

**Yates County Highway Department
Minimum Specifications for 2023
HOT MIX ASPHALT CONCRETE**

GENERAL TERMS AND CONDITIONS

Bids shall be received at the Highway Department, until 10:00 a.m. local time on Thursday, March 23, 2023 at which time bids shall be opened and read publicly.

1. **Objective:**

This bid document is published in order to obtain competitive prices for: Hot Mix Asphalt Concrete. Reference the “Bid Specifications” section of this bid document.

2. **Acquisition of Bid Documents:**

- a. Bid documents are available, as of this date, at the Yates County Highway Department, 939 State Route 14A, Penn Yan, New York. The office is open Monday – Friday, 7:00 A.M. – 3:30 P.M., except holidays. Telephone number 315-531-3200. These documents are also available on the internet; Yates County website at www.yatescounty.org; click on Highway Department, Bid Specifications & Results.
- b. Each bidder bears sole responsibility for acquisition of bid documents. Request for bid documents to be forwarded is neither a guarantee nor an incurred obligation on the part of Yates County to ensure requestor’s receipt of bid documents; timely or otherwise.
- c. Receipt of these bid documents, unsolicited or otherwise, shall not be construed a pre-determination of your company’s qualifications to receive a contract award. Nor shall said receipt of these bid documents be interpreted an endorsement that the recipient’s equipment, materials, products, and/or services are in compliance with the bid specifications.

3. **Examination, Interpretation, Correction of Bid Documents:**

Each bidder shall examine all bid documents and judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to this bid solicitation shall be in writing and submitted to the Highway Department at least three (3) days prior to the scheduled bid opening. The County shall not be responsible for oral interpretations given by any county employee, representative or others. The issuance of written addendum/addenda is the only official method whereby interpretation, clarification or additional information can be given.

4. **Requirements:**

a. **Prevailing Law -**

To all interested parties – any and all requirements specified herein notwithstanding, it is Yates County’s intent that, in all instances and under any circumstance, the law of the land shall be in force. Yates County does not knowingly request nor does it knowingly authorize action(s) which are contrary to the laws, regulations, mandates and all such statutes which are in force at any time during the term of any contract awarded as a result of this bid solicitation. Laws, regulations, mandates and all such statutes as promulgated by authorized government entities shall prevail.

b. **Requirements –**

It shall be understood and agreed by all interested parties that, unless amended (specifications modified and/or waived) by Yates County, and only to the extent amended by the County, any and all information contained in this bid document is to be considered an essential component of the bid document and subsequent contract(s) **AND** that the bid document as published or amended represents the requirements acceptable to Yates County.

However, any and all requirements specified herein notwithstanding, it shall be understood and agreed by all interested parties that the following shall apply:

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Yates County reserves as its right, the right to amend (modify and/or waive) specifications where such amendment;

- i. does not alter the essential nature and/or performance (the form, function, and utility) of the equipment, product, or service.
 - ii. encourages the proffer of equivalent equipment, product, or service from interested vendors and manufacturers.
- c. Unless amended (specifications modified and/or waived) by the County, and only to the extent amended by the County, this document (all information, terms and conditions, requirements, specifications, and addendum/addenda) shall prevail. If amended, said document as amended shall prevail.
- i. Award of a bid shall not be construed as approval, by the County, for the awardee to deviate from this document; regardless of whether said deviation(s) is stated in the bidder's attachment(s) to its bid.
 - ii. Further, the County shall not be bound by the contents and language expressed in the bidder's bid attachment(s) to its bid; including any attachment(s) submitted to the bidder by manufacturers, sub-contractors, suppliers, and other parties.

5. Preparation of Bid Documents:

Bids must be submitted on the forms provided in the bid documents and prepared in the following manner:

- a. All bid forms shall be legibly completed using a permanent medium (e.g. ink, typewriter, laser printer, etc.).
 - i. If the submittal of unit price(s) is a requirement, said *unit price(s) shall prevail*.
 - ii. *All mathematical functions (extensions, additions, etc.) are subject to audit.*
 - iii. In the event of a discrepancy between the price in words and that in figures, the lower price shall be considered the price bid.
 - iv. Each price bid shall be expressed as a numerical dollar value; indicators such as ditto marks, arrows, etc. are not acceptable.
- b. All forms requiring the bidder's signature shall be signed by the bidder or the bidder's authorized representative. Erasures and/or alterations shall be initialed by the individual whose signature appears on the bid forms.
- c. The bidder shall submit the bid in accordance with the bid documents and shall not make any changes in the wording of the bid forms or make any stipulations or qualify the bid in any manner.
- d. All bids shall be firm for a period of forty-five (45) days from the bid opening date; during which time the County shall render its decision.

