



ADVERTISEMENT FOR BIDS

The City of Burnet, Texas is soliciting bids for Street Paving.

Prospective bidders may obtain a copy of the Contract Documents and Specifications at www.cityofburnet.com/rfps or at Burnet City Hall, 1001 Buchanan Drive, Suite #4, Burnet, Texas 78611 after Wednesday, November 24, 2021.

Sealed proposals shall be addressed to the City Secretary, City of Burnet, 1001 Buchanan Drive, Suite #4, Burnet, Texas 78611 and shall be labeled:

City of Burnet
Paving, RFP 2021-004
Do Not Open

Bids will be accepted until 2:00 o'clock P.M., Thursday, December 9, 2021, at which time all bids will be opened and read aloud. It is the sole responsibility of the bidder to ensure that his bid is actually in the Office of the City Secretary of the City of Burnet prior to the expiration of the time and date stated above.

Upon consideration of the bids, the City of Burnet reserves the right to accept or reject any and/or all bids. Bids will be evaluated based on the lowest responsible bidder or the bidder that provides the best value for the City, such determination will be made by the City.

INVITATION TO BID – PAVING

RETURN BID TO:

David Vaughn, Asst. City Manager
City of Burnet
1001 Buchanan Drive, Suite #4
Burnet, Tx 78611

The enclosed INVITATION TO BID (ITB) and accompanying STANDARD PURCHASE TERMS & CONDITIONS, and SPECIFICATIONS AND BID SHEET(S) are for your convenience in bidding the enclosed referenced products and/or services for the City of Burnet.

Sealed bids must be received by: 2:00 p.m. Thursday, December 9, 2021

MARK ENVELOPE: “CITY OF BURNET, PAVING, BID #2021-004, DO NOT OPEN”

Bidder shall initial and date each page of the Specifications and must sign and date the Bid Sheet. The person signing the bid must have the authority to bind the firm in a contract. Bids which are not signed and dated in this manner, may be rejected.

All bids must be received at the designated location by the deadline shown. Bids received after the deadline shall be considered void and unacceptable. The City of Burnet is not responsible for lateness or non-delivery of mail, carrier, etc.

Bids must be submitted on the “Specification and Bid Forms” included for that purpose in this Invitation to Bid.

Facsimile transmittals *will not* be accepted.

Bids cannot be altered or amended after the submission deadline. Any interlineations, alteration or erasure made before opening time must be initialed by the signer of the bid, guaranteeing authenticity.

SALES TAX: The City of Burnet is exempt by law from payment of Texas Sales Tax and Federal Excise Tax.

DELIVERY: Bidders shall include a delivery date if requested in the bid, (FOB City of Burnet designated delivery location), with their sealed bid. Bids which do not include a delivery date, may be rejected.

EXCEPTIONS/SUBSTITUTIONS: All bids meeting the Invitation to bid will be considered for award. Bidders taking exception to the specifications, or offering substitutions, shall state these exceptions according to the guidelines outlined in the Request for Approved Equals document attached. If the bidder takes no exception to the specifications, or offers no substitution, a check mark should be placed in the space provided indicating that the unit proposed meets that particular specification. The absence of any exceptions/substitutions shall indicate that the bidder has not taken exceptions, and shall hold the bidder responsible to perform in strict accordance with the specifications of this invitation. The City Council of the City of Burnet reserves the right to accept any, all or none of the exception(s)/substitution(s) deemed to be in the interest of the City.

ADDENDA: Any interpretations, corrections or changes to this Invitation to Bid and Specifications will be made by addenda. Sole issuing authority of addenda shall be vested in the City of Burnet, City Manager. Addenda will be sent to all who are known to have received a copy of this Invitation to Bid. Bidders shall acknowledge receipt of all addenda on the sealed envelope containing their bid.

BIDS MUST COMPLY with all applicable federal, state, county and local laws concerning these types of services.

REFERENCE: Bidders must supply with their bid, a list of at least three references where like services have been supplied by their firm. Including name of firm, address, telephone number and name of representative. Failure to provide this information may result in rejection of bid.

SILENCE OF SPECIFICATIONS: The apparent silence of these Specifications as to any detail or to the apparent omission of a detailed description concerning any point shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.

BID AWARD: The City of Burnet reserves the right to reject any and all bids that are not in the best interest of the City.

CONTRACT: This bid, when properly accepted by the City of Burnet, shall constitute a contract equally binding between the successful bidder and the City of Burnet. No different or additional terms will become a part of this contract with the exception of Change Orders.

CHANGE ORDERS: No oral statement of any person shall modify or otherwise change, or affect the terms, conditions or specifications stated in the resulting contract. All change orders will be made in writing and approved by both parties prior to commencement.

The bid opening is scheduled to be held in the City of Burnet City Hall at 1001 Buchanan Drive Suite #4, Burnet, Texas. Each bidder is invited to attend.

The City of Burnet is aware of the time and effort you expend in preparing and submitting bids to the City. Please let us know of any bid requirements which are causing you difficulty in responding to our bids. All responsible vendors are encouraged to compete for the City's business. Please direct all inquiries in writing to Kelly Dix, Asst. City Secretary, City of Burnet, P.O. Box 1369, 1001 Buchanan Drive Suite #4, Burnet, Texas 78611. Awards should be made within two to three weeks after bid opening date. To obtain results, or if you have any questions, please contact the City of Burnet, City Secretary, at (512) 715-3209.

