

Notice to Bidders

Sealed bids for the items listed below will be received at the Monroe County Legal Department, Monroe County Courthouse, 100 W. Kirkwood Avenue, Room 220, Bloomington, Indiana 47404, until 10:00 AM E.S.T., on Thursday, March 18, 2021. The bids will be opened and read aloud one hour later at 11:00 AM E.S.T. in a Zoom meeting by representatives of the Monroe County Highway Department. The Zoom Meeting information is listed near the bottom of this Notice. If you, or a contract delivery service are delivering your bids in person please phone the Monroe County Legal Department at (812) 349-2525 for access to the Monroe County Courthouse. Monroe County Buildings are not currently open to the Public without an appointment. Any bid received after this time will be returned unopened. Bids transmitted by facsimile machine or e-mail will not be accepted.

MONROE COUNTY HIGHWAY DEPARTMENT

ASPHALT MATERIAL SUPPLIED TO MONROE COUNTY

Up to 100,000 Tons Total for all Hot Mix Asphalt (HMA) Types
Up to 5,000 Tons of Cold Mix Pot Hole Patching Material

Bidder shall supply material at bidder's asphalt plant and placed in Monroe County trucks.

It shall be the responsibility of the bidder to provide itemized monthly billings. Bid prices shall hold for one year from the date of the award by the Board of Commissioners of Monroe County.

The term covered by this bid shall be one year from the date of the award by the Board of Commissioners of Monroe County. The contract to supply materials and supplies may be renewed beyond the expiration date to another term, not to exceed two additional one-year terms, by agreement of both the County and the Bidder.

OTHER INFORMATION

Copies of the Instructions to Bidders, the Specifications, and all necessary bid forms may be obtained from the Legal Department or on the Monroe County Website at www.co.monroe.in.us

The Owner reserves the right to accept or reject any Bid, *or portion of the Bid*, and to waive any irregularities in the bidding. All bids may be held for a period not to exceed 60 days, or as otherwise stated in the Contract Documents before awarding the contract.

If the bid is for sand, gravel, asphalt paving materials, or crushed stone the County may award contracts to more than one (1) responsible and responsive bidder based on geographic location, availability and customer service.

All out-of-state corporations must have a certificate of authority to do business in the State. Application forms may be obtained by contacting the Secretary of State, State of Indiana, Statehouse, Indianapolis, Indiana 46204.

All bidders shall comply with Chapter 275 of the Monroe County Code, the Responsible Bidder Ordinance.

Monroe County is an Equal Opportunity Employer in accordance with I.C. 22-9-1-10 and shall not permit discrimination against any employee or applicant for employment to be employed in the performance of the contract, with respect to his or her hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, religion, color, sex, disability, national origin, or ancestry.

ZOOM MEETING INFORMATION

March 18th, 11:00 AM

Monroe County Highway Bituminous Bid Opening

<https://monroecounty-in.zoom.us/j/85103341845?pwd=M3dCSG1uTXU0WDRsTkVOTFNUNjNpQT09>

Meeting ID: 851 0334 1845

Password: 603399

Dial by your location

+1 312 626 6799 US (Chicago)

Meeting ID: 851 0334 1845

Julie Thomas, President
Monroe County Board of Commissioners

Catherine Smith, Monroe County Auditor

INSTRUCTIONS TO BIDDERS

1. Each bidder shall make sure that his bid is submitted in a **SEALED ENVELOPE** marked, **SEALED BID “Monroe County Highway Department”**, addressed to the Board of County Commissioners with the return address of the bidder shown.
2. Sealed bids for the items listed below will be **received at the Monroe County Legal Department, Monroe County Courthouse, 100 W. Kirkwood Avenue, Room 220, Bloomington, Indiana 47404**, until 10:00 AM E.S.T., on Thursday, March 18, 2021. The bids will be opened and read aloud one hour later at 11:00 AM E.S.T. in a Zoom meeting by representatives of the Monroe County Highway Department. The Zoom Meeting information is listed near the bottom of this Notice. If you, or a contract delivery service are delivering your bids in person please phone the Monroe County Legal Department at (812) 349-2525 for access to the Monroe County Courthouse. Monroe County Buildings are not currently open to the Public without an appointment. Any bid received after this time will be returned unopened. Bids transmitted by facsimile machine or e-mail will not be accepted.
3. It shall be the responsibility of the bidder to provide itemized monthly billings. Bid prices shall hold for one year from the date of the award by the Board of Commissioners of Monroe County.
4. The term covered by this bid shall be one year from the date of the award by the Board of Commissioners of Monroe County. The contract to supply materials and supplies may be renewed beyond the expiration date to another term, not to exceed two additional one-year terms, by agreement of both the County and the Bidder.
5. Be sure to complete the non-collusion affidavit and the affidavit of non-discrimination, otherwise the bid will not be valid.
6. Please read and follow the Legal Notice when completing the bid proposal, as well as all specifications. Should you have any questions regarding specifications, please contact the Monroe County Highway Department Office at (812) 349-2555.
7. Monroe County Highway Bituminous Bid Opening Zoom Meeting Information as follows:

