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| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 2 28 |
| | | FIRM NAME (Must be filled in) | |

SECTION 1: GENERAL BID SUBMISSION

1.1 **TITLE: Asphalt Products**

1.2 **SCHEDULE NO: 166**

1.3 **CONTRACT TERM:** 01/01/2009 to 12/31/2009 (“Initial Term”), with an option to renew for up to () additional () year periods, (“the Renewal Term”) exercisable, at the City’s sole discretion, as of the expiration of the Initial Term or then current Renewal term. The City may, at its sole discretion, renew the contract for up to three (3) months at the beginning of each renewal period(s) (the “Additional Performance Period”), if a decision has been made not to renew the contract for an entire year.

1.3.1 The City shall exercise such sole option to renew the Contract Term by issuing a letter (the “Renewal Notice”) notifying the Contractor that the Contract is renewed for the Renewal Term or Additional Performance Period (identified by commencement and termination dates) that is specified in the Renewal Notice. The Contract shall be deemed to be renewed for such Renewal Term or Additional Performance Period, and Contractor shall be obligated to perform all terms and conditions of the Contract throughout such Renewal Term or Additional Performance Period, as of the effective date indicated on the City’s Renewal Notice, whether or not Contractor has agreed, verbally or in writing, to such renewal of the Contract term.

1.3.2 If an individual Performance Bond and/or Payment Bond is required under this Invitation and Bid, such bond(s) shall be and remain in full force and effect throughout the Initial Term, all Renewal Terms, any Additional Performance Period, and the period of any unexpired warranty provided or required under the Contract, without notice of Contract renewal by the City to the surety or the consent of the surety thereto. It is the sole responsibility of the Contractor to ensure that such bond(s) remain in full force and effect as provided in this Section, and failure to do so shall be an event of default pursuant to Section 19, Default, of the attached Terms and Conditions of Bidding and Contract.

If participation in the City’s Master Performance Security Program is required under this Invitation and Bid, Contractor shall pay the required annual fee for such participation for each Renewal Term upon the issuance of the Renewal Notice.

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|---------------------------------------|---|---------------------------------|------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 3 28 |
| | | FIRM NAME (Must be filled in) | |

1.4 **CONTRACT TYPE: REQUIREMENTS**

1.4.1 The following items are required in the operation of various City agencies as ordered. Exact quantities cannot now be determined but estimates thereof are listed herein. Quantities listed may be increased or decreased to meet the requirements of the City during the period of this contract. A minimum is not guaranteed. Purchase orders issued as a result of this bid will be for materials or services to be delivered generally on an as-needed basis. Successful bidders are cautioned not to deliver any materials or services without first being advised to do so by the ordering agency.

1.4.2 It is the intent of the Procurement Department to make an award for the period as stated above subject to the appropriation of funds in succeeding fiscal year/years by City Council. The City's fiscal year is from July 1st to June 30th inclusive.

Commodities or services on the bid to be ordered after the end of the fiscal year are subject to the issuance of purchase orders for the following fiscal years. The City is not liable for the award involving following fiscal years' funds until such orders are issued.

The successful bidder(s) obligation to deliver on such purchase orders shall not take effect until the orders are issued. To simplify the contract procedure, however, the successful vendor will be required to furnish a Performance Bond or Performance Security Fee to cover units awarded to him.

1.5 **METHODOLOGY OF ACQUISITION: PURCHASE** only.

1.6 **STATEMENT OF DIRECTION:**

It is the intent of the City of Philadelphia to make an award for **Asphalt Products** for the City of Philadelphia as specified herein during the contract period.

1.7 **BID SECURITY**

1.7.1 For the purposes of this bid only, Paragraph 2 of the attached "Conditions of Bidding-General" are hereby deleted. Instead, bidders must submit with their bid a Bid Bond executed on the attached City Bid Bond Form in the amount of 10% of the bidder's bid. (See Exhibit A)

1.8 **BID INFORMATION:**

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|---------------------------------------|--|---------------------------------|------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 4 28 |
| | | FIRM NAME (Must be filled in) | |

- 1.8.1 All information concerning this bid will be contained in this bid document as issued or amended.
- 1.8.2 Information provided verbally by any City official shall not be binding or relevant.
- 1.8.3 **PLANT CERTIFICATION:**
Plant must be certified in accordance with Pennsylvania Department of Transportation's Specification Publication 408, Bulletin 41, Bulletin 27 and any other applicable specifications. Plant must be certified by PDT at the time of the bid opening.

1.9 BID SUBMISSION:

- 1.9.1 Bid information must be submitted to the City of Philadelphia no later than the time and date for the bid opening.
- 1.9.2 Advertised sealed bids will be received and read publicly at 10:30 AM in Room #170A, 1st Floor, Municipal Services Building, 1401 JFK Boulevard.
- 1.9.3 Bid should be complete and include ALL information required as described in the various paragraphs of the bid specifications.
- 1.9.4 All pricing must be completed on the forms provided; be complete; and be in ink or typed.
- 1.9.5 The bid must be complete as to required bid signatures and corporate seal, and fully accept the terms and conditions contained in the bid.
- 1.9.6 **BID PROCESSING FEE:**
All bids submitted where the bid total is greater than \$30,000 shall be accompanied by the proper Bid Processing Fee. The fee shall be in the form of a separate check or money order in accordance with Paragraph 3 of the "Terms and Conditions of Bidding and Contract."

