

*Office
copy*

NOTICE TO BIDDERS

NOTICE IS HERE GIVEN, that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on March 11, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Asphalt Concrete & Liquid Bituminous Materials, Highway Department Bid. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **"Bid: ASPHALT CONCRETE & LIQUID BITUMINOUS MATERIALS - Highway Department."**

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

Dave Paganelli
Supt. of Highways
Town of Yorktown

TOWN OF YORKTOWN

BID: ASPHALT CONCRETE AND LIQUID BITUMINOUS MATERIALS

The Bid Documents consist of the following documents:

1. **Notice to Bidders**
2. **Part One** Summary of Bid and Bid Proposal Form
3. **Part Two** General Terms and Conditions of Bid
4. **Part Three** Specifications
5. **Non-Collusive Bidding Certificate**

A completed bid will consist of

1. one copy of the **Bid Proposal Form**, signed on behalf of Bidder with information for all blanks supplied, and a detailed listing of any exceptions from any of the bid documents taken by Bidder;
2. signed Non-Collusive Bidding Certificate.

Bidder should be aware that any required information which is not supplied or any exception taken to any of the bid documents may, at Town's option, render such bid non-responsive.

If the bid is awarded by Town, the bid award will constitute a contract between the successful bidder and the Town of Yorktown. The Town Clerk will notify the successful bidder in writing. Successful bidder will be required to submit to the Town a completed W-9 form and proof of the Vendor's tax identification number.

**Town of Yorktown
 ASPHALT CONCRETE AND
 LIQUID BITUMINOUS MATERIALS
 BID**

Bidder's Name: _____

**BID PROPOSAL FORM
 See Part Three for Specifications**

ASPHALT CONCRETE		PRICE PER TON FOB
402-118902	TYPE 1 BASE	
402-118902	TYPE 1 BASE WARM MIX SPEC.	
403-128902	TYPE 3 BINDER	
403-128902	TYPE 3 BINDER WARM MIX SPEC.	
403-178302	TYPE 6F3 TOP	
403-178302	TYPE 6F3 TOP WARM MIX SPEC.	
403-198302	TYPE 7F3 TOP	
403-1588902	TYPE 5 SHIM	
714-06	CURB MIX	
402-128202	12.5 MM S/P TOP	
402-198901	19.0 MM S/P BINDER	

LIQUID BITUMINOUS MATERIALS	MATERIAL DESCRIPTION	PRICE PER GAL
702-03	PENETRATION ASPHALT	
702-4101	CATIONIC CRS-S EMULSIFIED ASPHALT	

There shall be no additional cost to heat the materials.

BIDDER'S NAME: _____

PLANT LOCATION _____

BIDDER'S OFFICIAL CORPORATE NAME (required, if bidder is a corporation):

BIDDER'S D/B/A NAME (if any) _____

Name of person authorized to submit bid for bidder:

Signed: _____
[Signature of authorized person]

TITLE of authorized person: _____

BIDDER'S CORPORATE NAME:

BIDDER CONTACT INFORMATION:

PRINT NAME: _____

TITLE: _____

Address: _____ State: _____ Zip: _____

Phone: _____

Fax: _____

Email: _____ @ _____

- END OF BID PROPOSAL FORM -

I. **Quality and Samples**

- 1.1 All equipment, material and supplies bid upon must conform to the description and specifications stated in the bid document, or their reasonable equivalent. References to type, style, trade name, and catalog are intended to be descriptive only and not restrictive.
- 1.2 If Bidder proposes to furnish the items specified in the bid document, Bidder shall fill in the unit price and the total price in the appropriate spaces on the bid form included herewith.

II. **Interpretation and Approval**

- 2.1 No interpretation of the meaning of the bid document will be made to any bidder orally. Any request for such interpretation shall be made not later than five (5) working days prior to the date fixed for the opening of bids and must be made in writing, addressed to:

Diana Quast, Town Clerk
Town of Yorktown
363 Underhill Ave.
Yorktown Heights, NY 10598

Notice of any and all such interpretations and any supplemental instructions will be served upon all bidders of record by the Town Clerk in the form of addenda to the bid specifications. All addenda so issued shall become a part of the bid document.