6. Non-Collusive Bidding Clause and Certificate:

- a. Clause –

“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 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 been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

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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.”
 - b. The bidder shall submit a signed and dated Non-Collusive Bidding Certificate with its bid. Said certificate is mandated by Chapter 956 of the Laws of New York State, pursuant to Section 103-D of the General Municipal Law. Reference the “**NON-COLLUSIVE BIDDING CERTIFICATE**” form included in this bid document.
7. **Hold Harmless Clause and Form:**
 - a. Clause –

“The Contractor agrees that it shall at all times save harmless the County of Yates from all claims, damages or judgements or for the defense or payment thereof, based on any claim, action or cause of action whatsoever, including any action for libel, slander, or personal injury, or any affiliated claims, by reason of any act or failure to properly act on the part of the Contractor and in particular as may arise from the performance under this contract. In the event of an injury by the subcontractor or its employees, they shall cause notice to be served upon the County within twenty-four (24) hours of any such injury.”
 - b. The bidder shall submit a signed and dated Hold Harmless Clause form with its bid. Reference the “**HOLD HARMLESS CLAUSE**” form included in this bid document.
8. **Required Insurance(s) and OSHA Training:**
 - a. This bid document includes an information sheet entitled: **YATES COUNTY STANDARD INSURANCE REQUIREMENTS**. These requirements establish the minimum insurance(s) which the awardee(s) shall have in effect prior to entering into a contract to do business with Yates County. Said insurance(s) are required to remain in effect throughout the term of the contract(s). In the event that the awardee’s insurance lapses during the term of the contract, the County reserves, as its right, the right to cancel the awardee’s contract(s) and to purchase the contracted product(s)/service(s) on the open market; with any increase in cost(s) to Yates County being charged to the awardee. Credit shall not be issued to the awardee where open market cost(s) to the County are less than the cost(s) contracted with the awardee.
 - b. **Additional Insured, Certificate Holder, and Bid Document Number -**
 - i. **Yates County shall be named* as an “Additional Insured”** in the contractor’s policy for all intents and purposes of contract(s) issued as a result of an award of this bid.

***Note: “Additional Insured”** shall read – Yates County, 939 State Route 14A, Penn Yan, NY 14527; reference **8.b.iii**, herein.
 - ii. **“Certificate Holder”** shall read – Yates County, 939 State Route 14A, Penn Yan, NY 14527; reference **8.b.iii**, herein.
 - iii. With regard to **“Additional Insured” and “Certificate Holder”**; unless specified to the contrary herein, the following shall not be acceptable to Yates County:
 - Other designations such as “Yates County Legislature”
 - Specific departments (committees, sub-groups, etc.) such as “Department of Public Works”
 - Other entities (public or private) and named individuals such as “ABC” Township, “XYZ” Corporation, “John and Mary Doe”, etc.
 - iv. The **Bid Title** shall be referenced in the “Description” / “Additional Comments” section of the Certificate of Insurance form.
 - c. Each awardee shall submit an **original** of its **Certificate of Insurance** (which indicates the contractor’s compliance with the above sections a. and b. to the following:
Yates County Highway Department, 939 State Route 14A, Penn Yan, New York 14527

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- d. The **Certificate of Insurance** must be approved by the County prior to the contractor's acting on and/or performing any of the obligations it incurred as a result of the award and/or contract.
 - e. Self-employed persons must carry such Worker's Compensation coverage as directed by the County.
 - f. **Workers' Compensation Insurance Exemption—**
Contractors claiming to be exempt from the requirement to carry/provide Workers' Compensation Insurance shall submit a fully executed CE-200 form; the form to be complete, notarized, and stamped as received by the New York State Workers' Compensation Board.
 - g. **OSHA Training—**
Wherein a contractor and Yates County are both parties to a contract involving a public works project with an aggregate dollar value of **two hundred and fifty thousand dollars (\$250,000.00) or more**; said contract shall be understood, by all parties, to include "the provisions that all of the contractor's and sub contractors laborers, workers, and mechanics shall be certified as having successfully completed a ten (10) hour OSHA approved course in construction safety and health." Such requirement having been mandated by the New York State Laws of 2007, chapter 282. In those instances where a Bid/RFP submittal is required, said certification(s) shall be included with the bidder's/proposer's submittal. The contractor shall not allow participation in the contracted work by its non-certified staff; i.e. all of the contractor's non-certified laborers, workers, and mechanics.
9. **Sales Tax Exemption:**
The County is exempt from payment of sales and compensating use taxes of the State of New York and of cities and counties within the State of New York.
10. **NYS Labor Law; "Prevailing Wage and Supplements":**
- a. The attention of each and all bidders is directed to Articles 8 and 9 of the New York State Labor Law in general, but also specifically with regard to – "**Prevailing Wage and Supplements**". Yates County does, in good faith, identify those projects/services it believes to be – "Prevailing Wage and Supplements" projects/services. The failure of Yates County to accurately assess the wage status of a particular project/service shall not relieve the awardee of its responsibility to perform in accordance with the above referenced articles. Interested parties are directed to contact the NYS Department of Labor, Rochester District Office at (585) 258-4505 for a determination of project/service status.
 - b. All interested parties (including, but not limited to, bidders, contractors, and sub-contractors) shall note, understand and comply with the following:
In the event the New York State Department of Labor amends the "Prevailing Wage Rate Schedule" applicable to contracts entered into as a result of an award of this bid solicitation document, said interested party(ies) that are required to pay "Prevailing Wages and Supplements" shall be required to pay said "Prevailing Wages and Supplements" in accordance with the most current, applicable "**Prevailing Wage Rate Schedule**" in effect at the time the work is performed.
 - c. The **General Provisions of Laws Covering Workers; NYS-DOL** requires as follows:

"Every contractor and subcontractor shall submit to the Department of Jurisdiction (i.e. Yates County), within thirty (30) days after issuance of its first payroll and every thirty (30) days thereafter, a transcript of the original payrolls, subscribed and affirmed as true under penalty of perjury. The Department of Jurisdiction (i.e. Yates County) shall receive and maintain such payrolls." As provided for, by the above referenced provisions, Yates County is authorized to withhold payment(s) to contractors who are not in compliance with all NYS Department of Labor Law(s); with specific attention to Articles 8 and 9. **Therefore, Yates County shall withhold**

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payment(s) to contractors who have not submitted the initial “Certified Payroll” and the periodic “Certified Payroll(s)” as required herein.

11. Equivalents:

Where, in the bid documents, one certain kind, type, brand, technology or product manufacturer is named, it shall be regarded as the required standard of quality. It is not meant to exclude competition in any way. Similar equipment, products, or service, which are equal in quality, performance, compatibility and equally adaptable for the intended purposes, as determined by the County, and are submitted as specified in the bid documents, will be considered and may be accepted. The decision of the County as to equal will be final.

12. Supportive Documentation:

In addition to specifications stated herein, all equipment/material/products/services shall meet or exceed current standards of the industry. All technical tolerances, ratings, power outputs or any technically specified criteria contained within these specifications are considered to be within the current state of the art and are currently being met by commercially available equipment/material/products/services. The fact that a manufacturer chooses not to produce equipment/material/products to meet these specifications shall not be considered sufficient cause to adjourn these specifications as restrictive. Bidder shall offer the equipment/material/products/services which comes closest to meeting these specifications. **Where deviation(s) from the specifications contained herein is necessary, the bidder shall note such deviation(s). Bidder shall include supportive documentation that clearly indicates the equipment/material/products/services they bid is equivalent to that specified herein. Failure to detail all such deviations will comprise sufficient grounds for rejection of the entire bid.**

13. Protection from Claim Against “Or Equal”:

In the event of any claim concerning or relating to the issue of “equal or better” or “equal”, the awardee agrees to hold the County of Yates free and harmless from any and all claims for loss or damage arising out of this transaction for any reason whatsoever. The County is to be free and harmless for any and all legal fees and court costs.

14. Addendum/Addenda:

- a. If an addendum has been issued prior to the County’s receipt of bids; Yates County shall attempt to notify potential bidders known to have received the bid documents and whose contact information is on file with the County. Yates County does not ensure the potential bidder’s receipt of addendum. It shall be the responsibility of each bidder, prior to submitting its bid, to contact the Highway Superintendent (315) 531-3200, to determine if an addendum has been issued.
- b. Addendum shall be available for review and/or copy at the Highway Department or on the Yates County Web site (www.yatescounty.org).
- c. It is a requirement that the bidder sign, date, and include the addendum with its bid submittal.

15. Multiple/Alternate Bid Submittal(s):

For those bidders intending to submit multiple/alternate bids in response to this bid solicitation; the bidder is required and shall submit a completed bid documents packet for each bid submitted.

Note: However, if there is a bid surety requirement, one (1) bid surety instrument, written for the highest required amount, shall suffice.

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16. Submittal of Bid(s):

- a. For each bid it submits, the bidder shall submit two (2) sets of its bid; including all pages and required documents (e.g. signed clauses, statements, forms, bonds, insurance, manufacturer's specifications, etc.)
 - i. One (1) set shall be stamped (or otherwise indicated) as being the "**ORIGINAL.**"
 - ii. One (1) set shall be stamped (or otherwise indicated) as being the "**DUPLICATE**" or "**COPY.**"
 - iii. Information presented in the "**ORIGINAL**" set of the bid submittal shall prevail.
- b. **Requirements for Addressing the Bid Submittal Envelope :**
 - i. The bid shall be submitted in a sealed opaque envelope marked on the outside with: the bidder's name and address and the designation: "**Sealed Bid for Hot Mix Asphalt Concrete**".
 - ii. The envelope shall be addressed to Yates County Highway Department, 939 State Route 14A, Penn Yan, NY 14527.
- c. Facsimile transmitted bids are not acceptable and shall be rejected.

17. Late Bids:

Bidders shall bear sole responsibility for the delivery of their bid in a timely manner. Reliance upon the U.S. Postal Service or other carriers is at the bidder's risk. Late bids shall not be considered and shall be returned unopened.

18. Right of County to Seek Clarification, Accept or Reject Bid(s), etc.:

- a. Yates County reserves as its right, the right to require clarification from bidders for the purpose of assuring a full understanding of the bidder's responsiveness to the solicitation requirements.
- b. Yates County reserves as its right; the right to accept or reject any and all bids (or separable portions thereof), the right to waive irregularities and technicalities, and the right to request resubmittal of bids (re-bid).