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|---------------------------------------|---|---------------------------------|------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 5 28 |
| | | FIRM NAME (Must be filled in) | |

1.9.7 When M-BE, W-BE or DS-BE ranges are required on an Invitation and Bid, bidders are reminded that the submission of a blank “Minority Business Enterprise Council Solicitation and Commitment Form” will be deemed non-responsive and ineligible for an award. Bidders are reminded to read carefully and entirely the “Bidder’s Guidelines relating to Executive Order 02-05”.

OR

If no M-BE, W-BE or DS-BE ranges are established for this Invitation and Bid, bidders are requested to complete the “Voluntary Participation and Commitment Form (Bid)” located after page 1 of the bid.

Completion of this form will not, in any way, impact the City’s determination concerning bidder’s responsiveness to the requirements of the bid and the award process. The information provided in the “Voluntary Participation and Commitment Form (Bid)” will be for the City’s information.

1.9.8 In accordance with the City of Philadelphia's Regulations Relating to Local Bidding Preferences for Procurement Contracts, this bid may be subject to a 5% local bid preference. In order to determine eligibility to receive the 5% preference, if applicable, bidder or subcontractor **must be certified at the time of the bid opening and must submit with the bid the Local Business Entity Certification number** as issued by the Procurement Department for the prime contractor or the applicable subcontractor. If the prime relies upon its subcontractor’s LBE status in order to be eligible for the preference, the name and certification number of the subcontractor **must** be submitted with the bid. **Failure to submit the prime’s LBE certification number or the subcontractor’s name and the LBE certification number with the bid will deem bidder ineligible for the 5% preference.**

Further, by submission of this bid, bidder makes the following certification in connection with the grant of any local bidding preference:

“I certify, that if awarded this contract on the basis of application of the LBE preference, my company or my subcontractor, throughout the entirety of this contract, will perform the majority of the work under this contract within the geographic limits of the City of Philadelphia, and I will, or cause my subcontractor to, maintain within the City a majority of the inventory or equipment that will be used on this contract or the amount of inventory that is customary for this industry.”

| | | | |
|---------------------------------------|---|---------------------------------|------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 6 28 |
| | | FIRM NAME (Must be filled in) | |

Prime or subcontractor's LBE Certification Number_____

If applicable:

Subcontractor's Name_____

NOTE: If you wish to apply for Local Business Entity (LBE) certification, go to www.phila.gov/bids. Please provide sufficient time prior to bidding for processing of the LBE application.

1.9.9

BID QUESTIONS OR PROBLEMS

In preparing the bid response, should any bidder need clarification on the bid requirements, identify a discrepancy in the specifications, determine that a specified product has been discontinued or an alternate procedure is advised, etc.; then the bidder is STRONGLY encouraged to bring these issues to the attention of the Procurement Department's Public Information Unit prior to the bid opening by calling (215) 686-4720 or 4721, or by faxing (215) 686-4716. **Questions, whether phoned or faxed, should be received no later than seven (7) calendar days prior to the scheduled opening date of the bid. The City reserves the right to only respond to those questions submitted prior to the stated deadline.** If it is in the City's best interest to do so, the bid MAY be amended to reflect the proposed changes/modifications. **Exceptions taken DO NOT obligate the City to change the specifications. The City of Philadelphia, Procurement Department will notify all bidders in writing, by addendum duly issued, of any interpretations/changes made to specifications or instructions. The City will not accept responsibility for oral instructions, suggestions or changes by any City agency.**

Otherwise the successful bidder will have to provide the product or service exactly as defined in this bid, and in accordance with the specifications and requirements as listed in this Invitation and Bid.

| | | | |
|---------------------------------------|---|---------------------------------|------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 7 28 |
| | | FIRM NAME (Must be filled in) | |

1.9.10 **CONTACT PERSON(S):**

PRE-AWARD:

Indicate below to whom in your firm questions concerning this Invitation and Bid should be directed:

Name: _____

Address: _____

City/State/ZC: _____

Telephone No.(____) _____ Ext.: _____

Fax No.(____) _____

E-mail address _____

State Company Web Site Address: _____

POST-AWARD:

Indicate below to whom in your firm questions concerning the Contract resulting from this Invitation and Bid should be directed:

Name: _____

Address: _____

City/State/ZC: _____

Telephone No.(____) _____ Ext.: _____

Fax No.(____) _____

E-mail address _____

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|---------------------------------------|---|---------------------------------|------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 8 28 |
| | | FIRM NAME (Must be filled in) | |

1.9.11 **ALTERNATES SUBMITTED:**

If an alternate to any item is offered, bidder must follow instructions in Paragraph 4 of “Terms and Conditions of Bidding and Contract”. State the brand name and the model number of each alternate offered. Detailed technical information on the alternate should accompany the bid.

