



**INVITATION TO BID NO. 12-600-012**  
**Wise County, Texas**

**BID TITLE:** *Pre-coated Rock Grade 3 & 4*

**SEALED BIDS WILL BE RECEIVED UNTIL:** *10:00 a.m. central time, Thursday, August 11, 2011*

**RETURN BIDS TO:**

*Wise County Asset Control Office  
400 W Walnut, Decatur, or  
P.O. Box 952, Decatur, TX 76234*

*All bids must be submitted in a sealed envelope on the enclosed bid form and received on or before the time specified above. The bid envelope must have a return address in the upper left hand corner and the bid name and number in the lower left hand corner.*

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**SCOPE**

Wise County is now accepting formal sealed bids for a contract for the purchase of Pre-coated Chip Rock Grade 3 & 4 for road construction applications.

This contract will be effective from October 1, 2011 through September 30, 2012.

This contract may be canceled with 30 days written notification by either party to the other.

**SPECIFICATIONS**

It is the intent of these specifications to describe Pre-coated Chip Rock Grade 3 & 4 suitable for use on county road construction.

Any catalog, brand name, or manufacturer's reference used in describing an item is merely descriptive and not restrictive unless otherwise noted, and is used only to indicate type and quality of material. Bidders must state exactly what they intend to furnish. If bidder takes no exception to specifications or reference data, he will be required to furnish items as specified in the bid.

Types and grades of Pre-coated Chip Rock Grade 3 & 4 materials hereinafter mentioned must meet specifications of the Texas Department of Transportation, 2004 Standard Specifications for Construction of Highways, Streets and Bridges. For any that fall under Item 341 and special provision 341-022, no bonuses will be considered as part of this bid. Bidders unfamiliar with such specifications may obtain copies of such specifications from the Texas Department of Transportation, District #2, Fort Worth Office or TXDOT website <http://www.dot.state.tx.us/business/englspec.htm>. Precoated rock is under the specifications for chip seal (seal coat) rock.

The County is seeking prices for materials loaded by the bidder's personnel and equipment and hauled by Vendor or the County's personnel and equipment or by contracted means at the County's discretion.

### **TYPES AND GRADES OF MATERIALS SOUGHT:**

Asphalt Coated Rock Pre-coat Grade 3 & 4 bid under specs for chip seal (seal coat) rock.

Vendor must provide Hot-Mix designs prior to production of HMAC.

In order to comply with State laws concerning competitive bidding while maintaining as much continuity as possible between the County and its contracted asphalt vendor(s), Wise County has elected to utilize a "fluctuating price" contract(s) which takes the changing market conditions into consideration over the contract period.

Pricing must remain firm for sixty (60) day increments. This specification provides for a price increase every sixty (60) days, if needed, based upon price changes the bidder receives on liquid asphalt from the supplier. All bidders desiring consideration of a price increase must supply documentation in the form of current liquid asphalt invoice copies from bidder's supplier, showing the average cost per ton for the previous sixty (60) day period. This can result in a price increase or price reduction, depending on the current liquid asphalt price. All other factors that affect the price should be incorporated into the bid price. This price must be approved by Commissioners' Court before it will be effective.

The County will award bids in eight separate and distinct categories because it is not always possible to determine the time repairs are made, road conditions, and amounts of asphalt road surfacing materials needed.

The categories are:

1. Precinct #1 - Main Vendor
2. Precinct #1 - Secondary Vendor
3. Precinct #2 - Main Vendor
4. Precinct #2 - Secondary Vendor
5. Precinct #3 - Main Vendor
6. Precinct #3 - Secondary Vendor
7. Precinct #4 - Main Vendor
8. Precinct #4 - Secondary Vendor

The Precinct #1 bid will include the Public Works Department and Sheriff's Office.

### **ESTIMATED QUANTITIES**

Because Wise County's needs are seasonal in nature, it is not feasible to offer prospective bidders estimated quantities needed during the year. However, prospective bidders are encouraged to contact the individual department heads of the listed departments to discuss their anticipated needs. Wise County will in no way be bound to purchase any predetermined amounts under this contract. All purchases will be based on the county's actual needs.

## PRECINCT LOCATIONS AND PHONE NUMBERS

Precinct #1 Highway 380 and FM 51 N., Decatur	940-627-5810 Danny White
Precinct #2 Highway 81/287 and FM 1655, Alvord	940-427-4881 Kevin Burns
Precinct #3 Highway 730 S., Boyd	940-433-5365 Harry Lamance
Precinct #4 Highway 380, Bridgeport	940-683-4153 Terry Ross

## GENERAL CONTRACT TERMS AND CONDITIONS

The contract price for this service must include all ancillary costs associated with the service.

The bidder reserves the right to charge any price desired as long as it does not exceed the bid price.

All invoices will be paid on a net 30 basis. No late fees or interest charges are to be assessed against the county.

Invoices must show the address and department where the service was required and the bid number. Each department/precinct must be invoiced separately.

