

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 - 750-56/77-15-050
FOR
GRAVEL MATERIAL FOR MAINTENANCE PURPOSES

(FOR THE PERIOD FROM APRIL 1, 2015 THROUGH MARCH 31, 2016)

CLOSING TIME FOR RECEIPT OF INFORMAL BIDS:
2:00 PM, **Thursday, March 26, 2015**

BIDDER INFORMATION

Vendor Name		Phone	
Mailing Address			
City		State	Zip Code
Title			Fax
Signature (This form must be signed or the bid will be rejected.) (Owner 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 gravel for maintenance purposes for the period from April 1, 2015, through March 31, 2016. The informal bids 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 **Thursday, March 26, 2015**.

Bid for Gravel
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

All bids shall be submitted on the bid forms furnished by this Department. It is also possible to download the bid document from the State Procurement Office website:

<https://secure.apps.state.nd.us/csd/spo/services/bidder/main.htm>

The right is reserved to reject any and all bids or the bid on any item, to waive technicalities, or to accept such as may be determined to be in the best interest of the state.

Questions concerning this bid should be directed to the Purchasing Agent at 701-328-4466 or mlangehaug@nd.gov not later than **March 12, 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, depending on 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 unit price bid shall include all discounts and deductions, and shall be F.O.B. pit site. 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.

If weighing facilities are available at the pit site so that material may be measured by weight, bidder should list the unit price per ton. If weighing facilities are not available at the pit site, bidder should list the unit price per cubic yard.

The bidder may submit prices F.O.B. pit site in any or both of the following ways:

- Stockpiled at Pit Site (to be loaded by state forces)
- Loaded in NDDOT trucks at Pit Site

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

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 2002, as listed below:

Gravel Surfacing Material, Class 8	Section 816
Gravel Surfacing Material, Class 13	Section 816
Bituminous Surfacing Aggregate, Class 27	Section 816
Chip Aggregate for Seal, Class 42	Section 816
Chip Aggregate for Seal, Class 43	Section 816
Blotter Sand, Class 44	Section 816
Sand Aggregate for Seal, Class 45	Section 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 such gravel 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 2002:

Pit Location: _____

TYPE OF MATERIAL	Bid Price, F.O.B. above Pit Location			
	From Stockpile		Loaded in Trucks	
	PER CY	PER TON	PER CY	PER TON
Gravel Surfacing Material, Class 8				
Gravel Surfacing Material, Class 13				
Aggregate, Class 27				
Aggregate for Seal, Class 42				
Aggregate for Seal, Class 43				
Blotter Sand Aggregate, Class 44				
Sand Seal Aggregate, Class 45				

Name of Bidder _____

Dated _____, 2015

NOTE: Use a separate sheet for each pit location.

North Dakota Department of Transportation
REQUEST FOR BID

Bid Number: 975-01-14-15-050	Bid Opening Date & Time: 03/27/2015 02:00 PM
Items:	Buyer:
Bid Mailing Address:	Telephone Number:
City, State, Zip:	Email:
Contract Period: 04/01/2015 TO 03/31/2016	Date Prepared:

Please submit your bid response on the attached forms in conformance with the instructions and specifications in the NDAC 04-12-01 - 04-12-16.

One copy of your bid response must be returned to the North Dakota Department of Transportation (NDDOT) prior to the time and date specified for bid opening. Bid responses received after the time and day specified for bid opening will be rejected. Mark envelope as instructed in **"Mailing Instructions"**.

In consideration of the acceptance by the state of the offer made pursuant to the bid response, the vendor agrees and promises to sell, furnish, and deliver to the state, at the time, places, and prices specified in the bid response, all goods, merchandise, supplies, commodities, equipment, or other items contained in the bid response. The vendor shall fully perform in accordance with the terms and conditions contained in the bid response including all specifications, rules, or regulations mentioned therein, and shall comply with all applicable provisions of the NDAC 04-12-01 - 04-12-16 promulgated by the State Purchasing Division; such manual being made a part of this invitation by reference. The Risk Management Appendix and Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this Request for Bid.

Bids may be rejected if the following is not signed by OWNER, PARTNER, CORPORATE PRESIDENT, VICE PRESIDENT, other AUTHORIZED CORPORATE OFFICER or a duly authorized representative. If signed by other authorized Corp. Officer or representative, please attach a letter signed by the OWNER, PARTNER, CORP. PRES., or VICE PRES. indicating the individual has authority to enter into a contract on behalf of the company (or a Power of Attorney).

By issuance of a purchase order, a contract is made and entered into by and between the North Dakota Department of Transportation and:

Vendor Name		
Mailing Address		
Telephone Number	Fax Number	E-mail Address

Name & Title (Type or Print)

Signature

Date

To be signed by **Owner; Partner; Corp. Pres., Vice Pres., or other authorized Corp. Officer** or bid may be rejected. (if signed by other authorized Corp. Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.)



**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.*).



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

