

October 19, 2009

INVITATION TO BID #09-52

Sealed bids for plant-mix asphalt for a period of one (1) year with month to month extensions thereafter, upon mutual agreement of both parties, for the City of Birmingham, will be received by the Purchasing Agent, P-100 First Floor City Hall, Birmingham, Alabama until 2:00 p.m., November 23, 2009 at which time and place they will be publicly opened and read.

Bidders wishing to bid can download the complete solicitation including the specifications and bid forms via the internet at www.birminghamal.gov (go to the link titled **Bidding Opportunities**), or by visiting the Purchasing Office at the address shown above, or by calling (205) 254-2265, fax (205) 254-2484 and requesting a copy be mailed to you. Any addenda will be available on the internet, and mailed to only those vendors who were provided a copy in person or by mail. All quotations are to be f.o.b. Birmingham, Alabama delivered.

The bidder must submit with his bid either a certified check, a cashier's check, or a bid bond payable to the City of Birmingham in an amount of \$10,000.00. In order for a bid to be considered, it must be accompanied by an acceptable bid bond or check.

The City follows a policy of nondiscrimination. No contractor with the City should discriminate on the basis of race, sex, religion, or national origin. The City considers affirmative action to eliminate the vestiges of discrimination to be an integral part of this policy of nondiscrimination.

No bid may be withdrawn for a period of sixty (60) days after the date of the bid opening.

The City reserves the right to reject any or all bids submitted, and to waive any informalities.

Bids must be submitted in a sealed envelope marked, "**SEALED BID: PLANT-MIX ASPHALT 2:00 P.M., 11/23/09**". Bids may be hand delivered to P-100 City Hall, Birmingham, Alabama, or mailed to City of Birmingham, P.O. Box 11295 Birmingham, Alabama 35202-1295. (**DO NOT MAIL BIDS TO ROOM P-100, 1ST FLOOR CITY HALL**). However, bids sent by any express carrier, (i.e. Federal Express, UPS, Airborne , etc.) must be shipped to 710 North 20th Street and specify delivery to Room P-100 City Hall.

It is the bidder's responsibility to make sure that his bid is in the possession of the Purchasing Agent on or before 2:00 p.m., November 23, 2009. Bids received after this time will not be considered.

W.E. Caffee, Assistant Purchasing Agent

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BN 10/29/09

SPECIFICATIONS FOR PLANT-MIX ASPHALT FOR THE CITY OF BIRMINGHAM

GENERAL:

The City of Birmingham is seeking bids for various asphalt plant-mixes as specified later in this document. The basis of the bid shall consist primarily of any and all plant-mix asphalt used by the City. The proposed contract shall extend for a minimum time frame of one (1) year with a month to month extension thereafter, upon mutual agreement of both parties. This extension phase is not to exceed twenty-four (24) months. Prior to the end of the initial contract year or during the extension phase of this contract, the successful bidder shall give the City and advanced thirty (30) days written notice if he wishes to terminate the contract.

Successful bidder(s) shall not assign this contract to any other party without prior written approval of the City of Birmingham. Contract shall not be assigned to an unsuccessful bidder who was rejected because he was not a responsive, responsible bidder.

The contract shall become effective from the date noted in the Notification of Award letter which will be mailed to the successful vendor.

Should other asphalt plant-mixes currently not shown on the bid form, be required during the life of the contract, the City reserves the right to seek verbal bids from only the responsive respondent of this Invitation to Bid, and to make an award of these additional items to the lowest responsive, responsible bidder(s) for the remaining life of this contract.

The City's standard payment terms are net 30 day from acceptance. Exception may be allowed for discounted early payment, such as 2% 10 net 30 days. The City will not consider any bids requiring C.O.D. payments.

Any questions concerning these specifications should be addressed Charles Lindsey, Purchasing Division Phone: (205) 254-2265 or Fax: (205) 254-2484, between the hours of 8:00 a.m. & 4:00 p.m. Monday thru Friday.