Failure to state alternates will obligate bidder to provide material and/or service specified in the bid.

Any other product information submitted by bidder in connection with this bid is for purposes of product description, information and specification only. Bidder agrees that any additional terms or conditions contained therein, including, but not limited to, disclaimers or limitations of liability, do not become part of the bid.

1.10 **BIDDER QUALIFICATION:**

- 1.10.1 All bidders must be a bona fide manufacturer of, or dealer in, the article or service specified within the bid. To demonstrate this, bidders should submit the following reference information with their bid. References provided should be pertinent to the commodity or service requested in this Invitation and Bid; and demonstrate the bidder’s ability to perform on a contract of this size and scope.

Please note that reference information in each section must be completed. Failure to submit this information may result in the bidder’s disqualification.

| | | | |
|---------------------------------------|---|---------------------------------|------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 9 28 |
| | | FIRM NAME (Must be filled in) | |

SECTION 1:

Customer References other than an employee or department of the City of Philadelphia, (excluding suppliers or financial institutions).

| | A. | B. | C |
|-------------------------------|-------|-------|-------|
| Firm Name: | _____ | _____ | _____ |
| Address: | _____ | _____ | _____ |
| Contact: | _____ | _____ | _____ |
| Phone #: | _____ | _____ | _____ |
| Type Work: | _____ | _____ | _____ |
| Years dealing w/your firm: | _____ | _____ | _____ |

SECTION 2:

Previous purchase order(s)/contract(s) with the City; (State "None" if applicable)

| | | | |
|--------------------------|-------|-------|-------|
| P.O./Contract Number: | _____ | _____ | _____ |
| Department: | _____ | _____ | _____ |
| Contact Name: | _____ | _____ | _____ |
| Phone #: | _____ | _____ | _____ |
| Item(s): | _____ | _____ | _____ |

NOTE: Do not provide the name and phone number of a Procurement Department Buyer in this section. Contact name(s) and phone number(s) must be from a City ordering department.

| | | | |
|---------------------------------------|---|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 10 28 |
| | | FIRM NAME (Must be filled in) | |

SECTION 2: SPECIFICATIONS

- 2.1 The successful bidders shall be required to provide the City of Philadelphia with Asphalt Products as specified below in this Invitation and Bid.
- 2.2 Awarded bidders shall provide for City pickup and/or delivery of Asphalt Products for each of the listed Streets Department Districts and/or to any requesting Department (for which they receive a purchase order).

2.2.1 **SUPERPAVE - HMA WEARING COURSE**

30515-030-042

- 2.2.1.1 Superpave virgin mix material or mix material containing RAP in accordance with Section 409.2 of PADOT Publication 408 and the following PADOT design description:

Superpave Asphalt Mixture Design,
HMA Wearing Course, PG 64-22, 0.3
to 3 Million SALs, 9.5 mm Mix, SRL-H.

2.2.2 **SUPERPAVE - HMA BINDER COURSE**

30515-030-043

- 2.2.2.1 Superpave virgin mix material or mix material containing RAP in accordance with Section 409.2 of PADOT Publication 408 and the following PADOT design description:

Superpave Asphalt Mixture Design,
HMA Binder Course, PG 64-22, 0.3
to 3 Million ESALs, 19.0 mm Mix.

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|---------------------------------------|--|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 11 28 |
| | | FIRM NAME (Must be filled in) | |

2.2.3 **SUPERPAVE - HMA BASE COURSE**

30515-030-044

2.2.3.1 Superpave virgin mix material or mix material containing RAP in accordance with Section 409.2 of PADOT Publication 408 and the following PADOT design description:

Superpave Asphalt Mixture Design,
HMA Wearing Course, PG 64-22, 0.3
to 3 Million SALs, 9.5 mm Mix, SRL-H.

2.3 Asphalt plants must be able to accommodate all Highway Division vehicles. The largest vehicles in service at the present time have the following dimensions:

Height - 11'
Width - 127" (mirror to mirror)
Length - 29'

2.4 Material is required to be deposited into City vehicles in three (3) equal drops as follows: first drop to the front, second drop to the back, and third drop to the middle.

2.5 In order to comply with PADOT requirements for the use of Superpave Material, the Streets Department requires that the awarded vendor submit to Ms. Margot McKee of the Highway Division the following:

2.5.1 Job Mix Formula. **Submitted prior to the start of material supply.**

2.5.2 CS-4171 Certificate of Compliance (or TR-465) Form. **Submit form DAILY** with signature by plant technician and cross reference to Job Mix Formula number.

2.5.3 Daily print out of material issued to Streets Department - Highway Division by ticket number.

| | | | |
|---------------------------------------|--|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 12 28 |
| | | FIRM NAME (Must be filled in) | |

- 2.6 When requested by the City, the successful bidder may be required to **deliver asphalt products** to a designated paving location. The City will provide at least 24 hour notice.
- 2.6.1 Bidders must submit a per ton hauling price in Section 5.4 as well as change per minute after the successful bidder's truck has waited 30 minutes on site.
- 2.6.2 For delivered product, the material price per ton may not exceed prices quoted in Sections 5.1.

