

#2023h-2 - ASPHALT MATERIALS

DETAILED SPECIFICATIONS

SCOPE OF WORK

The vendor agrees to provide Hot Mix Asphalt, Warm Mix Asphalt, Recycled Asphalt Mix (RAP), and Patch Materials to fulfill the Department's needs for various pavement projects throughout the County. All materials are to be provided in strict conformance to the provisions of the "most current" *Standard Specifications for Construction and Materials* issued by the New York State Department of Transportation, and addenda unless otherwise stated.

SCHEDULING OF PLANT, MATERIAL PICKUP

- A) The County will schedule the plant a minimum of 24 hours in advance for material requested, unless precluded by emergency field conditions, and/or weather conditions.
- B) Penalty clause for unnecessary delays in loading material at plant. The County reserves the right to back charge the vendor for delays in excess of 15 minutes per truck. Charge backs will be based on the excess minutes over 15 minutes, times the average labor wage (including fringe benefits) of the County employee and/or subcontracted employee, including truck rental rates.

OUT OF STOCK ITEMS

A) It is imperative that the contractor's supplies be adequate to meet the Department's needs. Should the Contractor fail to provide goods ordered through a Purchase Order issued by the Purchasing Department for either of the following reasons:

1. Does not have product on hand when it is needed.
2. Cannot provide the product because of prior commitments or breakdown.

then a product deemed by the Superintendent of Highways to be the equal of the specified commodity must be substituted by the contractor at no additional cost or expense to the County.

B) If an appropriate commodity of equal specification is still not available the Department reserves the right to procure the goods from the next best available source. An alternative supplier will be selected from the bid tabulation to furnish material in accordance with the specifications.

MILEAGE CALCULATIONS

- A) Bid price for all materials shall be FOB plant.
- B) Bidders shall submit a unit price bid per unit of measure defined for each item. To determine low gross bidder for each project location, the unit bid price will be added to the transportation costs, referenced herein, per unit for the County or other municipality to haul material.
- C) These costs will be calculated by the County of Jefferson or other municipality from the vendor's plant location to designated jobsite locations or municipal facility, over haul routes selected and documented by the Office of County Superintendent of Highways, or other municipality.

Award will be made to a single vendor per project for each commodity that is low bid with the transportation factor added.

Mileage delivery costs **per ton** in County trucks from vendor stockpile will be calculated for each mile from the material source to the center of the project, subject to change.

D) County must be in a position to demonstrate clearly that an award to other than the apparent low bidder will save the County money, and thus, will be in effect as award to the actual low bidder.

#2023h-2 - ASPHALT MATERIALS

PART I

SUPERPAVE HOTMIX ASPHALT

Item 402.3789	37.5	mm	F9 Superpave HMA,	Nominal Max. Size (Base Mix)
Item 402.2589	25	mm	F9 Superpave HMA,	Nominal Max. Size (Base Mix)
Item 402.1989	19	mm	F9 Superpave HMA,	Nominal Max. Size (Binder Mix)
Item 402.1282	12.5	mm	F9 Superpave HMA,	Nominal Max Size (Coarse Surface Mix)
Item 402.0982	9.5	mm	F9 Superpave HMA,	Nominal Max Size (Fine Surface Mix)
Item 402.6820	6.3	mm	HMA, Polymer Modified	(Very Fine Surface Mix) (must pre-order liquid)

The requirements of Section 402 - Hot Mix Asphalt Concrete Pavement from January 9, 2014 of the Updated NYSDOT Standard Specifications, or most current, shall apply.

PART II

WARM MIX ASPHALT

METHOD OF MEASUREMENT

The provisions of Specification Sections for Warm Mix Asphalt shall apply. All asphalt price adjustments will apply. Payment shall be measured in US Customary units. The following types of Warm Mix Asphalt will be bid:

<u>Type</u>	<u>Asphalt Content</u>
37.5 Superpave WMA	WMA Base
25.0 Superpave WMA	WMA Base
19.0 Superpave WMA	WMA Binder
12.5 Superpave WMA	WMA Top (Coarse)
9.5 Superpave WMA	WMA Top

#2023h-2 - ASPHALT MATERIALS

PART III

RECYCLED ASPHALT PAVEMENT (RAP)

19	mm	HMA with RAP
19	mm	WMA with RAP
12.5	mm	HMA with RAP
12.5	mm	WMA with RAP
9.5	mm	HMA with RAP
9.5	mm	WMA with RAP

PART IV

Modified High Performance stockpile patch materials must appear on the NYSDoT Approved Materials List.