- 2.2 Interpretation of the bid specification shall be decided by Town Clerk. The Town Clerk's decision shall be final and binding on all parties.

III. **Non-Collusion**

Bidder shall certify that it has complied with all of the requirements stated in the non-collusive bidding certificate by signing the form included in this bid document. Failure by Bidder to complete and sign the non-collusive bidding certificate will constitute grounds for rejection of the bid proposal by Town.

IV. **Bid Quotations**

Unit price and total price of each item quoted shall be written in ink, or typed, in the space opposite the name of the item listed on the bid proposal form.

Westchester, if such items can be obtained on substantially the same terms, conditions, specifications, and at a lower price.

IX. **Notice of Award**

If the bid is accepted by Town, successful bidder (also referred to herein as "Vendor") will be notified in writing by the Town Clerk. Bidder will be required to submit a fully completed W-9 form with its first invoice.

X. The Town shall notify Bidder of damaged or defective goods in writing within ten (10) Business days from the date of pick-up. This remedies available to the Town in this Article shall be in addition to available remedies provided in the Article entitled Breach Of Contract, below.

XI. **Warranty/Guarantee**

By submitting its bid, Bidder is deemed to warrant and guarantee as follows:

13.1 Except as noted in the Summary of Bid and the Specifications, all goods furnished in this bid proposal are guaranteed against defects in workmanship and/or material for a period of one (1) year from the date of pick-up by the Town.

XII. **Purchase of Additional Quantities of Bid Items**

Unless Town requests Bidder to supply used goods or materials, Town may purchase additional quantities of the bid items from Bidder at any time during the contract period, for the same price and under the same terms and conditions as set forth herein.

XIII. **Breach of Contract/Termination**

If Bidder fails to make replacement of rejected or defective goods, whether so requested immediately or as directed by Town, that shall constitute a breach of the contract, and Town may purchase goods from other sources to take the place of the goods rejected found defective or not delivered. Town reserves the right to authorize immediate purchase (within 24 hours) from other sources against rejections on any contract when necessary. On all such purchases Bidder agrees to reimburse Town promptly for excess costs occasioned by such purchases. Should the cost be less, Bidder shall have no claim to the difference. Such purchases may be deducted from the outstanding invoices or claims, or charged back against future invoices. Without limiting the foregoing, Town reserves the right to terminate the Contract upon breach upon within ten (10) days of notice provided to Bidder.

PART THREE - SPECIFICATIONS

1. PRICE ADJUSTMENT:

- a. In view of the volatility of the price of oil on the global market, the asphalt cement price may fluctuate. To compensate for price fluctuations, the successful bidder (vendor) shall calculate an adjustment to the base bid price at the time of invoicing using the following formula:

FORMULA:

Adjustment equals: {(Posted price of asphalt per NYSDOT at time of delivery)
MINUS (posted price of asphalt per NYSDOT in the month in which the bid is
awarded)} TIMES (the percent of asphalt in the item purchased per NYS
OGS).

- b. Invoices shall include Unit (e.g., tons), Quantity (number of tons), Base Bid Price of Item (price per ton as shown on bid proposal form), Adjustment, and Invoice Price including Adjustment.
- c. Invoice shall include a separate page on which the calculation of the Adjustment is clearly shown.
- d. The Adjustment will result in either an additional payment to the vendor or a credit to the Town depending on whether the Adjustment is positive or negative.
- e. The base bid prices shall remain fixed throughout the term of the contract.
- f. There shall be no additional cost to heat the materials.

2. All materials will meet the NYSDOT standard Specifications dated January 2, 2009 plus all addenda.

3. The bidder represents and warrants that it has a plant for the storage and distribution of asphalt concrete and bituminous materials with heated storage within a radius of 25 miles of the Town of Yorktown Highway Department Garage and has maintained such plant at the location for a period of at least one year prior to date of contract. A plant is defined as a site where at least 20,000 gallons storage for each grade of material required is available with pumping and heating facilities. Trailer trucks and tank cars shall not be considered a plant.

