



Public Works Service Operations

DATE: June 25, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Ash Tree Removal Bid Award

REQUEST:

Permission to award the contract for Ash Tree Removal to TreeMax LLC.

BACKGROUND INFORMATION:

Bids for the 2024 Ash Tree Removal were opened on June 10, 2024. There were four bidders; one bidder was disqualified as they didn't have a contractor's license. I recommend the bid be awarded to TreeMax LLC as they were the low bid. The bid tabulation is included for your review.

The initial term of this agreement shall be for one (1) year commencing on bid award date and expiring December 31, 2024. The term of this agreement shall automatically renew for three additional one-year periods, including any modifications or negotiations, if approved and accepted in writing by both the contractor and the City, unless otherwise notified.

RECOMMENDED CITY COMMISSION ACTION:

Award the Ash Tree Removal Contract to TreeMax LLC

STAFF CONTACT INFORMATION:

Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov
Christy Ames-Davis, Forestry Programs Coordinator, 701-355-1723, comes@bismarcknd.gov

ATTACHMENTS:

1. Ash Tree Removal Bids
2. 2024 Ash Tree Removal Proposal

BID SUBMITTAL: OFFICE OF THE CITY ADMINISTRATOR
 PO BOX 5503 (221 N 5TH Street, 4th FLOOR)
 BISMARCK ND 58506-5503
 RECEIVED: 3:00 PM on JUNE 10, 2024
 OPENED & REVIEWED: 4:00 PM on JUNE 10, 2024

CITY OF BISMARCK FORESTRY DIVISION
2024 ASH TREE REMOVAL

Removal of Ash Trees in the rights-of-way conforming to the General Conditions and Specifications bid prices listed below. Award will be made to the lowest and best bid meeting qualifications.

STREET TREE / R-O-W REMOVAL	Beaver Creek Tree Service LLC	BLH Inc dba Bullinger Tree Service	T & M Tree Service	TreeMax LLC
Separate Envelope: ND Contractor's License	Yes	Yes	NO	Yes
Addendum #1 - Acknowledgement	Yes	Yes	Bid Submittal Not Opened	Yes
Met Qualifications (see list below)	Yes	Yes		Yes
2024 Tree/R-O-W Removal Price Per Diameter Inch	\$40.00/inch	\$56.50/inch		\$25.19/inch
2025 Tree/R-O-W Removal Price Per Diameter Inch	\$45.00/inch	\$57.50/inch		\$26.00/inch
2026 Tree/R-O-W Removal Price Per Diameter Inch	\$50.00/inch	\$58.50/inch		\$27.00/inch
2027 Tree/R-O-W Removal Price Per Diameter Inch	\$55.00/inch	\$59.50/inch	\$28.00/inch	

Qualifications:

- 1) Locations of recent work.
- 2) Certificate of Workers Compensation coverage.
- 3) Current CPR/First Aid certification documentation (for tree removal proposal only).
- 4) Documentation of electrical line clearance qualifications/training (aerial rescue, experience, training, etc. - for tree removal proposal only).
- 5) List of all equipment to be used on project.
- 6) Copy of current and valid ISA Certified Arborist Certificate or City of Bismarck Arborist License (for tree removal proposal only).

**PROPOSAL
FOR
ASH TREE REMOVAL
BISMARCK ND**

**BIDS RECEIVED BY 3:00 PM CT
BIDS OPENED AT 4:00 PM CT
MONDAY, JUNE 10, 2024**

OFFICE OF THE CITY ADMINISTRATOR
PO BOX 5503 (221 N 5TH ST)
BISMARCK ND 58506-5503

DEPARTMENT OF PUBLIC WORKS
SERVICE OPERATIONS
PO BOX 5503
BISMARCK ND 58506-5503
(701) 355-1700, option 3

ADVERTISEMENT

The City of Bismarck is seeking cost proposals for removal of ash trees in the rights-of-way. List of trees to be removed will be provided by the City Forester.