<https://monroecounty-in.zoom.us/j/85103341845?pwd=M3dCSG1uTXU0WDRsTkVOTFNUNjNpQT0>

Meeting ID: 851 0334 1845
Password: 603399

Dial by your location

+1 312 626 6799 US (Chicago)
Meeting ID: 851 0334 1845

PROJECT: **Asphalt Material Supplied to Monroe County
Monroe County, Indiana**

FROM: _____(Company)

BID SUBMITTED TO:

Monroe County Legal Department
Monroe County Courthouse
100 W. Kirkwood Avenue, Room 220
Bloomington, Indiana 47404

1. The undersigned BIDDER proposes and agrees, if this BID is accepted, to enter into an agreement with the Monroe County Board of Commissioners (OWNER) to furnish all material as specified and indicated in the Contract Documents for the Contract Unit Price.
2. In submitting this BID, BIDDER represents that:
 - a. BIDDER has examined the Bid Documents.
 - b. The OWNER may award contracts to more than one (1) responsible and responsive bidder based on geographic location, availability and customer service.
3. Asphalt Mix: All materials shall meet current Indiana Department of Transportation (INDOT) specifications. Hot Mix Asphalt (HMA) mixtures shall comply with the applicable specifications of Section 402 of the INDOT Standard Specifications (2020). Cold Mix Asphalt mixtures shall comply with the applicable specifications of Section 403 of the INDOT Standard Specifications (2020).
4. Material Supplier: Material supplier and the material supplied shall be certified by the Indiana Department of Transportation prior to be submittal.
5. Material Supplied: Material supplied will be picked up at the BIDDER's plant and will be transported in the OWNER's trucks.
6. It shall be the responsibility of the BIDDER to provide itemized monthly billings. Bid prices shall hold for one (1) year from the date of the award by the OWNER.
7. The term covered by this bid shall be one (1) year from the date of the award by the OWNER's. The contract to supply materials and supplies may be renewed beyond the expiration date to another term, not to exceed two (2) additional one-year terms, by agreement of both the OWNER and the BIDDER.

SUBMITTED on _____, 2021.

(Bidder Name)

(Signature of Authorized Representative)

(Title)

(Business Address)

(Telephone Number)

(E-Mail Adress)

BIDDER will provide the material for the following unit prices:

BASE BID

Item No.	Description	Unit	Annual Amount Required	Unit Price
1	HMA Surface, Type B, 9.5 mm	Ton	Up to 100,000 Tons total for all HMA Types listed in this table.	
2	HMA Surface, Type B, 12.5 mm	Ton		
3	HMA Intermediate, Type B, 12.5 mm	Ton		
4	HMA Base, Type B, 25 mm	Ton		
5	Cold Mix Asphalt Pothole Patching Material	Ton	Up to 5,000 Tons	

NON-DISCRIMINATION AFFIDAVIT

The undersigned, having executed the attached bid or bids for and on behalf of himself, his firm or corporation, being first duly sworn says:

In the performance of work under this contract, it is agreed that Contractor, any of its subcontractors, or any person acting on their behalf shall not, in any manner, discriminate against or intimidate any employee or job applicant with respect to his hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of his race, religion, color, sex, disability, national origin or ancestry or discriminate by reason of such factors against any citizen of the State of Indiana who is qualified and available to perform the work.

It is further agreed that a penalty may be deducted from the contract in the sum of five (\$5.00) for each person for each calendar day during which such person was discriminated against or intimidated in violation of this provision. If a second or subsequent violation occurs, this contract may be terminated, and all monies due or become due hereunder may be forfeited. It is further agreed that a breach of this covenant may be considered a material breach of this contract.

NON-COLLUSION AFFIDAVIT

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

OATH AND AFFIRMATION

I affirm under the penalties for perjury that the foregoing facts and information are true and correct to the best of my knowledge and belief.

Dated at _____ this _____ day of _____, 20__.

(Name of Organization)

By _____

(Title of Person Signing)

CHAPTER 275
RESPONSIBLE BIDDER

275-1. Purpose

The Responsible Bidder Ordinance shall serve to define the term "responsible" as used in Indiana Code 36-1-12-4

275-2. Applicability

This Chapter of the Monroe County Code shall apply when:

- (a) The County is seeking a contract or other service to perform public work. Public work, in this context, means the construction, reconstruction, alteration, or renovation of a public building, or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by the County under a lease containing an option to purchase; and
- (b) The cost of the contract or service will be at least one-hundred-fifty thousand dollars (\$150,000)

275-3. Criteria

A "responsible bidder" shall meet all the bid and contract specifications, and shall:

- (A) Affirm compliance with all applicable laws pre-requisite to doing business in Indiana;
- (B) Produce evidence of a federal employer taxpayer identification number or social security number (for sole proprietors);
- (C) Confirm compliance with Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11375 (known as the Equal Opportunity Employer Provisions);
- (D) Provide the County with certificates of insurance indicating the following coverage, when such is required in the bid or contract specifications, and in amounts stated in the bid specifications or contract:
 - (1) General liability;
 - (2) Worker's compensation;
 - (3) Complete operations;
 - (4) Automobile;
 - (5) Hazardous occupation;
 - (6) Product liability;
 - (7) Professional liability;
 - (8) Pollution liability;
 - (9) Asbestos abatement liability;

- (10) Property insurance; and
 - (11) Any additional insurance required by the bid specifications or contract;
- (E) Affirm, where workers' compensation insurance is required under the bid specifications, that all employees are (1) covered under a current workers' compensation insurance policy and (2) properly classified under such policy; and also, where worker's compensation insurance is required under the bid specifications, submit a copy of the "Declarations Page(s)" of the contractor's workers' compensation insurance policy if the contractor is insured with a carrier, and any continuation of the worker's compensation insurance Declarations Page(s) which includes the name and address of the insured, as well as the class codes the compensation premium is based on and the total estimated remuneration per class code; and, upon the City's request, submit a copy of any worker's compensation insurance annual premium audit documents.
- (F) Indicate compliance with Indiana Code § 5-16-7 et. Seq., the Indiana Common Construction Wage Act;
- (G) Submit proof of any professional or trade license required by law for any trade or specialty area in which a bidder is seeking a contract award; and disclose any suspension or revocation within the previous five (5) years of any professional trade license held by the company, or of any director, officer or manager employed by the bidder;
- (H) At the time of submitting the bid, disclose the name and address of each subcontractor from whom the bidder has accepted a bid and/or intends to hire on any part of the project, and disclose the amount of each subcontractor's bid to the general contractor; each subcontractor who will perform work valued in excess of the threshold set forth in Section 275-2(b) of the Monroe County Code shall be required to adhere to the submission requirements set forth herein as though it were bidding directly to the Monroe County, and must file the appropriate required documents at least five (5) days prior to commencement of work by the subcontractor;
- (I) State that individuals who will perform work on the public works project on behalf of the contractor are properly classified as either (1) an employee or (2) an independent contractor under all applicable state and federal laws and local ordinances;
- (J) Provide information as to the substance abuse policy that pertains to all of the bidder's employees working on the project; and
- (K) Confirm that all apprentices to be used on the project are registered with an apprenticeship and training program approved and registered with the United States Department of Labor, Bureau of Apprenticeship and Training (or any state or federal successor agency).

275-4. Certified Payroll

All contractors and subcontractors are required to submit to the awarding agency, and General Contractor if applicable, an approved and detailed certified payroll on a weekly basis, unless different payroll reporting requirements are stated under the bid specifications or contract.

275-5. Additional Criteria

The County may also request evidence of and/or consider the following factors when identifying responsible bidders for the purpose of awarding contracts under this Chapter:

- (A) The ability, capacity, and skill of the bidder to perform the contract;
- (B) The capacity of the bidder to perform the contract promptly and efficiently, or within the time specified, without delay or interference;
- (C) The character, integrity, reputation, and experience of the bidder;
- (D) The quality of the bidder's past performance, including performance of previous contracts, whether or not such performance was with the County;
- (E) The bidder's default under previous contracts, whether or not such contract was with the County;
- (F) The bidder's failure to pay or satisfactorily settle bills due on former contracts, whether or not such contract was with the County;
- (G) The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
- (H) The financial ability of the bidder to perform the contract;
- (I) A statement regarding and/or disclosures of:
 - 1. Any determination by a court or government agency for violations of federal, state, or local laws including but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), the National Labor Relations Act (NLRA), Common Construction Wage Law, or the federal Davis-Bacon Act;
 - 2. Any findings of "non-responsibility" by federal, state, or local departments;
- (J) Any additional factors the County determines relevant for the contract.

275-6. Lowest Bidder Not Chosen

When the contract is awarded to a bidder other than the lowest bidder, a statement of the Reasons for such award shall be prepared by Monroe County.

275-7. Multiple Low Bids

When two or more responsible bidders submit the same low bid, the contract shall be granted to the bidder whose headquarters are geographically closest to the Monroe County; but if both low bidders are headquartered within the Monroe County, then the winning bid shall be determined by drawing lots in public at a meeting of the Board of County Commissioners;

275-8. Access to Public Records Act

All submissions tendered under this Chapter by a contractor or subcontractor shall be public records subject to review pursuant to Indiana Code § 5-14-3-1 et seq., the Indiana Access to Public Records Law.

275-9. Severability

If any portion of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other portions or applications of this ordinance which can be given effect without the invalid portions or applications, and to this end, the portions of this Ordinance are severable.

275-10. Effective Date

This Ordinance is effective upon passage.

[end of chapter]