Stock Pile Patch Materials

Modified High Performance Patch Materials, bagged

#2023h-2 - ASPHALT MATERIALS

BASE AVERAGE FOB TERMINAL DATE: 11/1/2022

BASE AVERAGE FOB TERMINAL PRICE: \$690.00 US Ton

ASPHALT PRICE ADJUSTMENTS

Price adjustments allowed will be based on the current NYS OGS formula using the average of the Freight- on-Board (FOB) terminal price per ton of PG64-22 (AC-20) asphalt cement (base average FOB terminal price), for the date noted above, at the locations determined by NYSDoT for the purpose of this calculation on similar NYSDoT and NYS OGS contracts.

NOTE: The same grade of asphalt cement used in establishing the base average FOB terminal price shall be used in establishing the new average FOB terminal price.

In the event that one or more of the above named sources discontinue posting a price for asphalt cement, the base average FOB terminal price shall be recalculated by removing that location from the original base average FOB terminal price. All new average FOB terminal prices calculated from that data shall reflect the reduction in the number of reporting locations.

The new average terminal price will be determined based on the above FOB terminal prices posted on the 20th of each month, hereafter known as the "Adjustment Date", during the contract period. However, price adjustments, in accordance with the formula below, will be effective for deliveries made on and after the first of the month (i.e. Jan. 1, 200x) following the adjustment.

The unit prices per ton of bituminous concrete material purchased from any award based on this specifications will be subject to adjustment based on the following formula:

$$\begin{array}{rccccccc} \text{Price Adjustment} & = & \text{New Average FOB} & - & \text{Base Average FOB} & \times & \text{Total \%Asphalt Plus} \\ \text{(per ton)} & & \text{Terminal Price} & & \text{Terminal Price} & & \text{Fuel Allowance} \end{array}$$

Price Adjustments:

Price adjustments shall be referenced from current NYS OGS Asphalt Price Adjustment Formulas.

Positive Price Adjustment number shall be added to original per ton Bid Price and shown separately. Negative Price Adjustment number shall be subtracted from original per ton Bid Price and shown separately.

All price adjustments will be computed by calculator to three decimal places, using the formula or allowances in use by OGS for that month.

Regardless of price adjustments allowed, at no time shall prices charged a County Contract participant be higher than those offered commercial or governmental accounts for similar quantities.

Should these provisions result in a price structure which becomes unworkable, detrimental or injurious to the County or in prices which are not truly reflective of market conditions or which are deemed by the Purchasing Agent to be unreasonable or excessive, and no adjustments in prices is mutually agreeable, the Purchasing Agent reserves the sole right upon ten days written notice mailed to the contractor to terminate any contract resulting from this bid opening.

Any introduction or withdrawal of a temporary voluntary allowance, terminal operator's allowance, or other discount offered to the trade in general, from the posted price of asphalt cement at any of the above terminals will be considered, for purposes of price adjustment, as a change in the FOB terminal price.

Escalation Calculations shall be prepared monthly by the vendor, and mailed or faxed to the Jefferson County Highway Department.

#2023h-2 - ASPHALT MATERIALS

BID FORM

COMPANY NAME: _____

PART I

SUPERPAVE HOTMIX ASPHALT

The distance from the source of supply to the job site will affect the haul cost. The mileage to be allowed from plant to destination is the actual minimum mileage over properly conditioned roads, as determined by the Superintendent. For estimating purposes only, this mileage delivery cost *per ton* from plant to destination will be determined for each mile from the material source to the center of the project, subject to change.

BASIS OF PAYMENT

Payments shall be made for requested materials measured in Customary US units.