SECTION 3: BID EVALUATION AND AWARD

3.1 EVALUATION:

- 3.1.1 Bids will be evaluated by the Procurement Department.
- 3.1.2 Bids will be evaluated for responsiveness to the bid specifications and for responsibility of the bidders.
- 3.1.3 Bids which are determined to be non-responsive for reasons of:
- (i) improper bid security
 - (ii) improper bid execution
 - (iii) incompleteness
 - (iv) offering counter terms and conditions
 - (v) improper or incomplete execution of MBEC documents (if applicable)

may be disqualified by the City without notice to the bidder. The decision of the City is final.

- 3.1.4 Bidders whose bids are determined to be non-responsible for reasons of bidder qualification shall be notified by the City of the reasons for the determination and may contest the finding of non-responsibility through the prescribed procedures described in paragraph 9 of "Terms and Conditions of Bidding and Contract".

| | | | |
|---------------------------------------|---|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 13 28 |
| | | FIRM NAME (Must be filled in) | |

3.2 **AWARD:**

3.2.1 This Invitation and Bid shall be awarded to the lowest responsive and responsible bidder(s).

It is the intention of the City to award this bid to primary, secondary and tertiary contractor(s).

3.2.2 The requesting Department will order products from the primary contractor. In the event the primary contractor is unable to provide the required product, he will so notify the ordering department at the time of the request and the primary contractor and the Procurement Department will be notified in writing, by the department, of the contractor's failure to supply the required products. The department will then call the secondary contractor on any day the primary contractor is unable to supply, the secondary contractor be allowed to supply on that day.

3.2.3 In the event the Primary Contractor fails or refuses to perform after three (3) timely requested services during the contract term, the City may at its option, declare the contractor in default, terminate the contract and exercise all rights and remedies available to it under this contract, at law or in equity.

3.2.4 If the secondary awardee also fails to supply product, the tertiary awardee will be called upon to do so.

3.2.5 Evaluation of this bid to determine the low bidder shall be as follows:

3.2.5.1 Bidder may bid and supply either virgin or recycled material.

3.2.5.2 For evaluation of Sections 5.1.1, 5.1.2 and 5.1.3, \$0.585 per estimated ton per mile shall be added to each bid based on the distance from the bidder's asphalt plant to the designated City locations listed in Section 5. All bidders must state their certified asphalt plant location as requested.

3.2.5.3 Award will be made for a Primary, Secondary and Tertiary bidder for Sections 5.1, and 5.4 to the lowest bidder after the above evaluation.

| | | | |
|---------------------------------------|---|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 14 28 |
| | | FIRM NAME (Must be filled in) | |

3.2.5.4 The City reserves the right to verify the distances from the vendor's facility (plant locations) to the designated City locations as stated by the bidder in Section 5, "Pricing." Following bid opening, the Department of Streets will establish a hard route and determine mileage to be used for bid analysis.

3.2.5.5 In the event the Primary or Secondary contractor changes plant locations or is unable or unwilling to supply material during the term of the contract, the City will determine any excess distance required to be traveled to the changed certified location when compared to the original location listed in the bid. In the event of additional travel distance, the City will deduct from the contractor's payments, an amount equal to \$1.00 per ton per mile for each truck utilized for each order (pickup or delivery).

3.2.5.6 Evaluation and award of Section 5.4 shall be made separate from evaluation and award of Section 5.1.

3.2.6 If the 5 % local bid preference is applicable, the total bid price or total section price of the certified Local Business Entity (LBE) will be multiplied by .95 and rounded to the second decimal place. The adjusted bid price of the LBE will then be used in determining the lowest responsive and responsible bidder. If any section of the bid is awarded by line item, the 5% local bid preference will not apply to that section.

Unless the Procurement Commissioner determines not to grant a preference for the reasons stated in subsection b., of the LBE Regulation, an LBE, whose bid is otherwise responsive and responsible and who has submitted the information required above, shall be granted a five percent bid preference on competitive bid(s) awards that are over \$30,000.00 and awarded as a whole or by section.

3.2.7 **Basis of Award** (For evaluation purposes only)

3.2.7.1 For item # 5.1.1 (HMA Wearing):

District 1-52nd & Market Streets

\$ _____ X 20 tons plus miles to/from plant (round trip) ____
X \$0.585 _____

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|--|--|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 15 28 |
| | | FIRM NAME (Must be filled in) | |

District 2-Broad Street & Snyder Avenue

\$ _____ X 20 tons plus miles to/from plant (round trip) ____
 X \$0.585 _____

District 3-Broad & Spring Garden Streets

\$ _____ X 20 tons plus miles to/from plant (round trip) ____
 X \$0.585 _____

District 4-Wissahickon Avenue & Allens Lane

\$ _____ X 20 tons plus miles to/from plant (round trip) ____
 X \$0.585 _____

District 5-Whitaker & Hunting Park Avenues

\$ _____ X 20 tons plus miles to/from plant (round trip) ____
 X \$0.585 _____

District 6-Grant Avenue & Roosevelt Blvd.