Sealed bids will be received in the office of the City Administrator, until 3:00 p.m. CT on Monday, June 10, 2024. Bids will be publicly opened and reviewed at 4:00 p.m. CT on Monday, June 10, 2024.

The sealed bid must be mailed to the City Administrator (PO Box 5503, Bismarck ND 58506-5503) or otherwise deposited with the City Administrator (221 North Fifth Street, 4th Floor, Bismarck ND 58501) and shall be sealed and endorsed:

“Ash Tree Removal 2024”

Name of the person, firm or corporation submitting the bid.

Bids must be submitted on blanks furnished by the City of Bismarck and in accordance with specifications and conditions contained therein. Copies of proposal blanks and specifications may be downloaded from the website or obtained from the Forestry Division, 601 S 26th St, Bismarck ND 58504, or Gale Nicholson, publicworksservice@bismarcknd.gov or 701-355-1707. All bidders are invited to be present at the opening of the proposal.

In accordance with North Dakota state law, a separate envelope containing a current North Dakota contractor’s license must be attached to the proposal/bid envelope and labeled “Contractor’s License”. An application for a North Dakota contractor’s license is not sufficient to fulfill this requirement.

The City, in its sole discretion, may extend the work completion deadline due to unforeseen circumstances, if it is determined to be in the best interest of the City to do so. The City shall reserve the right to hold all bids for a period of sixty (60) days, to reject any and all bids, to waive irregularities or to accept such as may be determined to be for the best interest of the City of Bismarck. However, bids which do not comply with mandatory requirements imposed by law or late bids must be rejected.

City of Bismarck
Jason Tomanek
City Administrator

Adv 5/23 & 5/30

**CITY OF BISMARCK FORESTRY DIVISION
TREE REMOVAL SPECIFICATIONS**

1. GENERAL CONDITIONS

- 1.1. This project will consist of removing street trees, including trees that may be partially within the rights-of-way (ROW), as part of the City’s Emerald Ash Borer Preparedness Plan and/or other considerations. Most trees being removed will be Ash, however, other species could be requested to be removed if needed. No work will be permitted on Saturday and Sunday, unless specifically requested or approved by the City Forester.
- 1.2. The Contractor shall furnish equipment, tools, materials, and labor for this project. It may also include other city owned properties and private property trees. Methods and manner used in removal and cleanup shall be subject to the approval of the City Forester.
- 1.3. The Contractor shall make every attempt to protect all public and private property adjacent to the work site and along all hauling routes. Any damage to public or private property shall be the sole responsibility of the contractor and shall be repaired to the satisfaction of the owner of the property involved.
- 1.4. In accordance with North Dakota state law, a separate envelope containing a current North Dakota contractor’s license must be attached to the proposal/bid envelope and labeled “Contractor’s License”. An application for a North Dakota contractor’s license is not sufficient to fulfill this requirement.
- 1.5. Contractor must be a licensed arborist with the City of Bismarck . Submit a copy of their current and valid certificate with the proposal.
- 1.6. Contractor must provide a Certificate of Workers Compensation Coverage and possess a current ND Contractors License.
- 1.7. Insurance: The successful contractor must furnish copies of insurance certificates for such coverage upon signing the contract. The **City of Bismarck** shall be named as an **additional insured** and **waiver of subrogation** on the policy for the duration of the contract.

Commercial General Liability Insurance	
\$2,000,000 Each Occurrence	
Automobile Liability	
Bodily Injury	\$500,000 per person
Property Damage	\$500,000 per accident
Combined Single Limit	\$2,000,000 each accident

- 1.7 Each firm submitting a proposal must provide a list of all equipment the Contractor proposes to use on this project.

