

BIDDER'S PACKAGE

PARK COUNTY

SOLICITATION FOR BIDS FOR
DUST CONTROL APPLICATION 2020

APRIL 2020

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**REQUEST FOR BIDS
FOR
DUST CONTROL**

RFB # 2020-04-28

DATE REQUEST FOR BIDS ISSUED April 10, 2020

All bids must be submitted to the Park County Clerk and Recorder's Office. Copies of the specifications obtained from Clerk and Recorders office will be included on the plan holders list. The Park County Clerk and Recorder's Office cannot answer questions regarding this request for proposals.

This RFB is issued in accordance with Section 18-4-303, of the Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM) 2.5.602

INVITATION TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Park County Board of Commissioners will receive sealed bids for the application of dust control on County Roads during the summer of 2020. Specifications may be obtained by contacting the Clerk and Recorder's Office at the 414 E. Callender Street, Livingston MT 59047. The Park County Clerk and Recorder's Office cannot answer questions regarding this request for bids. All questions must be submitted in writing to Park County Public Works at 414 East Callender Street, Livingston, MT 59047.

Sealed bids must be received by Park County Clerk and Recorders Office, 414 East Callender Street, Livingston, Montana 59047, no later than **2:00 p.m., April 24, 2020**. **Anyone wishing to deliver bids to the Clerk and Recorders office in person must schedule an appointment prior to 2:00pm, April 24, 2020.**

All bid envelopes must be sealed and marked with "**Dust Control Bid 2020.**" Late bids will not be accepted.

Bids will be opened at 9:00 a.m., April 28, 2020, in the office of the Board of Commissioners, in the Park County Courthouse, 414 East Callender Street, Livingston, Montana 59047.

Each bid must be accompanied by a Certified Check, Cashier's Check, or Bid bond payable to Park County in the amount of ten percent (10%) of the total amount of the bid for the work. The successful bidder shall forfeit to Park County their bid security if they fail or refuse to enter into a contract within the time specified. Bid security of unsuccessful bidders shall be returned upon acceptance of the successful bid.

Submitted bids must be complete at the time of submission and may not include references to information located elsewhere. All bids will be initially classified as being

“responsive” or “non-responsive”. If a given bid is found to be non-responsive, it will not be considered further. All bids and associated documentation become the property of Park County. The bid original shall be signed in ink by a person legally authorize to bind the bidder.

All bids shall remain effective for a period of thirty (30) days from the date of opening. Park County reserves the right to consider or reject any and all bids, and further to waive any defects or irregularities. All bidders must use the bid form supplied with the specifications. A contract will be awarded to the lowest and most responsible bidder.

All bidders are expected to be aware of and to abide by all state and federal statutes, rules, and regulations governing the solicitation and acceptance of public contracts, including any such statute, rule or regulation relating to non-discrimination.

This RFB is not in any way a commitment to award a subsequent contract and Park County may or may not choose to award a contract as a result of any response. During this RFB process and at its sole discretion, Park County reserves the rights to:

- (a) waive any formality of the RFB process;
- (b) cancel or terminate this RFB;
- (c) reject any one or all bids received in response to this RFB;
- (d) waive any provisions of this RFB that would not have significant impact on any specific proposed response to this RFB;
- (e) not award or if awarded, terminate any contract on the grounds of a determination by Park County that adequate budgeted funds to expend on a resulting contract were not available to the County.

DATED this 10th day of April, 2020.

Steve Caldwell, Chairman
Park County Board of Commissioners

(Publish April 10th, April 17th 2020)

GENERAL INFORMATION FOR BIDDERS

1. Bid Deadline and Opening. Sealed bids must be received by Park County Clerk and Records Office, 414 East Callender Street, Livingston, Montana 59047, no later than 2:00PM April 24, 2020 from persons or entities capable of supplying dust control application for 2020. All bid envelopes must be sealed and marked with “**Dust Control Bid 2020.**” Late bids will not be accepted. Bids shall be opened and read aloud at a meeting of the Park County Commissioners to take place on April 28th, 2020, at the Commissioner’s Office, in the Park County Courthouse.

FAXED, ELECTRONIC OR E-MAIL BIDS WILL NOT BE ACCEPTED

2. Modification/Withdrawal of Proposals. A submitter may withdraw a Proposal at any time prior to the final submission date by sending written notification of withdrawal (to: pfrady@parkcounty.org), signed by an agent authorized to represent the agency. The submitter may thereafter submit a new or modified Proposal prior to the final submission date of _____, 2020, _____, __.m. Modifications offered in any other manner will not be considered. A final Proposal cannot be changed or withdrawn after the final submission date.

3. Notice. Notice is being published in the Livingston Enterprise, (a copy of the notice is included with this package) with publication dates of April 10th and 17th, 2020. All interested and capable persons or entities are invited to submit bids on the bid form included with this package.