\$ _____ X 20 tons plus miles to/from plant (round trip) ____
 X \$0.585 _____

Total \$ _____

3.2.7.2 For item # 5.1.1 (HMA Binder):

District 1-52nd & Market Streets

\$ _____ X 20 tons plus miles to/from plant (round trip) ____
 X \$0.585 _____

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|--|--|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 16 28 |
| | | FIRM NAME (Must be filled in) | |

District 2-Broad Street & Snyder Avenue

\$_____ X 20 tons plus miles to/from plant (round trip) _____
 X \$0.585 _____

District 3-Broad & Spring Garden Streets

\$_____ X 20 tons plus miles to/from plant (round trip) _____
 X \$0.585 _____

District 4-Wissahickon Avenue & Allens Lane

\$_____ X 20 tons plus miles to/from plant (round trip) _____
 X \$0.585 _____

District 5-Whitaker & Hunting Park Avenues

\$_____ X 20 tons plus miles to/from plant (round trip) _____
 X \$0.585 _____

District 6-Grant Avenue & Roosevelt Blvd.

\$_____ X 20 tons plus miles to/from plant (round trip) _____
 X \$0.585 _____

Total \$_____

3.2.7.3 For item # 5.1.1 (HMA Base):

District 1-52nd & Market Streets

\$_____ X 20 tons plus miles to/from plant (round trip) _____
 X \$0.585 _____

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|---------------------------------------|--|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 17 28 |
| | | FIRM NAME (Must be filled in) | |

District 2-Broad Street & Snyder Avenue

\$_____ X 20 tons plus miles to/from plant (round trip) _____
X \$0.585 _____

District 3-Broad & Spring Garden Streets

\$_____ X 20 tons plus miles to/from plant (round trip) _____
X \$0.585 _____

District 4-Wissahickon Avenue & Allens Lane

\$_____ X 20 tons plus miles to/from plant (round trip) _____
X \$0.585 _____

District 5-Whitaker & Hunting Park Avenues

\$_____ X 20 tons plus miles to/from plant X 2 (round trip)
_____ X \$0.585 _____

District 6-Grant Avenue & Roosevelt Blvd.

\$_____ X 20 tons plus miles to/from plant X 2 (round trip)
_____ X \$0.585 _____

Total \$_____

3.2.8

If the total award amount exceeds \$500,000, the Master Performance Security does not apply. Upon notification of award, the City will require the successful vendor to provide an individual Performance Bond in the amount of 100% of the contract award as specified in the Letter of Award.

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|---------------------------------------|--|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 18 28 |
| | | FIRM NAME (Must be filled in) | |

3.2.9 **City of Philadelphia-Business, Corporate and Slavery Era Insurance Disclosure**

In accordance with Section 17-104 of The Philadelphia Code, the Bidder, after execution of this Contract, will complete an affidavit certifying and representing that the Bidder (including any parent company, subsidiary, exclusive distributor or company affiliated with Bidder) has searched any and all records of the Bidder or any predecessor business entity regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era. The names of any slaves or slaveholders described in those records must be disclosed in the affidavit.

The Bidder expressly understands and agrees that any false certification or representation in connection with this Paragraph and/or any failure to comply with the provisions of this Paragraph shall constitute a substantial breach of this Contract entitling the City to all rights and remedies provided in this Contract or otherwise available in law (including, but not limited to, Section 17-104 of the Philadelphia Code) or equity and the contract will be deemed voidable. In addition, it is understood that false certification or representation is subject to prosecution under Title 18 Pa.C.S.A. Section 4904.

3.2.10 **INSURANCE:**

Insurance is a requirement for this bid in accordance with Paragraph 15 of the “Terms and Conditions of Bidding and Contract”. No contract will be executed nor purchase order issued unless and until all required insurance certificates, in the required amount, are received. **All insurance MUST meet the following requirements:**

- Insured must be in the same name and address as the Bidder
- The insurance carrier must be rated “A” or better by AM Best
- The certificate holder must be the City of Philadelphia, and specifically named as an additional insured on the certificate in the “Description of Operations section”.
- Certificate must be signed by an authorized representative of the insurance company/carrier

All certificates are to be sent to the Office of Risk Management, One Parkway, 1515 Arch Street, 14th Floor, Philadelphia, PA 19102, Attn. Debbie Lawton or FAX to (215) 683-1705.

| | | | |
|---------------------------------------|---|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 19 28 |
| | | FIRM NAME (Must be filled in) | |

SECTION 4: CONTRACT MANAGEMENT

4.1 CITY OF PHILADELPHIA RESPONSIBILITY:

- 4.1.1 City departments will be notified by Procurement of award(s) and will be provided with vendor(s), vendor contact(s) and applicable pricing. Departments will prepare and submit through the appropriate review channels, a requisition detailing their specific needs and requirements to Procurement. The Procurement Department shall then apply the requisition against the contract and issue a purchase order.

Order Against Contracts

Subsequent to contract conformance of a Requirements bid, purchase orders will be issued at such time that the product and/or service is needed. Such purchase orders will show if delivery is to be made upon receipt of order, or only after notification by the using department.