Any quantities or amounts used in this bid are estimates to be used for evaluation purposes only. The City does not guarantee any fixed amounts of asphalt to be purchased under this contract. The City will order asphalt on an as needed basis during the term of the contract. The City will pickup material at the contractor's plant site. Cost to transport and haul distance will be a factor of consideration of award.

Bids may be solicited for any product included in this contract where an immediate/emergency need exists, including large quantities. The decision of the Purchasing Agent as to what constitutes a biddable situation shall be final and not be construed as a breach of contract.

Any bid that imposes a service fee or any other type of fee on any order not exceeding a minimum order quantity or minimum purchase order dollar amount, will be determined a non-responsive bid and will not be considered for award.

Specifications for Plant -Mix Asphalt (General Cont.)

The City reserves the right to terminate any line item(s) and seek new bids as described in paragraph 4 on page 3 at any time the City determines that the product(s) being supplied is/are failing to perform satisfactorily.

Failure to adhere to any or all terms, conditions and specifications as set forth in the contract may result in the immediate termination of the contract. Should termination occur, the holder of the contract may be declared a “non-responsible vendor”. This declaration may result in the rejection of future bids submitted by the vendor for a period of time to be determined by the City.

The City of Birmingham, does not anticipate utilization of a long, formal, written contract document to bind the City and successful bidder to an agreement. The City will issue purchase orders to the successful bidder as material is required. The successful bidder acknowledges by acceptance of City purchase orders for award item that the bidder is bound to the terms, conditions and requirements as stated in this document.

Successful bidder must be open and provide asphalt to the City at least from 7:00 a.m. to 4:00 p.m., Monday through Friday. If for any reason contractor’s plant will be closed or unable to provide the product required, contractor must provide an alternate site (different supplier if necessary) for material pickup. Alternate site should be in the same area or section for which the contract is let. Successful bidder shall guarantee to process orders for asphalt on a first come-first served basis. Bidder shall not give priority to orders placed subsequent to City of Birmingham orders. Orders shall be filled in the order of arrival and no trucks are to be run out of order ahead of City trucks. Failure to comply with these requirements may be grounds for cancellation of the contract. Such actions may be deemed adequate justification to declare the contractor a non-responsible bidder and result in the contractor not being considered for award of contracts in the future.

The City will award a contract for the City’s western section and a separate contract for the eastern section. Award will be to the lowest priced, responsible, responsive bidder on a total lot price basis for each section of the City.

Successful bidder acknowledges and agrees that the City has the right to deduct from total amount of consideration to be paid, if any, to the successful bidder under this agreement all unpaid, delinquent or overdue license fees, taxes, fines, penalties and other amounts due the City from the successful bidder.

City of Birmingham must have a copy of the successful bidder’s current City of Birmingham business license prior to formal award of contract. Each bidder may submit a copy of his/her license along with his/her bid. However, successful bidder must provide a copy of his/her current business license no later than 7 working days of receipt of notice of intent to award. Failure to submit the requested information will result in the notice of intent to award being revoked.

ASPHALT SPECIFICATIONS

Asphalt mixes must meet all of the City of Birmingham Specifications as listed in Section 100 of Standard Specifications for the Construction of Public Works Projects for the City of Birmingham, as on file in the Office of the City Engineer. Contractor shall guarantee the product and make good any material found not in compliance with City Standards. The contractor shall be liable for the cost of any independent lab tests which document product provided does not meet City Standards.

Asphalt products are to be bid based on State of Alabama Department of Transportation Asphalt Cement Index. All bid prices are to be based on the November 2009 Price Index. Prices will be allowed to change on a monthly basis based on the AL. D.O.T. Index price for that month (this is the only factor of cost allowed to change during the term of the contract) and all products are to be billed based on the Index price in effect in the month that the product was delivered. The successful bidder shall provide the City a current copy of the price index at the beginning of each month which is to include that month's index pricing.