4. Bid Security. Pursuant to Section 18-1-201, MC, the Board of Commissioners must require a bid security. Each bid must be accompanied by security in a form specified below, and in an amount equal to ten percent (10%) of the bid of the bidder, and payable to Park County.

According to the above cited statute, bid security is required “as a condition precedent to considering any such bids, as evidence of good faith on the part of the bidder, and as indemnity for the benefit of such public authority against the failure or refusal of any bidder to enter into any written contract that may be awarded upon and following acceptance of (a) bid...” Thus, if a bidder is selected and requested to enter into the contract, and the bidder refuses to enter into the contract, the bid security shall be forfeited in its entirety to Park County.

The form of the bid security is specified in Section 18-1202, MC A, as follows;

“(1) In all cases under 18-1202 (1), the bidder, offeror, or tenderer shall accompany and bid with either:

(a) lawful money of the United States;

(b) a cashier’s check, certified check, bank money order, or bank draft, in any case drawn and issued by a federally chartered or state-chartered bank insured by the federal deposit insurance

corporation; or

(c) a bid bond, guaranty bond, or surety bond executed by a surety corporation authorized to do business in the state of Montana. If a financial guaranty bond or surety bond is provided to secure the purchase of indebtedness, the long-term indebtedness of the company executing the financial guaranty bond or surety bond must carry an investment grade rating of one or more nationally recognized independent rating agencies.

(2) The money or, in lieu of money, the bank instruments or bid bonds, financial guaranty bonds, or surety bonds must be payable directly to the public authority soliciting or advertising for bids.”

The successful bidder’s bid security shall be returned upon the parties entering into a contract. Also, at such time, the bid security of unsuccessful bidders shall be returned.

5. Contract. The successful bidder will be expected to enter into a contract with Park County.

All bids shall remain effective for a period of thirty (30) days from the date of opening at some time during said thirty (30) day period, the successful bidder will be expected to enter into the contract. Submitted bids must be complete at the time of submission and may not include references to information located elsewhere. All bids will be initially classified as being “responsive” or “non-responsive”. If a bid is found to be non-responsive, it will not be considered further. All bidders must use the bid form supplied with the specifications. Bids may be rejected if it is incomplete or if the bid deviates from the specifications.

6. Waiver of irregularities and informalities. Park County reserves the right to waive any irregularity or informality in any bid. Further, Park County reserves the right to reject any and all bids for any reason. Park County reserves the rights to:

- (a) waive any formality of the RFB process;
- (b) cancel or terminate this RFB;
- (c) reject any one or all bids received in response to this RFB;
- (d) waive any provisions of this RFB that would not have significant impact on any specific proposed response to this RFB; or
- (e) not award or if awarded, terminate any contract on the grounds of a determination by Park County that adequate budgeted funds to expend on a resulting contract were not available to the County.

7. Basis of Award. Shall be dependent on the most responsible bid submitted. Consideration will be given, but is not limited to, cash flow, purchase price, delivery date, equipment service guarantees, parts and service availability, parts and service facilities locations, analysis and comparison of equipment specification details, warranty, and past experience of Park County with similar or related equipment.

8. Resident Bidder Preference. Pursuant to Section 18-1-102, MC

A, Park County will award the contract “to the lowest responsible bidder without regard to residency. However, a resident must be allowed a preference on a contract against the bid of a nonresident if the state or country of the nonresident enforces a preference for residents. The preference must be equal to the preference given in the other state or country.”

According to Section 18-1-113, MCA, any bidder seeking a preference shall be required to file, along with the bid, an affidavit, specifying in detail, the basis upon which the bidder claims a preference.

9. Non-Discrimination. The successful bidder shall be expected to abide by a all provisions of state and federal law regarding discrimination. One such provision, in Montana law is Section 49-3-207, MCA, which states Non-Discrimination; “(e)very state or local contract or subcontract for construction of public buildings or for other public work or for goods or services must contain a provision that all hiring must be on the basis of merit and qualifications, and a provision that there may not be discrimination on the basis or race, color religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the contract.”

10. Laws and Regulations. Each bidder is expected to be familiar with and abide by all laws of the federal, state and local governments regarding their obligations in bidding and performing public contracts.

11. Questions. Should any bidder have any questions about the specifications, or any provision or other information contained in the bidder’s package, they may direct written inquires to Public Works, 414 East Callender Street, Livingston, MT 59047 or at pfrady@parkcounty.org. Any clarification information, or any changes made to any information in the bidder’s package shall be provided to all potential bidders who have obtained a copy of the specifications from Park County Clerk and Records Office. All questions must be received by Monday April 2, by 3:00 p.m. or the questions may not be answered.

Verbal or oral questions will not be accepted and will have no legal effect.