Invoices must be sent to:

Wise County Auditor's Office  
P.O. Box 899  
Decatur, TX 76234  
940-627-5744

Funds for payment on this contract have been provided through the Wise County budget approved by Commissioners' Court for this fiscal year only. State of Texas statutes prohibit the obligations and expenditure of public funds beyond the fiscal year for which a budget has been approved. Therefore, anticipated orders or other obligations that may arise past the end of the current Wise County fiscal year shall be subject to budget approval. The fiscal year for the County extends from October 1<sup>st</sup> of each calendar year to September 30<sup>th</sup> of the next calendar year.

The bidder must provide pricing (unit or lump sum) as requested on the bid form. Prices quoted shall remain firm for the period of the contract and shall include the cost of installation if required in the specifications, shipping, and delivery of item to the designated point unless pickup is required and stated in the bid and shall not include Federal or State of Texas sales, excise and use taxes.

The undersigned affirms they have familiarized themselves with the local conditions under which the work is to be performed and have satisfied themselves of matters that may be incidental to the work before submitting a bid.

Bidders must submit their bids on the attached forms and they must be originally signed.

Bids not submitted on these forms will be summarily disqualified.

**Faxed or emailed bids will not be accepted.**

By submitting and signing the attached bid forms, each bidder is indicating that he has read and understood the instructions, terms, conditions, specifications, and invitation to bid and agrees to comply with and be bound by its precepts. Submission of a bid form shall constitute an offer on such terms that shall remain open and irrevocable until such time as a bid submitted on same has been accepted by the Commissioners' Court of Wise County, Texas. Acceptance of same by the Court shall create a contract between the parties based upon the instructions, terms, conditions, specifications, invitation to bid, and the bid forms.

Continuing non-performance of the vendor in terms of specifications shall be basis for termination of the contract by Wise County. Wise County shall not pay for work, equipment, or supplies that are unsatisfactory. Vendors will be given a reasonable opportunity before termination to correct the deficiencies. However, this shall in no way be construed as negating the basis for non-performance termination.

A Conflict of Interest Questionnaire and explanation has been included with this bid packet. If you have any questions about compliance, please consult your own legal counsel. Compliance is the individual responsibility of each individual, business, or agent who is subject to the laws filing requirements. If you are required to file a Conflict of Interest Questionnaire, the original signed questionnaire should be filed with the County Clerk's Office. **DO NOT INCLUDE THIS FORM WITH THE BID PACKET. IT WILL NOT BE FILED BY ASSET CONTROL.**

Wise County Clerk  
P.O. Box 359  
200 N Trinity  
Decatur, TX 76234  
940-627-3351

The bid analysis will include compliance to bid specifications, past performance with vendor, warranty, delivery time, and the overall cost to Wise County. Wise County reserves the right to consider deviations from these specifications. All bids meeting the intent of this invitation to bid will be considered for award. Bidders taking exception to the specifications, or offering substitutions, shall state these exceptions in the section provided or by attachment as part of the bid. The absence of such a list shall indicate that the bidder has not taken exceptions and shall hold the bidder responsible to perform in strict accordance with the specifications of the invitation. Wise County Commissioners' Court reserves the right to accept any and all or none of the exception(s)/substitution(s) deemed to be in the best interest of the County.

Award, if any, will be made to the responsible bidder(s) submitting the lowest and/or best bid price(s) for the item(s) as specified and meeting all the requirements of the invitation to bid. All information required by the bid form must be furnished. To be determined will not be considered an answer. It should be understood by all bidders that Wise County reserves the right to reject bid submissions that do not meet the requirements of the invitation to bid and that do not contain all of the documentation detailed below.

1. Bid form completed in its entirety and originally signed
2. Price Sheet
3. Affidavit

Wise County reserves the right to accept and/or reject any and all bids for any reason whatsoever.

Wise County reserves the right to waive any minor technicalities.

## **ADDITIONAL NOTICE TO BIDDERS**

BY RESOLUTION PASSED ON FEBRUARY 23, 2004, THE WISE COUNTY COMMISSIONERS' COURT RESERVES THE RIGHT TO REFUSE TO CONSIDER ANY BID SUBMITTED BY ANY PERSON OR ENTITY THAT IS CURRENTLY INDEBTED TO WISE COUNTY.

## **APPLICABLE DATES AND TIMES**

The bids will be received in the Wise County Asset Control Office at 400 W Walnut in Decatur, Texas, until 10:00 a.m. central time, Thursday, August 11, 2011.

The Wise County Asset Control Office will date and time receive stamp all bids upon their receipt.

The County assumes no responsibility for the timely delivery of any bid by anyone or any entity.

Those bids that come in after the above mentioned time will be summarily disqualified and will be left unopened unless it is necessary to open the bid envelope to return a bid bond or check.

No modifications may be made to bids after the time set for the bid opening. Bids may be withdrawn up to, but not after, the time set for bid opening.