- 4.1.2 Invoices shall be submitted after delivery and acceptance of the product or service by the City. The City attempts to process invoices in a timely manner. Delays can occur because of incomplete or inaccurate invoicing information. Please make sure that invoices contain the following information to help the City process payments to the Contractor as quickly as possible.
- (a) After the delivery or services have been completed the Contractor must submit three (3) copies of the invoice for payment to the receiving department listed on the purchase order.
 - (b) The invoice must correctly reference the purchase order number, the vendor name, address and Federal Employer Identification number.
 - (c) Checks will only be made payable to the company name as shown on the purchase order; the invoice must reflect this same company name as the "pay to".
 - (d) The invoice must show the quantity and type of item or service and the price.
 - (e) The unit of purchase on the invoice must agree with the unit cited on the purchase order. Reference to the specific line item is helpful.

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|---------------------------------------|---|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 20 28 |
| | | FIRM NAME (Must be filled in) | |

4.1.3 The using agencies and departments are responsible for monitoring the services and/or products delivered as described in the contract. If any problems arise, a letter should be sent to the vendor requesting resolution by a specified date. A copy should be sent to the buyer. If vendor does not resolve the breach of contract by the requested date the matter should be turned over to the buyer.

4.1.4 **ADD-ONS:**
The City reserves the right to add, delete and/or acquire products/services that the vendor can supply that are similar to, but not specifically called for in this bid. The procedure for such acquisitions shall be as follows:

Procurement or the using department will obtain from the Vendor a letter (on his/her letterhead) verifying the items to be added. The letter shall include the complete description of the item, the location (if applicable), the bid number bid schedule number, the price to the City and the applicable contract period; and upon receipt and approval by the Procurement Department shall automatically become part of the contract. **The City, however, reserves the right to accept or reject the letter and to acquire the supplies or materials in the open market.**

4.1.5 **MATERIALS TESTING:**

The City of Philadelphia, may, during the life of this contract, supply a delivered product from this contract to the Materials Testing Laboratory. These products shall be tested to ensure conformance with bid specifications. If product fails, or is different from product supplied at award stage, rejection procedures will be implemented.

4.1.6 Invoices shall be submitted after delivery and acceptance of the product(s) by the City.

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|---------------------------------------|---|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 21 28 |
| | | FIRM NAME (Must be filled in) | |

4.2 **VENDOR RESPONSIBILITY:**

- 4.2.1 Contractor may provide only products, services or equipment (as applicable) as authorized in the contract and only after receipt of a purchase order or other authorized document from the Procurement Department. All orders must be in writing. Contractor shall not accept verbal requests until after receipt of purchase order or other authorizing document from Procurement.
- 4.2.2 Contractor may provide only products, services or equipment (as applicable) at the prices quoted in the contract and that are reflected on a purchase order or a change to a purchase order (a change to a purchase order is issued whenever the items, unit price, total amount, or terms and conditions change from the original purchase order).
- 4.2.3 Contractors may deliver products, services or equipment (as applicable) up to the dollar limit of the purchase order and for the period shown on the purchase order. Contractors are requested to carefully monitor obligations against purchase orders and inform the Departments of anticipated funding shortfalls.
- 4.2.4 **DELIVERY:**
Unless otherwise specified in Section 2, noted by bidder in Section 5, and/or approved by the Using Agency, delivery and/or pick-up of products will be made within 24 hours from date requested or in accordance with schedule set by Using Agency.
- 4.2.4.1 **Liquidated Damages:**
Liquidated Damages in the amount of 5% of the unit price may be applied to each item that exceeds the delivery schedule/requirement.
- 4.2.5 In the event that the contractor receives an order for products, services or equipment not specifically priced and incorporated into the contract, they must:
- (i) bring this to the immediate attention of the Procurement Dept., and
 - (ii) notify the ordering agency in writing and refuse to deliver.
- 4.2.6 Should products, services, or equipment be delivered that are not specifically incorporated and priced into the contract, and/or be delivered without purchase order, the City shall have no obligation for payment.

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|---------------------------------------|---|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 22 28 |
| | | FIRM NAME (Must be filled in) | |

4.2.7 For delivery of products or equipment, contractors shall honor and be paid for orders placed until the close of business of the date of purchase order expiration. Delivery of product may occur following purchase order expiration, so long as the order was placed prior to the purchase order expiration date.

4.2.8 For performance of services, contractor shall honor and be paid for orders placed until the close of business of the date of purchase order expiration. Performance of services may occur following purchase order expiration, so long as the order was placed prior to the purchase order expiration date.

4.2.9 **REPORTS**

4.2.9.1 **RECYCLED USAGE REPORTS**

If the successful bidder is supplying products/ services in this contract that have recycled content, indicate which item(s) contain this content in Section 5: Pricing, (under the applicable item) and the percentage of recovered material and post consumer material as it applies.