Each bidder is to submit the job mix formula and price calculations for each of the products bid with his bid based on the November 2009 AL. D.O.T. Index. The calculations should show all work used in the determination of the per ton bid price for each product bid. Successful bidder shall be required to provide with all invoices for product furnished to the City the job mix formula for each specific mix or product and the calculation of the unit price for each product using the current AL. D.O.T. Index price for asphalt. Failure to provide any or all of this required documentation will result in delays in the processing of invoices for payment. Should the City determine any errors in the documentation, the successful bidder shall be notified and requested to submit corrected invoices accordingly.

PRODUCTS REQUIRED

Stone Binder
Baby Binder
Stone Seal
Slag Seal
Gravel Seal
Slag Cold Seal
Fine Stone Seal
Liquid Asphalt T.A.C.

The liquid asphalt T.A.C. is normally bought in small quantities, such as 5 gallons, for use in patching. City will provide the containers for the liquid asphalt when needed, if not already pre-packed in 5 gallon plastic containers.

BID FORM

W.E. Caffee
 Assistant Purchasing Agent
 Birmingham, Alabama

Submitted below is my firm bid for plant-mix asphalt for one (1) year with month to month extensions thereafter, upon mutual agreement of both parties, in accordance with your invitation to bid and specification dated October 19, 2009. Prices quoted are f.o.b. pickup at plant site, and I am bidding in accordance with the specifications except as listed below.

Bid Price To Be Based on November 2009 AL. D.O.T. Index			
<u>Eastern Section</u>			
Approx. Qty.	Description	Unit Price F.O.B. Plant Eastern Section	Extended Total
500	Tons Stone Binder	\$ _____/ton	\$ _____
4,500	Tons Baby Binder	\$ _____/ton	\$ _____
1,500	Tons Stone Seal	\$ _____/ton	\$ _____
2,500	Tons Slag Seal	\$ _____/ton	\$ _____
500	Tons Gravel Seal	\$ _____/ton	\$ _____
300	Gal. Liquid Asphalt T.A.C.	\$ _____/gal	\$ _____
500	Tons Fine Stone Seal	\$ _____/gal	\$ _____
500	Tons Slag Cold Mix	\$ _____/gal	\$ _____
TOTAL EASTERN SECTION			\$ _____
<u>Western Section</u>			
Approx. Qty.	Description	Unit Price F.O.B. Plant Western Section	Extended Total
500	Tons Stone Binder	\$ _____/ton	\$ _____
4,500	Tons Baby Binder	\$ _____/ton	\$ _____
1,500	Tons Stone Seal	\$ _____/ton	\$ _____
2,500	Tons Slag Seal	\$ _____/ton	\$ _____
500	Tons Gravel Seal	\$ _____/ton	\$ _____
300	Gal. Liquid Asphalt T.A.C.	\$ _____/gal	\$ _____
500	Tons Fine Stone Seal	\$ _____/gal	\$ _____
500	Tons Slag Cold Mix	\$ _____/gal	\$ _____
TOTAL WESTERN SECTION			\$ _____
GRAND TOTAL GROUP 1 & GROUP 2 EASTERN & WESTERN			\$ _____
PLANT/ PICKUP LOCATION			
WESTERN _____			
EASTERN _____			

I hereby certify that we do not discriminate in employment of our personnel against any persons on account of race, creed, color, sex, or national origins, and acknowledge and agree that the City encourages minority – and women – owned business participation to the maximum extent possible. This policy includes Historically Underutilized Business Enterprises such as architectural firms, engineering firms, investment banking firms, other professional service providers, and construction contractors as part of the City’s business, economic and community revitalization programs.

EXCEPTIONS TO SPECIFICATIONS:

Date of Bid

Company

Street Address

City State Zip

Post Office Box

Tax ID Number

City State Zip

Name (Print or Type)

Terms of Payment

Signature

Delivery Date

Title

Telephone Number

E-Mail Address

Fax Number