- 1.8 The Contractor is responsible to have all utilities located prior to tree removal. The Contractor is responsible for any and all damage incurred during the tree removal process, including damage to underground irrigation systems. Damaged underground irrigation systems not satisfactorily repaired within seventy-two (72) hours of damage will be repaired by the City Forester and the cost will be deducted from the amount due the contractor.
- 1.9 Contractor will be responsible for providing all traffic control devices such as cones, flashers, and barricades. No street shall be closed unless approved by the City Forester.
- 1.10 All safety requirements of the Contractor, including qualified line clearance, shall be in accordance with the latest revision of the American National Safety Standards, ANSI Z133.1 and OSHA standards. **When work is performed in a tree, either by climbing or from an aerial basket, a qualified roundsman shall be within visual or voice communication.**
- 1.11 Partial billing is acceptable at any time. Ten percent (10%) of each invoice may be withheld until all work is completed.
- 1.12 The initial term of this agreement shall be for one (1) year commencing on bid award date and expiring December 31, 2024. The term of this agreement shall automatically renew for three additional one-year periods, including any modifications or negotiations, if approved and accepted in writing by both the contractor and the City, unless otherwise notified. Either party may cancel this agreement any time it may be determined to be in the best interest to do so. A notice of intent shall be served at least thirty (3) days prior to the date of said notice of cancellation.
- 1.13 The successful Contractor may be required to provide Delegation of Authority documentation showing who can sign on behalf of the company when submitting the signed contract.
Delegation of Authority:
 - > INC - president & vice president, secretary, and treasurer can sign. Others would need a show a delegation of authority to sign.
 - > LLC - Member, Managing Member, Officer (like President, VP, Sec/Treas) are OK with Inc's or LLC. Others would need to show a delegation of authority to sign.
 - > If not an LLC or Inc they are a DBA (doing business as) so they would be signing as an individual, so contract is in "person's name" and DBA "name of company" (Example: Joe Smith DBA Handyman Joe).
- 1.14 The Contractor will protect, defend and indemnify the City, its officers, agents, servants, volunteers and employees for any and all liabilities, claims, liens, fines, demands and costs including legal fees, of whatsoever kind and nature which may result in injury or death to any persons, including the contractor's own employees, and for loss or damage to any property, including property owned or in the care, custody or control of the city in connection with or in any way incident to or arising out of the occupancy, use, service, operations, performance or non-performance of work in connection with this contract resulting in whole or in part from negligent acts or omissions of Contractor, any subcontractor, or any employee, agent or representative of the Contractor

2. COMMENCEMENT AND COMPLETION OF WORK

- 2.1 **Prompt removal of tree is important.** Completion of tree work is required by August 2, 2024.

3. SPECIFICATIONS

- 3.1 All trees are marked with an orange "x" or dot and shall be removed as close to ground line as possible, with no jagged edges remaining on hinge.
- 3.2 Driveways shall only be blocked when necessary and for as short a period as possible. Whenever possible, trucks may not be driven on boulevards. **If off the roadway access is necessary, either via driveway or onto private property, attempt to contact adjacent property owner in advance.**

4. SPECIFICATIONS

- 4.1 Removal list provided by City Forester (attached)

ASH TREE REMOVAL LIST 2024

ASH TREE REMOVAL 2024			
Species	Address	DBH	Tree Location
Ash	523 01ST N	16	1S
Ash	401 01ST ST N	19	1S
Ash	1117 01ST ST N	18	1F
Ash	1121 01ST ST N	33	1F
Ash	1121 01ST ST N	18	3F
Ash	702 02ND ST N	8	1S
Ash	702 02ND ST N	3	2S
Ash	702 02ND ST N	18	3S
Ash	1323 02ND ST N	13	1F
Ash	1324 02ND ST N	6	1F
Ash	1220 03RD ST N	7	1S
Ash	1220 03RD ST N	5	2S
Ash	1221 03RD ST N	18	1F
Ash	1307 03RD ST N	18	1F
Ash	1316 03RD ST N	22	2F
Ash	1319 03RD ST N	23	2F
Ash	712 04TH ST N	11	1F
Ash	912 04TH ST N	10	1F
Ash	912 04TH ST N	12	2F
Ash	1025 04TH ST N	17	1F
Ash	1029 04TH ST N	12	1F
Ash	1162 04TH ST N	10	1S
Ash	1162 04TH ST N	10	2S
Ash	1222 04TH ST N	12	1F
Ash	1222 04TH ST N	10	2F
Ash	1318 04TH ST N	10	1F
Ash	1318 04TH ST N	7	2F
Ash	412 05TH ST N	18	1R
Ash	1717 05TH ST N	21	2F
Ash	1917 05TH ST N	22	1F
Ash	1933 05TH ST N	6	1F
Ash	1933 05TH ST N	5	2F
Ash	700 06TH ST N	9	1S
Ash	700 06TH ST N	15.5	2F
Ash	709 06TH ST N	18	1F

ASH TREE REMOVAL LIST 2024 (continued)

ASH TREE REMOVAL 2024			
Species	Address	DBH	Tree Location
Ash	927 06TH ST N	11	2F
Ash	1027 06TH ST N	12.5	2F
Ash	710 07TH ST N	7	2F
Ash	800 07TH ST N	19	1S
Ash	800 07TH ST N	23	2S
Ash	800 07TH ST N	19	3S
Ash	918 07TH ST N	9	1F
Ash	922 07TH ST N	16	1F
Ash	923 07TH ST N	10	2F
Ash	1016 07TH ST N	14	1F
Ash	1020 07TH ST N	15.5	1F
Ash	1021 07TH ST N	11.5	1F
Ash	1021 07TH ST N	22.5	2F
Ash	1734 07TH ST N	19	1F
Ash	1735 07TH ST N	26	1F
Ash	1735 07TH ST N	28	2F
Ash	1829 07TH ST N	16	2F
Ash	1911 07TH ST N	7	2F
Ash	610 08TH ST N	8	1F
Ash	1014 08TH ST N	13	1F
Ash	1017 08TH ST N	22	1F
Ash	1017 08TH ST N	17	2F
Ash	1022 08TH ST N	20	1F
Ash	619 09TH ST N	21	1F
Ash	906 09TH ST N	23	2F
Ash	911 09TH ST N	9	1F
Ash	911 09TH ST N	6.5	2F
Ash	912 09TH ST N	27	2F
Ash	927 09TH ST N	5	1F
Ash	1017 09TH ST N	15	1F
Ash	2013 09TH ST N	16	1S
Ash	2013 09TH ST N	16	2S
Ash	2013 09TH ST N	24	3S
Ash	2031 09TH ST N	29	1F
Ash	2032 09TH ST N	23	1F

ASH TREE REMOVAL LIST 2024 (continued)

ASH TREE REMOVAL 2024			
Species	Address	DBH	Tree Location
Ash	2107 09TH ST N	30	1F
Ash	2125 09TH ST N	30	1F
Ash	2125 09TH ST N	19	1S
Ash	2125 09TH ST N	20	2S
Ash	2126 09TH ST N	22	1S
Ash	100 A AVE W	14.5	2S
Ash	211 A AVE W	27	1F
Ash	213 A AVE W	26	1F
Ash	217 A AVE W	19	3F
Ash	220 A AVE W	20	2F
Ash	232 A AVE W	24	3S
Ash	1305 APACHE ST	19	1F
Ash	1305 APACHE ST	25	2F
Ash	1306 APACHE ST	23	1F
Ash	215 ARIKARA AVE E	8	1F
Ash	215 ARIKARA AVE E	6	2F
Ash	105 ARIKARA AVE W	9	1F
Ash	107 ARIKARA AVE W	5	1F
Ash	100 B AVE W	15	1F
Ash	119 B AVE W	25	1F
Ash	204 B AVE W	20	1F
Ash	210 B AVE W	5	1F
Ash	304 BROADWAY AVE E	12	1S
Ash	207 C AVE E	22	1F
Ash	102 C AVE W	24.5	2S
Ash	229 C AVE W	5	1F
Ash	505 CAPITAL AVE E	10	1S
Ash	925 CAPITAL AVE E	9	1F
Ash	925 CAPITAL AVE E	9	2F
Ash	112 CENTRAL AVE W	14	1F
Ash	112 CENTRAL AVE W	9	2F
Ash	111 CHEROKEE AVE	14	2F
Ash	413 D AVE E	31	1F
Ash	413 D AVE E	24.5	2F
Ash	413 D AVE E	27	3S