The successful bidder will be required, on a quarterly basis, to furnish a usage report of the recycled products purchased by City Departments. Two reports will be required:

a. **Departmental Report**

A report by purchase order, current and cumulative, showing item(s) delivered, description, date, quantity, price, extended amount and to the extent possible, the percent of recovered material in delivered items.

b. **Item Report**

A report, current and cumulative, by item, showing description, date, quantity, price, extended amount, and to the extent possible, the percent of recovered material and percent of Post-Consumer material in delivered items.

All reports are to be submitted to the Recycling Office, Room 780, Municipal Services Building, Philadelphia, PA 19102, Attn: Recycled Content Administrator.

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|--|--|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 23 28 |
| | | FIRM NAME (Must be filled in) | |

In support of the City of Philadelphia's Recycling Program, bidders are encouraged to supply with their bid, any information available regarding recycled material content in the products bid. The City is particularly interested in the type of recycled material used (such as paper, plastic, glass, metal, etc.); the percentage of recycled material contained in the product and the cost and product performance impact of increasing the percentage of recycled content.

The City also requests information regarding any known or potential material content in the product that may be extracted and recycled after the product has served its intended purpose.

Product bid contains recycled content? YES NO

Is your product packaged and/or shipped in material containing recycled content? YES NO

Is your product recyclable after it has reached its intended end use? YES NO

Is your product shipped in returnable Containers? YES NO

4.2.10 Invoices/Receipts:

4.2.10.1 Successful bidder(s) agrees not to invoice more than once per month.

4.2.10.2 All invoices/receipts for parts shall have the signature and payroll ID number of the authorized/designated City personnel.

4.2.10.3 Invoices should be sent in triplicate to each ordering department.

4.2.10.3.1 One (1) original and two (2) copies fully itemized invoices.

4.2.10.3.2 See also item 4.1.2 above.

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|---------------------------------------|---|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 24 28 |
| | | FIRM NAME (Must be filled in) | |

4.2.11 **PAYMENTS**

Paying the successful vendor is the responsibility of the Streets Department, not the Procurement Department. The successful vendor should bring any problems concerning payments to the attention of the appropriate personnel in the Streets Department. The name and number of the contact person can generally be found on the purchase order.

4.2.12 **PRICE ADJUSTMENT OF BITUMINOUS MATERIALS**

This provision shall apply to a price adjustment (increase or decrease) for Asphalt Products used on this project as indicated in Section 10.04 of PDT.408. The price index, IB is provided below.

The Contractor is responsible to submit the current IP index along with their calculations to the Streets and Procurement Departments within thirty (30) days of the close of each month where material is obtained.

IB = \$612.00

4.2.12.1 Failure to notify the ordering Department within the time frame specified may result in non-payment of price difference by City to vendor in instances where the price adjustment is an increase.

4.5 **VENDOR ACCEPTANCES – IN SUBMITTING AN EXECUTED BID, THE BIDDER AGREES TO THE CONTRACT MANAGEMENT PROCEDURES IN THIS SECTION.**

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|---------------------------------------|---|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 25 28 |
| | | FIRM NAME (Must be filled in) | |

SECTION 5: PRICING

| | | <u>Unit of Measure</u> | <u>Unit Price</u> |
|---|---|-------------------------------|--------------------------|
| 5.1 Asphalt Products (City Pick-up) | | | |
| 5.1.1 | 30515 030 042 Superpave-HMA <u>Wearing</u> Course | TN | \$_____ |
| 5.1.2 | 30515 030 043 Superpave-HMA <u>Binder</u> Course | TN | \$_____ |
| 5.1.3 | 30515 030 044 Superpave-HMA <u>Base</u> Course | TN | \$_____ |
| 5.1.4 | The City may impose a change equal to that stated by bidder in item 5.4.7 below for any City truck waiting in excess of 30 minutes for pick up of material. | | |
| 5.2 Bidder shall state round trip miles from plant to: | | | |
| 5.2.1 | District 1-52 nd & Market Sts. | | _____ |
| 5.2.2 | District 2-Broad Street & Snyder Avenue | | _____ |
| 5.2.3 | District 3-Broad & Spring Garden Sts. | | _____ |
| 5.2.4 | District 4-Wissahickon Ave & Allens Lane | | _____ |
| 5.2.5 | District 5-Whitaker & Hunting Park Avenues | | _____ |
| 5.2.6 | District 6-Grant Avenue & Roosevelt Blvd. | | _____ |
| 5.3 Bidder shall state location(s) of his/her plant: | | | |
| _____ | | | |
| _____ | | | |

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|---------------------------------------|--|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 26 28 |
| | | FIRM NAME (Must be filled in) | |

5.4 **Product delivery by vendor**

Total

Material price (price per ton) may not exceed prices quoted in Section 5.1.