ITEM NO.			ITEM	FOB MIX PLANT	PAY UNIT
402.3789	37.5	mm	F9 SUPERPAVE HMA, Nominal Max. Size (Base Mix)	\$ _____	US Ton
402.2589	25	mm	F9 SUPERPAVE HMA, Nominal Max. Size (Base Mix)	\$ _____	US Ton
402.1989	19	mm	F9 SUPERPAVE HMA, Nominal Max. Size (Binder Mix)	\$ _____	US Ton
402.1282	12.5	mm	F9 SUPERPAVE HMA, Nominal Max. Size (Coarse Surface Mix)	\$ _____	US Ton
402.0982	9.5	mm	F9 SUPERPAVE HMA, Nominal Max. Size (Fine Surface Mix)	\$ _____	US Ton
402.6820	6.3	mm	HMA, Polymer Modified	\$ _____	US Ton

Attached Bid Checklist, Signature/Non-Collusive Page, and Iran Notice must be signed to complete the bid.

#2023h-2 - ASPHALT MATERIALS

BID FORM

COMPANY NAME: _____

PART II

WARM MIX ASPHALT

The distance from the source of supply to the job site will affect the haul cost. The mileage to be allowed from plant to destination is the actual minimum mileage over properly conditioned roads, as determined by the Superintendent. For estimating purposes only, this mileage delivery cost **per ton** from plant to destination will be determined for each mile from the material source to the center of the project, subject to change.

METHOD OF MEASUREMENT

The provisions of Special Specification Section 404 Warm Mix Asphalt shall apply.

BASIS OF PAYMENT

Payments shall be made for requested services or materials measured in Customary US units.

	ITEM		FOB MIX PLANT	PAY UNIT
37.5	Superpave WMA	WMA Base	\$ _____	US Ton
25.0	Superpave WMA	WMA Base	\$ _____	US Ton
19.0	Superpave WMA	WMA Binder	\$ _____	US Ton
12.5	Superpave WMA	WMA Top (Coarse)	\$ _____	US Ton
9.5	Superpave WMA	WMA Top	\$ _____	US Ton

Attached Bid Checklist, Signature/Non-Collusive Page, and Iran Notice must be signed to complete the bid.

#2023h-2 - ASPHALT MATERIALS

BID FORM

COMPANY NAME: _____

PART III

RECYCLED ASPHALT PAVEMENT (RAP)

			FOB MIX PLANT	PAY UNIT
19	mm	HMA with RAP	\$ _____	US Ton
19	mm	WMA with RAP	\$ _____	US Ton
12.5	mm	HMA with RAP	\$ _____	US Ton
12.5	mm	WMA with RAP	\$ _____	US Ton
9.5	mm	HMA with RAP	\$ _____	US Ton
9.5	mm	WMA with RAP	\$ _____	US Ton

Attached Bid Checklist, Signature/Non-Collusive Page, and Iran Notice must be signed to complete the bid.

#2023h-2 - ASPHALT MATERIALS

BID FORM

COMPANY NAME: _____

PART IV:

Stock Pile Patch Materials _____

Modified High Performance Patch Materials, bagged

_____ Per **CWT**, in _____ **Lb. Bags**

*Note Price of Delivery _____

Attached Bid Checklist, Signature/Non-Collusive Page, and Iran Notice must be signed to complete the bid.

#2023h-2 - ASPHALT MATERIALS

BID CHECKLIST

The documents required to complete this bid are indicated below.

- (X) Insurance Certificates See Exhibit A, pages F-G
- (X) Iran Notice See Pages 2j – 2k

- _____ We have reviewed and have submitted the items required under the Mandatory Submission Requirements.
- _____ The Bid Page(s), Signature/Non-Collusive Page, and Iran Notice are completed and included.
- _____ Deviations are noted and explained.
- _____ Insurance Certificates are enclosed if required.

WAIVER OF IMMUNITY/NON-COLLUSIVE BIDDING CERTIFICATE PURSUANT TO SECTION 103-D OF THE NEW YORK STATE GENERAL MUNICIPAL LAW

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organizations, under penalty of perjury, that to the best of knowledge and belief:
1. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.
 2. Unless otherwise required by law, the prices which have been quoted in this bid have not knowingly been disclosed by the bidder and will not knowingly be disclosed by the bidder, directly or indirectly, prior to opening, to any bidder or to any competitor.
 3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A bid shall not be considered for award nor shall any award be made where 1,2, and 3 above have not been complied with; provided, however, that in any case the bidder cannot make to foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons thereof. Where 1, 2, and 3 above have not been complied with, the bid shall not be considered for any award nor shall any award be made unless the head of the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customer of proposed or pending publications of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph "A" above.