ASH TREE REMOVAL LIST 2024 (continued)

ASH TREE REMOVAL 2024			
Species	Address	DBH	Tree Location
Ash	600 D AVE E	6	1F
Ash	600 D AVE E	12	2F
Ash	115 D AVE W	12	2F
Ash	228 D AVE W	18	1F
Ash	232 D AVE W	21	2F
Ash	702 F AVE E	23	1S
Ash	702 F AVE E	18	2S
Ash	702 F AVE E	16	3S
Ash	1913 KAVANEY DR N	9	2F
Ash	208 MANDAN ST N	19	1F
Ash	222 MANDAN ST N	14.5	1F
Ash	222 MANDAN ST N	15	2F
Ash	222 MANDAN ST N	12	3F
Ash	704 MANDAN ST N	30	1F
Ash	722 MANDAN ST N	24	1S
Ash	1114 MANDAN ST N	18	1F
Ash	1207 MANDAN ST N	13	1F
Ash	1207 MANDAN ST N	8	2F
Ash	1228 MANDAN ST N	10	3F
Ash	1207 MEREDITH DR	26	1F
Ash	1207 MEREDITH DR	15	2F
Ash	1211 MEREDITH DR	28	1F
Ash	1212 MEREDITH DR	15	1F
Ash	1213 MEREDITH DR	15	2F
Ash	1306 MEREDITH DR	11	1F
Ash	1319 MEREDITH DR	17	1F
Ash	211 ROSSER AVE W	11	1F
Ash	927 SENATE DR	18	3S
Ash	1009 SENATE DR	17	1F
Ash	2101 SENATE DR	17	1S
Ash	112 SIOUX AVE	7	1F
137	TOTAL # OF TREES	2,179	TOTAL DBH

**CITY OF BISMARCK FORESTRY DIVISION
PROPOSAL FOR ASH TREE REMOVAL**

Bidder: _____

Date: _____, 2024

To The Honorable Board of City Commissioners
Bismarck, North Dakota
Commissioners:

We the undersigned agree to the removal of ash trees in the rights-of-way conforming to the General Conditions and Specifications bid prices listed below:

Include with your bid:

- 1) Current North Dakota contractor's license.
- 2) Locations of recent work.
- 3) Certificate of Workers Compensation coverage.
- 4) Current CPR/First Aid certification documentation (for tree removal proposal only).
- 5) Documentation of electrical line clearance qualifications/training (aerial rescue, experience, training, etc. - for tree removal proposal only).
- 6) List of all equipment to be used on project.
- 7) Copy of current and valid ISA Certified Arborist Certificate or City of Bismarck Arborist License (for tree removal proposal only).
- 8) Insurance: The successful contractor must furnish copies of insurance certificates for such coverage upon signing the contract Certificate of Liability Insurance & Automobile Insurance.

STREET TREE/R-O-W REMOVAL: 2024 Price per diameter (DBH) inch \$ _____

STREET TREE/R-O-W REMOVAL: 2025 Price per diameter (DBH) inch \$ _____

STREET TREE/R-O-W REMOVAL: 2026 Price per diameter (DBH) inch \$ _____

STREET TREE/R-O-W REMOVAL: 2027 Price per diameter (DBH) inch \$ _____

COMPANY _____

SIGNATURE _____

PRINTED NAME _____

TITLE _____

MAILING ADDRESS _____

City State Zip

PHONE NUMBER _____

EMAIL _____