5.4.1 **District 1**

Est. Qty 26,000 tons

30515 030 100

5.4.1.1 Weekdays (6:30 AM to 3:30 PM)

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

30515 030 101

5.4.1.2 Saturday/Sunday/Holiday or Weekdays after 3:30 PM

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

5.4.2 **District 2**

Est. Qty 41,500 tons

30515 030 102

5.4.2.1 Weekdays (6:30 AM to 3:30 PM)

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

30515 030 103

5.4.2.2 Saturday/Sunday/Holiday or Weekdays after 3:30 PM

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

5.4.3 **District 3**

Est. Qty 32,400 tons

30515 030 104

5.4.3.1 Weekdays (6:30 AM to 3:30 PM)

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

30515 030 105

5.4.3.2 Saturday/Sunday/Holiday or Weekdays after 3:30 PM

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

| | | | |
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| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 27 28 |
| | | FIRM NAME (Must be filled in) | |

Total

5.4.4 **District 4**

Est. Qty 33,900 tons

30515 030 106

5.4.3.1 Weekdays (6:30 AM to 3:30 PM)

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

30515 030 107

5.4.3.2 Saturday/Sunday/Holiday or Weekdays after 3:30 PM

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

5.4.5 **District 5**

Est. Qty 25,400 tons

30515 030 108

5.4.3.1 Weekdays (6:30 AM to 3:30 PM)

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

30515 030 109

5.4.3.2 Saturday/Sunday/Holiday or Weekdays after 3:30 PM

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

5.4.6 **District 6**

Est. Qty 48,900 tons

30515 030 110

5.4.6.1 Weekdays (6:30 AM to 3:30 PM)

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

30515 030 111

5.4.6.2 Saturday/Sunday/Holiday or Weekdays after 3:30 PM

Price per ton \$_____ + per ton hauling rate \$_____ = \$_____

5.4.7 **30515 030 112**

Bidder shall state price per minute for each truck waiting in excess of 30 minutes

MJ \$_____

| | | | |
|---------------------------------------|--|---------------------------------|-------------------------|
| INVITATION AND BID Continuation | CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT PHILADELPHIA, PA 19102 - 1685 | BID NUMBER S9-Z5550-0 | PAGE OF 28 28 |
| | | FIRM NAME (Must be filled in) | |

5.5 **PLANT OPENING FEE (Lump Sum).** Applies to special openings. Not to be charged in instances where plant is already open and operating.

5.5.1 **30515 030 030 03** - Sat./Sun./Holiday or Weeknights
Bidder to state minimum number of tons required per opening

Lump Sum Fee \$_____ Min. # of Tons _____

5.5.2 **30515 030 030 04**
Hourly fee for Plant to remain open past regular workday business hours (3:30 PM) applies only if plant remains open solely for the purpose of supplying City with material.

HR \$_____

5.6 **30515 057 000 - PRICE ADJUSTMENT OF BITUMINOUS MATERIALS**

IB= \$612.00

EXHIBIT A

CITY OF PHILADELPHIA

BID BOND

CITY OF PHILADELPHIA



BID BOND

FOR CITY OF PHILADELPHIA BID NUMBER: _____
(Please Fill In)

KNOW ALL MEN BY THESE PRESENTS, THAT WE _____
_____ as Principal
(hereinafter called the "Principal Obligor"), and

_____ (as Surety) are jointly and severally held and firmly bound unto The City of Philadelphia, in the sum of **TEN PERCENT (10%) OF THE GROSS AMOUNT OF THE BID** lawful money of the United States of America, to be paid to the said City of Philadelphia, its successors and assigns; to which payment, well and truly to be made we do bind ourselves and each of us, our and each of our successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated the _____ day of _____ two-thousand and eight (2008).

WHEREAS the above bounded Principal Obligor, submitted a bid pursuant to the above-referenced bid number to provide certain goods, services, or equipment to the City of Philadelphia.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, That if the City of Philadelphia shall accept the bid of the Principal Obligor and the Principal Obligor shall enter into a contract with the City in accordance with the terms of such bid, and furnish such bond or bonds as are specified in the bid documents with good and sufficient surety, for the faithful performance of the contract; or in the event of the failure or refusal of the Principal Obligor to enter into such contract and give such bond or bonds, if the Principal Obligor shall pay to the City the difference between the amount specified in said bid and such larger amount for which the City may legally contract with another party to provide the goods, services, or equipment required by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

And for the doing of these acts this instrument or a copy thereof attested as aforesaid shall be full warrant and authority.

CORPORATE SEAL:

PRINCIPAL OBLIGOR:

President/Vice-President (SEAL)

Secretary/Treasurer (SEAL)

SURETY SEAL:

SURETY:

Attorney-In-Fact (SEAL)

INSTRUCTIONS:

- (1) ALL VENDORS MUST UTILIZE THIS BID BOND FORM WHEN SUBMITTING A BID TO THE CITY.
- (2) IF PRINCIPAL OBLIGOR IS AN INDIVIDUAL OR PARTNERSHIP, BID BOND SHOULD BE SIGNED BY OWNER OR AUTHORIZED GENERAL PARTNER. PLEASE IDENTIFY ON THE BID BOND THE TYPE OF BUSINESS (E.G. INDIVIDUAL PROPRIETORSHIP OR PARTNERSHIP) AND TITLE OF PARTY EXECUTING THE BID BOND.
- (3) BID BOND MUST BE EXECUTED BY A SURETY COMPANY DULY AUTHORIZED AND LICENSED TO ACT AS SURETY BY THE PENNSYLVANIA INSURANCE COMMISSIONER PURSUANT TO THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA.