

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
FINANCIAL MANAGEMENT DIVISION, PROCUREMENT SECTION
ON BEHALF OF THE MAINTENANCE DIVISION
608 EAST BOULEVARD AVENUE
BISMARCK, ND 58505-0700

REQUEST FOR BIDS – 745-01/14-15-050
FOR
BITUMINOUS MIX MATERIAL FOR MAINTENANCE PURPOSES
(FOR THE PERIOD FROM APRIL 1, 2015, THROUGH MARCH 31, 2016)

CLOSING TIME FOR RECEIPT OF INFORMAL BIDS:
2:00 p.m.; **Friday, March 27, 2015**

BIDDER INFORMATION

Vendor Name		
Telephone	Fax	
Mailing Address		
City	State	Zip Code
Title of Person Signing	E-mail	
Signature (This form must be signed or the bid will be rejected.) (Owner, Partner, President, Vice-President, or Corporate Officer)		Date
Type or print the name of the person signing this document		

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

NOTICE TO BIDDERS

The North Dakota Department of Transportation is requesting informal bids for furnishing bituminous mix material for maintenance purposes for the period from April 1, 2015, through March 31, 2016. The informal bid responses will be used to create a bid summary.

Bids must be marked as follows. Bid receipt is requested not later than 2:00 p.m. on **Friday, March 27, 2015**.

Bid for Bituminous Mix Material
North Dakota Department of Transportation
Procurement Section
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

All bids shall be submitted on the bid forms furnished by this Department.

The state of North Dakota reserves the right to accept or reject any or all bids and to waive minor irregularities or technicalities, provided such waiver does not substantially change the offer or provide a competitive advantage to any vendor, in the judgment of the state.

Questions concerning this bid should be directed to the Purchasing Agent at 701-328-4466 or vbrosten@nd.gov not later than **March 13, 2015**.

SPECIFIC INSTRUCTIONS TO BIDDERS

Bids are requested in order that pricing will be readily available in case any material is requested during the period specified.

Delivery of materials shall be made during the period from April 1, 2015, through March 31, 2016, upon instructions issued by the Maintenance Engineer or District Engineers.

Quantities to be purchased are indefinite, dependent upon requirements, and therefore cannot be determined at the time bids are received. For that reason the Department reserves the right to make purchases from time to time in any quantities required to meet its current needs. There is a possibility that no purchases will be made on some of the bids accepted.

The supplier will be required to furnish the mix at the temperature requested by the district engineer up to a maximum temperature at discharge of 290⁰ Fahrenheit.

The unit price bid shall include all discounts and deductions, and shall be F.O.B. plant site, either loaded directly into NDDOT trucks or picked up from a stockpile, as indicated on the bid sheet. The State does not pay sales tax or federal excise tax.

The Contract Unit Prices shall be firm for the first one (1) month of the contract period. Thereafter, successful bidders may request a price adjustment (increase or decrease) at a minimum frequency of one (1) month. A written request for a price adjustment must be submitted to the Procurement Office and must include justification for the proposed change.

The justification should establish a base line at the time of bidding or last approved price adjustment and current pricing. For example: a copy of an invoice for burner fuel at the time of bidding would establish the base line and an invoice at the time of the request would indicate the increase or decrease. The baseline for Midwest diesel price shall be determined by U. S. Department of Energy weekly statistics, if fuel price becomes a factor in justifying price increases based on material transport.

If a price adjustment is approved by the NDDOT, the date the adjustment will be effective along with the new unit prices will be included in the written response to the requestor. Approval of any price adjustments renews the one (1) month firm price period.

The bituminous material will be measured by weight in tons of finished product (including bitumen) at the plant site, and the bidder should list the unit price per ton on that basis, F.O.B. plant site.

The bidder may submit prices in either or both of the following ways:

- Stockpiled at plant site (to be loaded by State forces)
- Loaded in NDDOT trucks at plant site.

The contractor shall show the number of gallons of bitumen anticipated per ton of mixed material, and the price per ton of bitumen on which the bid is based.

A price adjustment will be made to the price bid at the time of delivery if the quantity of bitumen used is greater than that specified at the time the bid is submitted. It is expected that bitumen quantity per ton will closely match the bid information. Adjustment will be based on 244 gallons per ton of bitumen.

Bidders will not be required to submit a bid guarantee with their bid, and no contract bond will be required for accepted bids.

The State does not pay sales tax or federal excise tax. The state sales tax exemption number is E-2001. The federal tax-free transaction number is 45-0309764.

The various types of material to be covered by this bid shall conform to the specifications contained in the following Sections of the Standard Specifications of the North Dakota Department of Transportation, adopted October 2008, as listed below:

Bituminous Surfacing Aggregate, Class 27Section 816

Bituminous Surfacing Aggregate, Class 29Section 816

Indemnification - The attached Risk Management Appendix will be incorporated into the contract. The successful Bidder may be required to furnish proof of insurance, as detailed in the Risk Management Appendix.

BID SHEET

The undersigned hereby submits the following bid for bituminous mix material for maintenance purposes as may be ordered by the North Dakota Department of Transportation during the period from April 1, 2015, through March 31, 2016, in accordance with the terms and conditions contained herein, all material to conform to the Specifications of the North Dakota Department of Transportation, adopted October 2008.

Bid Price per Ton of Bituminous Material (including Combined Aggregate, Bitumen, and Mixing). F.O.B. delivered or from plant location specified below.

Plant Location: _____

Class of Aggregate planned for use at this plant: _____

Number of gallons of Bitumen per Ton of Mixed Material: _____ Gallons

Price per Ton of Bitumen Mix:

- From Stockpile (by NDDOT) \$ _____
- Loaded in Trucks (by vendor) \$ _____

Name of Bidder: _____

Dated: _____, 2014

NOTE: Use a separate sheet for each pit location or class of material.

Risk Management Appendix

Supply Contracts with Private Individuals, Companies, Corporations, Etc.:

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Contractor, or Contractor's delivery agent, shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability** and **automobile liability** insurance.
- 2) **Workers compensation** insurance.

Contractor shall produce certificates of insurance or copies of insurance policies upon request by the State.

When a portion of a Contract is sublet, the Contractor shall obtain insurance protection (as outlined above) to provide liability coverage to protect the Contractor and the State as a result of work undertaken by the Subcontractor. In addition, the Contractor shall ensure that any and all parties performing work under the Contract are covered by public liability insurance as outlined above. All Subcontractors performing work under the Contract are required to maintain the same scope of insurance required of the Contractor. The Contractor shall be held responsible for ensuring compliance with those requirements by all Subcontractors.

RM Consulted 2007
Revised 6-07



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX E OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