The bids will be opened and publicly read in the County Asset Control Office at 10:00 a.m. central time, Thursday, August 11, 2011.

Bids will be considered for award in Wise County Commissioners' Court at the next regularly scheduled Commissioners' Court at the location posted on the agenda. All bidders are encouraged to be present at the bid opening and the bid awarding to defend and answer questions about their bid.

If due to inclement weather or any reason beyond our control the Asset Control Office is closed on the scheduled bid opening date or time, the bid opening date and time will be the same time on the first day the office is reopened for business. Should this be after the original Commissioners' Court date set for award, the award will be considered in the next scheduled Commissioners' Court after the opening.

For questions regarding this bid, please contact the Asset Control Office at 940-627-3312.

## **TITLE**

The bid must be submitted in a sealed envelope with the following written on the outside lower left-hand corner of the envelope

**"PRE-COATED ROCK GRADE 3 & 4, BID NO. 12-600-012"**

The bid envelope must also have the bidder's complete return address in the upper left-hand corner of the outside of the envelope.

WISE COUNTY, TEXAS  
PRE-COATED ROCK GRADE 3 & 4  
BID NO. 12-600-012

Bidder's Name: TXI OPERATIONS, LP  
Address: 1341 W. MOCKINGBIRD LN  
Mailing Address: SAME AS ABOVE  
City/State/Zip: DALLAS, TX 75247  
Phone Number: 972 647-3770 Fax Number: 972 647-7032  
Person to Contact: ETTA DEAN  
Email: edean@txi.com

**MUST INCLUDE ATTACHED PRICE FORMS**

**Purchase Price must include any and all charges. Any extraneous fees or charges that will or may be invoiced to the County must be disclosed on this form. This includes, but is not limited to freight, fuel or travel surcharges, overtime rate, etc.**

Signature: Etta Dean  
Typed Name and Title: ETTA DEAN - REGIONAL BUSINESS MANAGER  
Date: AUGUST 9, 2011

Precinct #1

Asphalt Coated Rock Pre-coat grade 3

\$ 30.<sup>00</sup> per ton FOB plant

\$ 33.75 vendor delivered

Asphalt Coated Rock Pre-coat grade 4

\$ 29.<sup>00</sup> per ton FOB plant

\$ 32.75 vendor delivered

Plant Location: SH 101, BRIDGEPORT, TX

Precinct #2

Asphalt Coated Rock Pre-coat grade 3

\$ 30.<sup>00</sup> per ton FOB plant

\$ 34.25 vendor delivered

Asphalt Coated Rock Pre-coat grade 4

\$ 29.<sup>00</sup> per ton FOB plant

\$ 33.25 vendor delivered

Plant Location: SH 101, BRIDGEPORT, TX

Precinct #3

Asphalt Coated Rock Pre-coat grade 3

\$ 30.<sup>00</sup> per ton FOB plant

\$ 34.<sup>00</sup> vendor delivered

Asphalt Coated Rock Pre-coat grade 4

\$ 29.<sup>00</sup> per ton FOB plant

\$ 33.<sup>00</sup> vendor delivered

Plant Location: SH 101, BRIDGEPORT, TX

Precinct #4

Asphalt Coated Rock Pre-coat grade 3

\$ 30.<sup>00</sup> per ton FOB plant

\$ 33.25 vendor delivered

Asphalt Coated Rock Pre-coat grade 4

\$ 29.<sup>00</sup> per ton FOB plant

\$ 32.25 vendor delivered

Plant Location: SH 101, BRIDGEPORT, TX

Bid: Pre-coated Rock Grade 3 & 4, 12-600-012

STATE OF TEXAS (

COUNTY OF WISE (

**AFFIDAVIT**

**BEFORE ME**, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Etta Dean known to me to be the person whose name is subscribed to the following, who, after having first duly sworn, upon oath, did depose and say:

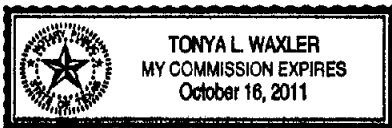
That the foregoing bid submitted by TXI OPERATIONS, LP hereinafter called "Bidder" is the duly authorized agent of said company and that the person signing said bid has been duly authorized to execute the same. Bidder affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other Bidder. The contents of this bid as to prices, terms or conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this bid.

I am the affiant in the above-mentioned bid. I have personal knowledge of the facts contained in the foregoing statement and they are true and correct to the best of my knowledge and belief.

**FURTHER AFFIANT SAYETH NAUGHT.**

**Name and Address of Bidder:**

Bidder: TXI OPERATIONS, LP  
Signed by: Etta Dean  
Address: 1341 W. MOCKINGBIRD L.W. DALLAS, TX 75247  
Telephone: (972) 647-3770 Date: 8/9/11



**Affiant**

Name: Etta Dean  
Title: Regional Business Manager

SWORN TO AND SUBSCRIBED BEFORE ME THIS 9th day of August, 2011.

Tonya L. Waxler  
Notary Public in and for the State of Texas