19. Civil Rights:

The County of Yates, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 and New York State Labor Law; Article 8 - Public Work, Section 220e hereby notifies all bidders that it will affirmatively ensure that any contract awarded as a result of this bid solicitation will be awarded without discrimination on the grounds of race, color, sex or natural origin. All bidders, their agents and/or their subcontractors must abide by all provisions of Title VI of the 1964 Civil Rights Act and any subsequent amendments to that Act.

20. Award of Bid:

For the purposes of this bid and subsequent award(s), **it is intended that award(s) will be made to the lowest responsible bidder(s).**

- a. Award(s) shall only be made to bids submitted by qualified, responsive, and responsible bidders who sufficiently meet the terms, conditions, and specifications stated herein. **However**, under all circumstances and all statements to the contrary notwithstanding, Yates County reserves as its right, the right to determine award(s)/awardee(s) in accordance with the best interest of Yates County.
- b. Award of bid is not made at the bid opening. All bids are subject to final review and acceptance by the appropriate committee(s) of the Yates County Legislature before any award may be made. Receipt of bids by the County shall not be construed as authority to bind the County.

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21. **Executory Clause:**

In accordance with Section 41 of the New York State Finance Law, Yates County shall have no liability under any contract or contracts to any awardee or to anyone else beyond funds appropriated and available for the purposes of this bid document and resultant contract(s).

22. **Assignability:**

The awardee shall not assign, transfer, convey, sub-contract, sublet or otherwise dispose of all or portions of the contract (and/or work to be performed as a result of the contract) or its right, title or interest therein, or its power to execute such contract, or its responsibility therein to any other person, company or corporation, without the prior written consent of the Highway Superintendent and the Yates County Public Works Committee.

23. **Authorized Purchase(s):**

All purchases made on behalf of the County shall be authorized by the Highway Superintendent or his/her designee(s). Yates County shall not be responsible for unauthorized purchases.

24. **Awardee's Failure to Comply:**

The awardee's failure to perform in compliance with the bid award shall result in a withholding of payment. The payment shall be withheld until such time as the awardee fulfills its responsibilities. Compliance shall be determined by and to the satisfaction of Yates County. Such action would not necessarily preclude further initiatives on the part of Yates County to protect and preserve its interests.

25. **Sufficient Inventory, Equipment, and Staff:**

Awardee is required to have sufficient inventory, equipment and staff available and/or have guaranteed access to sufficient inventory, equipment and staff to fulfill its responsibility as a result of receiving the bid award.

Failure of the awardee to fulfill its responsibility shall be sufficient cause for and entitle Yates County to:

- a. Damages and/or
- b. Purchase the contracted product(s)/service(s) on the open market; with any increase in cost(s) to Yates County being charged to the awardee. Credit shall not be issued to the awardee where open market cost(s) to the County are less than the cost(s) contracted with the awardee.

26. **Cancellation of Contract:**

Yates County reserves, as its right, the right to cancel the contract(s) resulting from an award of this bid solicitation at any time during the contract period, without penalty to Yates County and without stated reason, by delivering a written ten (10) day notice of intent to the awardee(s) or its representative(s). Said notification mailed to the awardee or its representative via the US Postal Service; First Class Mail shall be considered sufficient and delivered.

27. **Extension Clause**

It is the Yates County Highway Department's policy to bid all materials/services on an annual basis. Yates County reserves the right to renew this agreement under the same terms and conditions as stated herein for a one (1) year period from the expiration date of the original bid, with a two (2) year maximum option to renew, and provided that such an extension is agreed to in writing by both parties 30 days before the end of the original contract or one-year extension.

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28. Other Agencies

The Contractor(s) and/or Vendor(s) **must** honor the prices, terms and conditions of this contract with political subdivisions or districts located in whole or in part within Yates County. In addition, the contractor **may**, but is not required to, extend the prices, terms and conditions of this contract to any other political subdivision or district in New York State. Usage of this contract by any of these other political subdivisions or districts will have to be coordinated between that subdivision or district and the contractor. Orders placed against this contract between any subdivision or district will be contracts solely between the Contractor(s) and those entities. Yates County will not be responsible for, nor will it have any liability or other obligation for, such contract between the Contractor(s) and/or Vendor(s) and any third party.

29. Standard(s):

It shall be understood by all parties that;

- a. Where in this bid document, compliance with a certain standard (or standards) is required, the awardee shall be required to comply with said standard(s) in its most recent revised form; i.e. the most current revision. The term “standard(s)” shall include, but is not limited to, all laws, mandates, regulations, etc. established by government bodies, as well as established industry and professional standards.

The following are by way of example only and shall not be considered “all-encompassing”:

Standard:

ASTM

ANSI

US-EPA/Federal EPA

NYS DOT

Established By:

American Society for Testing Materials

American National Standards Institute

United States Environmental Protection Agency

New York State Department of Transportation

- b. Regardless of whether or not standards* are specified herein, it shall be deemed a requirement that all awardees adhere to the most current Government, Industry and Professional standards; regardless of whether those standards are established via dictum or “common practice”.

*See a. above

30. Interchangeable Terminology:

For the purpose(s) of this bid solicitation, the following terms are used interchangeably:

- a. Yates County, County and Owner.
b. Yates County Highway Superintendent and Highway Superintendent.
c. Bid Documents, Bid Solicitation, and Bid Specifications.
d. Awardee, Contractor, and Vendor.

31. Bidder’s List:

A “Bidder’s List” shall not be made available prior to the bid opening.

32. Contact Personnel:

Questions, concerns, and/or requests for clarification should be directed to:

Douglas Rapalee, Highway Superintendent

Charlie Bishop, Deputy Highway Superintendent

Sue Kurz, Administrative Assistant

Telephone (315) 531-3200

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YATES COUNTY STANDARD INSURANCE REQUIREMENTS

Prior to commencement of work, delivery of services, acquisition of merchandise or equipment a Certificate of Insurance and a policy endorsement covering items A, B & C must be delivered to the County Department responsible for the agreement. A Certificate of insurance may be used to show coverage only.

ITEMS:

- A. Yates County, 939 State Route 14A, Penn Yan, NY 14527 shall be named as an additional insured (for the purposes of coverage but not the payment of premium).
- B. ACKNOWLEDGEMENT: The insurance companies providing coverage acknowledge that the named insured is entering into a contract with Yates County in which the named insured agrees to defend, hold harmless, and indemnify the County, its officials, employees and agents against all claims resulting from work performed, material handled and services rendered. The contractual liability coverage evidenced will cover the liability assumed under the County-Contractor agreement.
- C. Prior to non-renewal, cancellation or a change of converge on this policy, at least thirty (30) days advance written notice shall be given to Yates County Highway Department, 939 State Route 14A, Penn Yan NY 14527

MINIMUM COVERAGES AND LIMITS ARE

Workers' Compensation Coverage will be required for anyone doing any kind of work for Yates County.

This includes self-employed individuals.

TYPE OF CONTRACT	COVERAGES REQUIRED	LIMITS REQUIRED
PROFESSIONAL SERVICES	PROFESSIONAL LIABILITY	MINIMUM \$1,000,000
	AUTO LIABILITY TO INCLUDE: OWNED, HIRED & NON OWNED	MINIMUM \$1,000,000
	WORKERS COMPENSATION	STATUTORY
	EMPLOYERS LIABILITY	STATUTORY
	DISABILITY BENEFITS	STATUTORY
CONSTRUCTION & MAINTENANCE	COMPREHENSIVE GENERAL LIABILITY TO INCLUDE: PREMISES & OPERATIONS ,PRODUCTS & COMPLETED OPERATIONS , INDEPENDENT CONTRACTOR, CONTRACTUAL, BROAD FORM PROPERTY DAMAGE,(XCU HAZARDS)	MINIMUM \$1,000,000
	AUTO LIABILITY TO INCLUDE: OWNED, HIRED, & NON OWNED	MINIMUM \$1,000,000
	WORKERS' COMPENSATION	STATUTORY
	EMPLOYERS LIABILITY	STATUTORY
	DISABILITY BENEFITS	STATUTORY
ACQUISITION OF SUPPLIES OR EQUIPMENT	COMPREHENSIVE GENERAL LIABILITY TO INCLUDE: PRODUCTS & COMPLETED OPERATIONS , CONTRACTUAL, BROAD FORM PROPERTY	MINIMUM \$1,000,000
	WORKERS' COMPENSATION	STATUTORY
	EMPLOYERS LIABILITY	STATUTORY
	DISABILITY BENEFITS	STATUTORY
COUNTY PROPERTY USED BY OTHERS	COMPREHENSIVE GENERAL LIABILITY TO INCLUDE: PREMISES & OPERATIONS ,PRODUCTS & COMPLETED OPERATIONS , INDEPENDENT CONTRACTOR, CONTRACTUAL, PERSONAL INJURY, LIQUOR LEGAL LIABILITY	MINIMUM \$1,000,000
	AUTO LIABILITY TO INCLUDE: OWNED, HIRED, & NON OWNED	MINIMUM \$1,000,000
	WORKERS' COMPENSATION	STATUTORY
	EMPLOYERS LIABILITY	STATUTORY
	DISABILITY BENEFITS	STATUTORY
CONCESSIONAIRE SERVICES LIVERY SERVICES MUNICIPAL AGREEMENTS	COMPREHENSIVE GENERAL LIABILITY TO INCLUDE: PREMISES & OPERATIONS ,PRODUCTS & COMPLETED OPERATIONS , INDEPENDENT CONTRACTOR, CONTRACTUAL, PERSONAL INJURY, LIQUOR	MINIMUM \$1,000,000
	AUTO LIABILITY TO INCLUDE: OWNED, HIRED, & NON OWNED	MINIMUM \$1,000,000
	WORKERS' COMPENSATION	STATUTORY
	EMPLOYERS LIABILITY	STATUTORY
	DISABILITY BENEFITS	STATUTORY

Bid specifications, particular contracts, leases or agreements may require increased limits and or additional coverages. If there are questions please contact the Yates County Highway Department 315-531-3200.

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HOLD HARMLESS CLAUSE

The Contractor agrees that it shall at all times save harmless the County of Yates from all claims, damages or judgements or for the defense or payment thereof, based on any claim, action or cause of action whatsoever, including any action for libel, slander, or personal injury, or any affiliated claims, by reason of any act or failure to properly act on the part of the Contractor and in particular as may arise from the performance under this contract. In the event of an injury by the subcontractor or its employees, they shall cause notice to be served upon the County within twenty-four (24) hours of any such injury.

PLEASE PRINT OR TYPE:

Company Name: _____ Federal Employee ID #: _____

Company Address: _____

Name: _____ Title: _____

Signature: _____ **Date:** _____

Telephone No.: _____ Fax No.: _____

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NON-COLLUSIVE BIDDING CERTIFICATE

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 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 been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
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.

PLEASE PRINT OR TYPE:

Company Name: _____ Federal Employee ID #: _____

Company Address: _____

Name: _____ Title: _____

Signature: _____ Date: _____

Telephone No.: _____ Fax No.: _____

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BID SPECIFICATIONS

All Hot Mix Asphalt material pay items shall conform to Sections 401, 402, 403 and 407 in the New York State Department of Transportation Standard Specifications dated January 1, 2018 or any revision/addendum pertaining thereto.

The supplier shall provide certification to Yates County that materials, methods and equipment are NYSDOT approved when requested. Mix designs must be submitted to Yates County for approval prior to use on any project.

The F.O.B plant low bidder shall be determined by combining the price per ton bid at the site of operations and the County cost for hauling the materials to the job site. It is understood that Yates County may have more than one job site and consequently, more than one low bidder in a given year.

All successful bidders will be required to attend a “pre-construction” meeting at the Yates County Highway Department office and/or at the project site to review/discuss site conditions, truck routes, truck clean out areas, turn around sites, etc.

If any true & leveling or shim work is required on either a specified or unspecified project, material shall be placed in a manner that will eliminate all rutting, depressions, etc. prior to placement of top course wearing surface. No top course material shall be applied until all ruts and/or depressions are sufficiently filled so as not to cause depressions or unevenness in the top course.

ASPHALT CONCRETE SPECIFIED IN-PLACE PROJECTS

On specified in-place projects, award will be made separately for each project and payment will be based on actual quantities placed. The Specified-in-Place tonnage quantities listed below on the BID SHEET are estimated quantities only and are not guaranteed. Final, in-place quantities may vary from estimated quantities due to field conditions, specific owner directions and/or budget constraints. **All specified pavement depths are compacted depths.**

NOTE: Paving on Specified “In-Place” Projects #1 - #3 shall be completed no later than July 15th of the current bid year, provided Yates County is prepared for paving to proceed. If the contractor(s) cannot complete all paving for Specified “In-Place” Projects #1 - #3 before July 15th, he/she shall notify the County in writing 30 days in advance of July 15th. For Specified “In-Place” Projects #1- #3, Yates County will coordinate between the successful Hot Mix Asphalt bidder and the successful Cold Milling contractor to provide for paved surfaces to be placed as soon after milling as possible but still before July 15th.

PREVAILING WAGE:

The successful contractor(s) that receive bid awards from Yates County shall comply with all current prevailing hourly wage rate labor laws of the State of New York as applicable to Public Works projects and contracts and the Contractor(s) shall not discriminate on account of sex, race, color, creed or national origin in the employment of citizens for public works projects.

Bidders shall reference NYS Dept. of Labor Prevailing Rate Case Number (PRC#) 2023002301.

Prevailing rates can be viewed at the following website hyperlink:

<https://apps.labor.ny.gov/wpp/publicViewProject.do?method=showIt&id=1545834>

Certified payrolls shall be submitted to Yates County Highway Department when invoices for completed work are submitted for payment. Payments to contractor cannot be processed without certified payrolls. For Public Works projects of at least \$250,000, all laborers, workers and mechanics working on site shall

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be certified as having successfully completed the OSHA 10-hour Construction Safety and Health Course as required by law as of July 18, 2008. Proof of certification will be required upon request.

The Contractor shall provide competent, trained personnel experienced in all aspects of the placement of hot mixed bituminous pavements.

It will be the Contractor's responsibility to assure by whatever means necessary that all surfaces to be paved are properly and sufficiently cleaned before paving operations.

The unit bid price for in-place asphalt concrete shall include transportation of materials to the project site, and all necessary labor, equipment and materials and as listed below to complete the project to the satisfaction of the Highway Superintendent.

All intersecting paved roads and mainline starting and stopping points shall be milled down to a minimum depth of 1" and rebated by the contractor. Rebate start/stop locations and intersection radii to be determined by the Yates County Highway Superintendent or his/her designee.

Minimum Equipment & Paving Crew requirements:

Automated Paver – Vogele Vision 5203 (or equal) w/10' screed extendable to 19'-6"

Vibratory Roller – CAT CB54 (or equal)

Static Roller - CAT CB54 (or equal)

Water truck (1)

Paving Foreman (1)

Roller Operators (2)

Paver Operator (1)

Laborers (2)

Screed Man (1)

M&P of Traffic (2 minimum)

The Contractor for in-place asphalt concrete must provide all necessary maintenance and protection of traffic per MUTCD including installation of short term pavement marking per NYSDOT Standard specifications Section 619-1.06 or as directed by the Highway Superintendent. The contractor should be aware that this may require additional traffic control personnel for intersections and other special circumstances.

The Highway Superintendent or his designee shall designate the type of materials, the grades, temperatures, and quantities of materials to be applied on all projects.

If one (1) year after date of completion, any work is found to be defective, Contractor shall promptly, without cost to the Owner, and in accordance with Owner's written instructions, correct such defective work to the satisfaction of the Highway Superintendent.

Water

For Project #1 Yates County will arrange for the contractor to get water from a fire hydrant at or near the Yates County Highway Department facility located at 939 State Route 14A, Penn Yan, NY. Project #2 water will be available from a hydrant at or near the Yates County Highway Department facility located at 939 State Route 14A, Penn Yan, NY. Project #3 water will be available at the Town of Milo Highway Department Pit located at 765 Rice Road, Himrod, NY. The contractor is responsible for providing the water truck and transporting water from the source to the point of need at the jobsite and ensuring that all hoses, fittings, etc. are removed from the hydrant at the end of each workday.

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COMPACTION QUALITY CONTROL METHOD: SPECIFIED IN-PLACE PROJECTS

The contractor shall supply a density gauge and a certified New York State HMA Density Testing Inspector to conduct compaction quality control on site throughout the duration of the project in accordance with this procedure. A copy of the certification for the HMA Density Testing Inspector issued through the NY Chapter of the AGC shall be presented on site prior to compaction density testing.

On the first day of paving, construct a test section on the project site at a location approved by the County Highway Superintendent or his/her designee, using the same equipment and procedures to be used in the construction of the remainder of the course being laid. The test section is for the purpose of determining the Pavement Target Density (PTD) and correlation of a density gauge. Construction of the test section will not be allowed unless both a density gauge and operator are present. Routine paving operations may begin immediately following the construction of the test section once a PTD has been established to the satisfaction to the County Highway Superintendent or his/her designee based on the evaluation of density readings. Paving operations will not be allowed unless a certified calibrated density gauge (nuclear or non-nuclear) and density inspector/operator are present.

Test Section: Construct a test section with a maximum of 1500 linear feet long on the mainline which has the same depth specified for the construction of the course it represents. Use the first 300 feet of the test section to stabilize the paving operation. The remainder of the length will be used to determine the PTD. Once a sufficient amount of material has been placed in the remaining test section, compact the pavement initially with a breakdown roller making four vibratory passes or as recommended by the County Highway Superintendent or his/her designee. The County Highway Superintendent or his/her designee will select three random locations and mark these sites so that subsequent density testing can be performed at the same locations. Density readings will then be recorded at the selected sites. A density reading is defined as the average of four measurements taken at 90 degrees at a location.

Make additional machine passes using either the intermediate or the finish roller and take additional density readings at the three previously selected sites after each pass until the increase in density is less than 2 pounds per cubic foot or until the County Highway Superintendent or his/her designee stops further compaction because the pavement shows signs of distress.

The County Highway Superintendent or his/her designee will calculate the average of the density readings at each of the three test locations. The highest average density will be the PTD for monitoring the pavement density during routine paving operations. This entire process will be repeated for each "Specified In-Place" project.

Compact the pavement sufficiently to achieve the PTD value. The minimum acceptable density reading will be 96% or a maximum of 103% of the PTD in a single test location and 98% of the PTD calculated as a moving average of the last 10 test locations as determined by the density gauge.

Take density readings at each location, randomly selected by the County Highway Superintendent or his/her designee approximately every 200 feet along the length of the pavement for each pass of the paver. Record these values using the NYSDOT form BR340.

If density readings over two consecutive locations fall below 96% or above 103% of the PTD or the moving average of the last 10 density readings fall below 98% of the PTD, stop routine paving operations and determine the cause of the out of range readings.

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ASPHALT CONCRETE UNSPECIFIED IN-PLACE PROJECTS (Shim/True & Leveling)

On Unspecified “In-Place” Projects, award will be made to a single Contractor based on the lowest Base Bid price. There could be up to an estimated 1,000 tons of shim/true & leveling work to be performed on various County roads.

Bidders shall provide an in-place, per (English) ton Base Bid price. Quantity price adjustments shall be as follows:

The Quantity Price Adjustment shall be based on the quantity of material required to complete the project. Said adjustment shall be calculated per project.

The price bid shall be specific to those projects requiring 150 to 500 tons of asphalt concrete material and shall be termed the “Base Bid”. Adjustments to the unit price of the “base bid” shall be based on each project’s quantity requirements.

- For projects requiring less than 50 tons, the unit price shall increase 100% (one hundred percent).
- For projects requiring between 50 tons and 150 tons, the unit price shall increase 50% (fifty percent).
- For projects requiring more than 500 tons, the unit price shall decrease 10% (ten percent).

All terms and conditions as stated above under Specified “In-Place” Projects shall also apply to Unspecified “In-Place” Projects except that rebates may not be required at all starting and stopping points on the Unspecified shim/true & leveling projects. Yates County Highway Department will determine if rebates are required.

NOTE: The estimated quantities are based on the best available information and no guarantee of the quantity to be purchased is made or implied. All quantities to be verified by bidders prior to bid.

NYSOGS Allowable Asphalt and Fuel Adjustment Percentages

<u>NYSDOT No.</u>	<u>DESCRIPTION</u>	<u>PRICE ADJUSTMENT % PER TON</u>
403.198302	Type 7F Top	7.85 %
403.178302	Type 6F Top	7.20 %
*	Fine Binder	6.50 %
403.138902	Type 3 Binder	6.50 %
402.098201	9.5 mm < 30	7.20 %
402.128201	12.5 mm < 30	6.50 %
402.198901	19.0 mm < 30	5.90 %
402.258901	25.0 mm < 30	5.50 %

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BID SHEET

Price adjustments will be allowed as part of the bid in accordance with NYSOGS formula. **The base terminal price is the November 2022 price of \$690 per English ton.** All Bid prices shall be for English tons.

F.O.B ASPHALT CONCRETE

<u>NYSDOT No.</u>	<u>DESCRIPTION</u>	<u>EST. QTY</u>	<u>NET F.O.B. PLANT</u>
403.198902	Type 7F Top	500 – 1,000 Tons	\$ _____ / ton
403.178302	Type 6F Top	500 – 1,000 Tons	\$ _____ / ton
	Fine Binder	500 – 1,000 Tons	\$ _____ / ton
403.138902	Type 3 Binder	500 – 1,000 Tons	\$ _____ / ton
402.097203	9.5 mm < 30	500 - 1,000 Tons	\$ _____ / ton
402.127203	12.5 mm < 30	500 - 1,000 Tons	\$ _____ / ton
402.197903	19.0 mm < 30	500 - 1,000 Tons	\$ _____ / ton
402.257903	25.0 mm < 30	500 - 1,000 Tons	\$ _____ / ton

SPECIFIED “IN-PLACE” PROJECTS

SPECIFIED “IN-PLACE” PROJECT #1

CR #8; Bellona Station Rd.: 2.66 miles, from State Route 14A to Pre-Emption Road (CR #15).

Pavement: 2” - 19 mm < 30 binder and 1.5” - 9.5 mm < 30 wearing course

Estimated Quantity 19mm < 30 (2”): **3,392** tons \$ _____ per (English) ton

Estimated Quantity 9.5mm < 30 (1.5”): **2,852** tons \$ _____ per (English) ton

Total Project Price: \$ _____

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SPECIFIED “IN-PLACE” PROJECT #2

CR #2; Ferguson Corners Rd.: 2.71 miles, from State Route 14A to the Ontario County Line.

Pavement: 2” - 19 mm < 30 binder and 1.5” - 9.5 mm < 30 wearing course

Estimated Quantity 19 mm < 30 (2”): **3,456** tons \$ _____ per (English) ton

Estimated Quantity 9.5 mm < 30: (1.5”): **2,905** tons \$ _____ per (English) ton

Total Project Price: \$ _____

SPECIFIED “IN-PLACE” PROJECT #3

CR# 11; Chubb Hollow Rd.: 6.65 miles, from State Route 14A to Himrod Road (CR #1).

(Note: Yates County will be replacing two existing culverts near the Welker Road intersection. There may be an approximately 1,500’ section of this road that may require additional asphalt for the required coverage over the culverts. Coordinate with Yates County for a final determination before starting the paving in the area of these two culverts on this project)

Pavement: 2” - 19 mm < 30 binder and 1.5” - 9.5 mm < 30 wearing course

Estimated Quantity 37.5 mm < 30 (3”): **598** tons \$ _____ per (English) ton

Estimated Quantity 19 mm < 30 (2”): **8,479** tons \$ _____ per (English) ton

Estimated Quantity 9.5 mm < 30: (1.5”): **7,129** tons \$ _____ per (English) ton

Total Project Price: \$ _____

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UNSPECIFIED “IN-PLACE” PROJECTS

NOTE: All Unspecified, “In-Place” hot mix asphalt prices are based on one (1) full 10hr. workday

<u>NYSDOT ITEM</u>	<u>DESCRIPTION</u>	<u>Base Bid (per English ton, in place)</u>
403.198302	Type 7F3 Top	\$ _____
403.178302	Type 6F3 Top	\$ _____
*	Fine Binder	\$ _____
403.138902	Type 3 Binder	\$ _____
402.097203	9.5 mm < 30	\$ _____
402.127203	12.5 mm < 30	\$ _____
402.197903	19.0 mm < 30	\$ _____
402.257903	25.0 mm < 30	\$ _____

Company Name: _____

Address: _____

Submitted by: _____
(Print name)
(Signature)

Title: _____

Phone Number: _____ Fax: _____

Date: _____ Fed ID #: _____