- B. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, local law, and where such bid contains the certification referred to in paragraph "A" of this section, shall be deemed to have been authorized by the Board of Directors of the bidder, and such authorization shall be deemed to include the submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

SIGNATURE PAGE ON REVERSE MUST BE SIGNED TO COMPLETE THE BID.

#2023h-2 - ASPHALT MATERIALS

SIGNATURE/NON-COLLUSIVE PAGE

The undersigned proposes to furnish products or services to specifications included in this bid document, at the price(s) set forth, as required to meet the County's needs. Any deviation to the specifications must be noted on the bid form and fully explained or the deviations will not be considered part of the bid.

Deviations: Yes _____ No _____

By signing below I am certifying that I fully understand the complete requirements of the bid and agree to the non-collusive certification on the reverse of this page and additional documents as specified on the bid checklist. Bidder hereby acknowledges receipt of all addenda pertaining to this bid which are made part of the original bid specifications.

_____ COMPANY NAME

_____ ADDRESS (Principal Office)

_____ CITY, STATE, ZIP CODE

_____ AREA CODE/TELEPHONE NUMBER

_____ FAX NUMBER

_____ AUTHORIZED SIGNATURE

_____ PRINTED NAME

_____ TITLE

_____ DATE

_____ ADDRESS (Local Office)

_____ CITY, STATE, ZIP CODE

_____ AREA CODE/TELEPHONE NUMBER

_____ FAX NUMBER

_____ E-MAIL ADDRESS

Check One: Corporation _____ Partnership _____ Individual _____

Incorporated under the laws of the State of _____

Federal Identification # _____

State if authorized to do business in the State of New York: Yes _____ No _____

Names/Addresses of Partners:

#2023h-2 - ASPHALT MATERIALS
Iranian Energy Sector Divestment

Contractor hereby represents that said Contractor is in compliance with New York State General Municipal Law Section 103-g entitled “Iranian Energy Sector Divestment”, in that said Contractor has not:

- a. Provided goods and services of \$20 Million or more in the energy sector of Iran including but not limited to the provision of oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran; or
- b. Acted as a financial institution and extended \$20 Million or more in credit to another person for forty-five days or more, if that person’s intent was to use the credit to provide goods or services in the energy sector in Iran.

Any Contractor who has undertaken any of the above and is identified on a list created pursuant to Section 165-a (3)(b) of the New York State Finance Law as a person engaging in investment activities in Iran, shall not be deemed a responsible Bidder pursuant to Section 103 of the New York State General Municipal Law.

Except as otherwise specifically provided herein, every Contractor submitting a bid in response to this Request for Bids must certify and affirm the following under penalties of perjury:

- a. “By submission of this bid, each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief, that each Bidder is not on the list created pursuant to NYS Finance Law Section 165-a (3)(b).”

Jefferson County will accept this statement electronically in accordance with the provisions of Section 103 of the General Municipal Law.

Except as otherwise specifically provided herein, any Bid that is submitted without having complied with subdivision (a) above, shall not be considered for award. In any case where the Bidder cannot make the certification as set forth in subdivision (a) above, the Bidder shall so state and shall furnish with the bid a signed statement setting forth in detail the reasons therefore. The County reserves its rights, in accordance with General Municipal Law Section 103-g to award the Bid to any Bidder who cannot make certification, on a case-by-case basis under the following circumstances.

1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The County of Jefferson has made a determination that the goods or services are necessary for the County to perform its functions and that, absent such an exemption, the County of Jefferson would be unable to obtain the goods or services for which the Bid is offered. Such a determination shall be made by the County in writing and shall be a public document.

#2023h-2 - ASPHALT MATERIALS

Attachment
Certification Pursuant to Section 103-g
of the New York State
General Municipal Law

- A. By submission of this bid, each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each Bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the New York State Finance Law.
- B. A Bid shall not be considered for award, nor shall any award be made where the condition set forth in Paragraph A above has not been complied with; provided, however, that in any case the Bidder cannot make the foregoing certification set forth in Paragraph A above, the Bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where Paragraph A above cannot be complied with, the Purchasing Unit to the political subdivision, public department, agency or official thereof to whom the bid is made, or his designee, may award a bid, on a case by case basis under the following circumstances:
1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
 2. The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods and services for which the contract is offered. Such a determination shall be made in writing and shall be a public document.

Signature

Title

Date

Company Name