12. Addendum. If the County receives any questions concerning the meaning or intent of this RFB it will issue an addendum. Answers to questions considered necessary will be in the form of an Addenda mailed or delivered to all parties who had requested a copy of this RFB. Only questions answered by an Addenda will be binding.

Any addenda issued are binding on this RFB and will become part of any executed contract. Each bidder must acknowledge they received a copy each addendum or the bid will be rejected as incomplete.

13. False or Misleading Statements. If the Board of County Commissioners believes, at any time, that a bid contains false or misleading statements, references or any other matter which

does not support a function, attribute, capability, or condition as stated by the bid, the bid shall be rejected, regardless of the status or the phase of the selection process.

14. Wage Requirements. Pursuant to Sections 18-2-401 and 18-2-402, MCA, the awarded firm must pay, as a minimum, the rate of wages as provided in the Montana Prevailing Wage Rates including fringe benefits and applicable zone pay.

Pursuant to Section 18-2-422, MCA, the awarded firm must maintain certified pay rolls for a period of not less than 3 years from the completion of the work and post a statement of all wages and fringe benefits at the site of the Project. Additionally, the awarded firm must also submit certified payrolls for all employees and employees of Subcontractors to the County within one week of issuing each respective payroll.

15. Gross Receipts Tax. Awarded firm shall comply with Section 15-50-205, MCA, by paying to the department of revenue fee in a sum equal to 1% of the gross receipts, as defined in 15-50-101, MCA, from public contracts during the income year in which the public contractor receives payment.

16. Insurance Requirements.

Each Firm, by submitting a RFB, understands and agrees that the award of a contract shall be contingent upon the successful firm providing Park County with proof of the following insurance coverage:

Comprehensive commercial general liability insurance, including personal injury liability, blanket contractual liability and broad-form property damage liability coverage. The following minimum limits are:

a. General Aggregate	<u>\$2,000,000</u>
b. Products-Completed Operations Aggregate	<u>\$2,000,000</u>
c. Personal and Advertising Injury (Per person/organization)	<u>\$1,000,000</u>
d. Bodily Injury and Property Damage Each Occurrence	<u>\$1,000,000</u>

Commercial automobile liability insurance as a result of death or bodily injury to any persons, or destruction of or damage to any property arising out of the ownership, maintenance or use of any owned, non-owned or hired motor vehicle with limits of not less than \$1,500,000.00 per occurrence. All coverage shall be on an occurrence basis and not on a claim-made basis.

Workers compensation and unemployment insurance coverage as required by law with a waiver of subrogation in favor of Park County including Employer's liability coverage with limits of not less than the following:

- a. Each Accident \$500,000
- b. Disease – Each Employee \$500,000
- c. Disease – Policy Limit \$500,000

Professional liability insurance, including errors and omissions, with limits of not less than \$750,000.00 per occurrence and \$1,500,000.00 policy aggregate.

The following inclusions to the certificate of insurance shall be made:

- a. Waiver of transfer of rights of recover against others to Park County;
It is agreed that this insurance is primary to and non-contributory with, any insurance maintained by Park County;
- b. Park County shall be named as an additional insured on the bidder's general liability and automobile liability. The additional insured shall cover Park County's elected officials, employees and agents. The additional insured endorsement shall be attached to the certificate of insurance;
- c. The additional insured shall contain a severability of interested provision in favor of Park County and a Waiver of Subrogation in favor of Park County;
- d. All required coverage shall be written with companies that have at least an AmBest rating of B+VII; and
- e. All insurance shall provide a 30 day notice of cancellation or material change

17. Workers Compensation Insurance. The awarded firm hereby states that it is either covered by Worker's Compensation and Unemployment Insurance or is exempt. Either a letter of exemption issued by the Montana Department of Labor and Industry or proof of Worker's Compensation Insurance shall be provided to the County under the terms of the contract.

18. Laws and Regulations. Each submitter is expected to be familiar with and abide by all laws of the federal, state and local governments regarding their obligations and performing public contracts.

BIDDER'S SUBMISSION REQUIREMENTS

Sealed bids shall be submitted by each bidder. Sealed bids must be received by Park County Clerk and Records Office, 414 East Callender Street, Livingston, MT 59047, no later than 2:00PM April 24, 2020. Bidders are expected to abide by the following requirements.

Each bid and accompanying documents shall be submitted in a standard 8 1/2 x 12, or larger manila envelope. The manila envelope shall be sealed, and the following information shall be written or typed on the outside of the envelope: (1) the name, address, and telephone number of the bidder: (2) the words "**Dust Control Bid 2020.**"

The following documents shall be included in the manila envelope, in the following order:

1. Bid Forms. The Bid Form shall be completely filled out and signed by an authorized agent of the bidding company.
2. Bid Bond. A bid bond must be enclosed and must be in the form as specified in this package.
The bid bond must be ten percent (10%) of the amount bid for the work.
3. Non-Collusion Affidavit. Bidder shall completely fill out, sign and have notarized the Affidavit included with this package
4. Other Information. Bidders are encouraged, but not required, to include other information about their business and about the equipment in the bid.

