

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

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

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification

The applicant represents that it is ☐, is not ☒ a corporation that is presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

I certify under penalty of perjury that the above statement is true.

Signature: _____

Date: 10/02/2024

Name: _____

Robert Brumfield

Position _____

President

Company: _____

Brumfield Construction, Inc.

1. **Instructions for Certification – FIRST Tier Participant (Prime Contractor).**

2 CFR Parts 180 and 1200

(Reference Vol. 2 Appendices, Appendix B2, Exhibit B4, pdf page 1211)

- a. The prospective first tier participant is providing the certification set out below.
- b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.
- c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.
- d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- e. The terms "covered transaction," "civil judgment," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 C.F.R. Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a Recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a Recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers to any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).
- f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
- g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

DEBARMENT CERTIFICATION

Subcontractor – Lower Tier Participant

The subcontractor agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification in all lower tier subcontracts and all certifications will be forwarded from tier to tier up to the Port.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Participant:

(1) The prospective lower tier participant certifies, by submission of this proposal, that either it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification

The applicant represents that it is ☐, is not ☒ a corporation that is presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

I certify under penalty of perjury that the above statement is true.

Signature:  Date: 10/02/2024

Name: Robert Brumfield Position President

Company: Brumfield Construction, Inc.

2. Instructions for Certification – LOWER Tier Participant (Subcontractor).

2 CFR Parts 180 and 1200

(Reference Vol. 2 Appendices, Appendix B2, Exhibit B4, pdf page 1211)

- a. The prospective lower tier participant is providing the certification set out below.
- b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.
- d. The terms “covered transaction,” “civil settlement,” “debarred,” “suspended,” “ineligible,” “participant,” “person,” “principal,” and “voluntarily excluded,” as used in this clause, are defined in 2 C.F.R. Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. “First Tier Covered Transactions” refers to any covered transaction between a Recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). “Lower Tier Covered Transactions” refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). “First Tier Participant” refers to the participant who has entered into a covered transaction with a Recipient or subrecipient of Federal funds (such as the prime or general contractor). “Lower Tier Participant” refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).
- e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.
- g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System

for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

2007 Westport Rd
PO Box 600
Aberdeen, WA 98520



Phone (360) 268-9231
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Licensed and Bonded
BRUMF-CI-114-K4

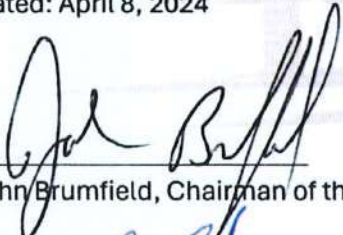
BRUMFIELD CONSTRUCTION, INC.
ACTION OF DIRECTORS WITHOUT A MEETING
PURSUANT TO WIVER OF NOTICE AND WRITTEN CONSENT
IN ACCORDANCE WITH R.C.W.23B.08.210
EFFECTIVE AS OF APRIL 8, 2024

We the undersigned directors of Brumfield Construction, Inc. a Washington Corporation, desire to take certain action without a formal meeting of the directors, which action is authorized by the statues of the State of Washington (23B.08.210) and pursuant to thereto severally waive a meeting of the Board of Directors and any all notice of the time, place, and purpose required by the statues of the State of Washington, the Articles of Incorporation or By-Laws of said corporation.

The directors have authorized to continue that only one signature is required for any transaction affecting the corporation.

Authorized Signors as of this date:
John Brumfield, Chairman of the Board
Robert Brumfield, President
Garrett Durward, Vice President
Michelle Petty, Secretary / Treasurer

Dated: April 8, 2024



John Brumfield, Chairman of the Board



Michelle Petty, Secretary / Treasurer

Port of Ilwaco Ilwaco Bulkhead Resilience Project



Brumfield
CONSTRUCTION, INC.

2007 Westport Road
Aberdeen, WA 98520
Phone: (360) 268-9231
Fax: (360) 268-1454
Email: bids@brumfieldinc.com

Confidential – Bid Documents

PORT OF ILWACO
Ilwaco Bulkhead Resilience Project
Ilwaco, WA
NOTICE OF BID

Notice is hereby given that sealed bids for the Ilwaco Bulkhead Resilience project located in Ilwaco, Washington will be received at the Office of the Port of Ilwaco, 165 Howerton Way SE, Ilwaco, Washington until 10:00 a.m., Wednesday, September 25, 2024. The official time shall be taken from the designated clock at the Port Office. Any bids received after the specified time and date will not be considered. Bids will then and there be publicly opened and read aloud.

The scope of work for this project consists of furnishing all labor, materials, and equipment necessary for the project identified above including the following major work items:

- Selective demolition and waste haul of existing structures including timber and steel piles, timber bulkhead, derelict timber elements, concrete rubble, asphalt paving, and earth fill.
- Replacement of an aging deteriorated timber pile bulkhead with an anchored steel sheet pile bulkhead.
- Installation of grouted tie-back anchors.
- Site grading and asphalt paving.
- Shoreline armoring.

A **mandatory** pre-bid conference for prospective bidders will be held Tuesday August 20, 2024, at 10:00 a.m. at the Port of Ilwaco Office located at 165 Howerton Way SE, Ilwaco, Washington 98624. A site visit will follow.

Each bid must be accompanied by a cashier's check, money order, or an original signed and stamped surety bid bond in an amount not less than five percent (5%) of the total bid, made payable to the Port of Ilwaco.

Any and all questions related to this project must be submitted via email prior to 4:30 PM, local time, on Wednesday, September 11, 2024. No questions will be accepted after that time.

The Port of Ilwaco reserves the right to reject any or all bids and to waive any irregularities or informalities.

To register your company on the Project Roster list, please contact Kari Kosa, Administrator Assistant by email at kkosa@portofilwaco.org

All bids submitted shall be considered as valid offers for a period of forty-five (45) days from the date of the bid opening during which time the Port of Ilwaco will make the award or return all bids.

Notice to be published: Wednesday, August 28, 2024