BID FORM

The undersigned Bidder hereby covenants and agrees to provide dust control application, as described in the Specifications, for the price stated. The bidder understands that this bid is effective for thirty (30) days from the date of opening. All lines on the Bid Form *must* be completed.

Location	Length (mi)	<u>Est. Quantity</u>	Unit Price(\$/ft)	Total Bid
Main Boulder Rd	4.9			
Tom Miner Rd	5.2			
Jardine Rd	3.0			
Six Mile Rd	1.8			
Divide Rd	1.0			
Convict Grade Rd	1.5			
Swingley Rd	4.6			
Cottonwood Bench Rd	<u>1.0</u>	<u>Length (ft)</u>		
Total	23.0	121,440	_____	_____

Total Bid Written in Words: _____

Addendum # 1 Acknowledgment: _____
 Addendum # 2 Acknowledgment: _____
 Addendum # 3 Acknowledgment: _____

Bidder's Name _____

Bidder's Address _____

Bidder's Phone No. _____

 Signature of Bidder's Authorized Agent

 Printed Name of Bidder's Authorized Agent

SPECIFICATIONS

Park County, MT Solicitation for Dust Control Application, 2020

Park County is soliciting bids for magnesium chloride application for dust control on select County roads for June through August 2020. This solicitation for bids is being requested to meet state requirements for purchases that may exceed \$80,000.

Final production quantity and contract time shall be negotiated dependent on bids received and funding availability. Bids in price per linear foot (\$/FT) of 24 foot width road shall be submitted in accordance with the invitation to bid.

Bid price shall include mobilization, storage, staging, material costs, fuel, and labor for a complete and functional application. Application rate shall consist of 0.50 gallon per square yard applied in two passes at 0.25 gallon per square yard. Park County will provide a grader and water truck for surface preparation prior to application. Park County will determine schedule, location and length of application for coordination with contractor.

Prior to the performance of work a certificate of insurance showing coverage has been obtained in the amount of \$1,000,000 naming Park County as additional insured is required and Proof of Workers Compensation insurance or a letter of exemption shall be submitted.

The work shall be performed at *Montana Prevailing Wage Rates for Highway Construction* as applicable for contracts in excess of \$25,000, certified payrolls shall be submitted and approved prior to issuance of payment. Performance and Payment bond requirements may be waived for this solicitation. Park County will withhold State of Montana Gross Receipts Tax from payment unless otherwise provided for and shown on contractor invoicing.

Permits: Contractor is required to obtain all permits Copies of such permits shall be provided to Park County upon request.

Safety: Contractor is solely responsible for project safety and adherence to OSHA and other applicable safety standards.

Quality Assurance: Park County may perform testing for quality assurance in accordance with MPWSS and industry standards of care. Testing results will be made available to the contractor for comparison to the Contractors internal Quality Control information.

The successful contractor will be required to enter into a formal contract with Park County and will be required to provide a certificate of insurance listing Park County as additionally insured and copy of workers compensation insurance or a letter of exemption before any work is performed

AFFIDAVIT AND INFORMATION REQUIRED OF BIDDERS

AFFIDAVIT OF NON-COLLUSION

I hereby swear (or affirm) under the penalty; for perjury;

- (1) That I am the bidder (if bidder is an individual), a partner in the bidder (if the bidder is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the bidder is a corporation);
- (2) That the attached bid or bids have been arrived at by the bidder independently, and have been submitted without collusion with, and without any agreement, understanding, or planned common course of action with any other vendor of materials, supplies, equipment or services described in the invitation to bid, designed to limit independent bidding or competition;
- (3) That the contents of the bid or bids have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid or bids, and will not be communicated to any such person prior to the official opening of the bid or bids; and \
- (4) That I have fully informed myself regarding the accuracy of the statements made in this affidavit.

SIGNED: _____

FIRM NAME: _____

DATE: _____

ADDRESS: _____

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ **DAY OF** _____, **20** ____.

NOTARY PUBLIC

Print name:

My commission expires: _____

BIDDER'S E.I NUMBER: _____

(Number used on Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941)

BIDDER'S CHECKLIST

Please be sure you have completed the following prior to submitting your bid:

1. Read and understood the specifications.
2. Enclosed all documents listed in the Bidder's Submission Requirements (p.8 of Bid Package).
3. Made yourself familiar with any State laws that pertain to this bid.
4. Asked any questions, and received answers, regarding the bid procedure, specifications, or general information.

***** NOTE: Any bid that is not properly addressed (including bidders phone no.), or that is delivered past the date and time indicated on the invitation to bid, will be invalid and will not be opened or considered.*****