SPECIFICATIONS AND BID SHEETS

The City of Burnet is accepting bids for the following items:

Placement and compaction of approximately 5,750 square yards of Type D Hot Mix Asphaltic Concrete, (with Prime coat) – Pavement should be constructed and tested to meet the following requirements:

All materials shall be subject to the approval of the City engineer when tested in accordance with specifications and test methods outlined in TxDOT Standards and Specifications for the Construction of Highways, Streets and Bridges- Item340, HMAC should be compacted to an overall density of 91% to 96% of the maximum theoretical density per TEX-207-F/227-F. The General Conditions, Definitions found in the City of Burnet Technical Construction Standard Specifications (TCSS) Section 250 (251-253) shall govern this contract. Pavement installation shall comply as outlined in the TCSS as well.

The City of Burnet will prepare all streets prior to pavement installation and will coordinate with the contractor on and provide all traffic control during pavement installation. Bids shall be binding and valid through the completion of the contract. All prices are installed, in-place. Emulsified Asphalt (Prime Coat and Tack Coat) shall be included in bid item #1.

Streets to be paved include Cemetery Street (Westfall to S Rhomberg), S Rhomberg (Cemetery Street to Pecan Street) and the radius approaches at McNeil, Cactus, Willow and Elm Streets. (approximately 5,750 square yards).

<u>Item Number</u>	<u>Unit</u>	<u>Description</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Extended Price</u>
1	Square Yard	2" inch depth hot mix asphaltic concrete Type "D" with prime coat complete in place		5720	
2	Tons	Overage hot mix asphaltic concrete Type "D" complete in place		N/A	N/A

The contract should be completed within 30 days after a notice to proceed has been given.

Please provide three references with your bid (municipal references preferred), and attach a list of equipment to be used in the performance of this bid. Must be able to pave at least 12 feet wide.

Company Name: _____

Authorized Agent: _____

Signature: _____

Date: _____

SPECIAL CONDITIONS

REQUEST FOR APPROVED EQUALS

Bidders and suppliers may submit to the City requests for approved equals. Requests must be supported by evidence such as technical data, test results, or other pertinent information that demonstrate the substitute offered is equal or better than the specification's requirements.

The City reserves the right to determine equivalency. All requests for approved equals must be submitted in writing and received by the City not later than one week prior to the bid closing date.

All known bidders shall be informed, via addendum to the original specifications, of those requests determined by the City to be equal or to exceed the minimum stated specifications three (3) days prior to the bid opening.

Requests for approved equals should be directed to:

**KELLY DIX, CITY SECRETARY
CITY OF BURNET
P.O. BOX 1369
BURNET, TX 78641**

**TEL: (512) 715-3208
FAX: (512) 756-8560**

APPROVED EQUALS

NOTE: An APPROVED EQUAL is a request from the bidder offering a unit feature that deviates from specified standards (e.g. a feature quantity is not the level specified, or a design or functional capability is not of the type specified, or where manufacturing or engineering technology has developed a new approach that may use an alternative method differing from the method called for in the specification that meets or exceeds the performance goal specified).

Any non-approved alternates taken from the specified standards contained in the bid may disqualify the bid.

LIQUIDATED DAMAGES

In the event the proposal herein, containing an approved equal, is accepted by the City and the vendor breaches the contract, the vendor shall be liable for liquidated damages in the amount equal to ten percent (10%) of the bid.

TERMS AND CONDITIONS

1. GENERAL CONDITIONS:

- a) Bidders shall thoroughly examine the specifications, drawings, schedule, instructions and all other contract documents.
- b) Bidders shall make all investigations necessary to thoroughly inform themselves regarding plant and facilities for delivery of material and equipment as required by the bid conditions. No plea of ignorance by the bidder of conditions that exist or that may hereafter exist as a result of failure or omission on the part of the bidder to make the necessary examinations and investigations, or failure to fulfill in every detail the requirements of the contract documents, will be accepted as a basis for varying the requirements of the City or the compensation to the vendor.
- c) Bidders are advised that all City contracts are subject to all legal requirements provided for in the City Charter, Code and/or applicable City Ordinances, State of Texas and Federal statutes.
- d) No officer or employee of the City shall have a financial interest, directly or indirectly, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any materials, supplies or service, except on behalf of the City as an officer or employee.

2. PREPARATION OF BIDS:

- a. All information required by the bid form shall be furnished. The bidder shall sign in ink the Bid Specifications and Bid Summary documents in the places indicated, stating the firm's name and address where required.
- b. Unit prices shall be shown, and where there is an error in extension of price, the unit price shall govern.
- c. Proposed delivery time shall be stated from the time the Purchase Order is received by the Vendor and shall include Sundays and Holidays.
- d. Bidders will not include federal taxes nor State of Texas sales, excise or use taxes in bid prices as the City of Burnet is exempt from payment of such taxes. An exemption certificate will be furnished upon request.

3. DESCRIPTION OF PRODUCT/SERVICE:

Any catalogue or manufacture'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 are required to state exactly what they intend to furnish, otherwise they shall be required to furnish the items as specified.

4. CLARIFICATION OF OBJECTION TO BID SPECIFICATIONS:

In the absence of a scheduled Pre-Bid Conference, a bidder may, if in doubt as to the true meaning of the specifications or other bid documents or any part thereof, submit to the City, on or before seven calendar days prior to scheduled bid opening, a request for clarification. All such request for information shall be made in writing and the person submitting such request shall be responsible for its prompt delivery. Any interpretation of the bid, if made, will be made only by Addendum duly issued. A copy of such addendum will be mailed or delivered to each bidder receiving a Invitation to Bid document. The City will not be responsible for any other explanation or interpretation of the proposed bid made or given prior to the award of the contract.

5. SUBMISSION OF BIDS:

- a. Bids and changes thereto shall be enclosed in sealed envelopes addressed to City Secretary, City of Burnet. The name and address of the bidder, and the bid number shall be placed on the outside of the envelope.
- b. Bids must be submitted on the forms furnished. Telegraphic or fax bids will not be considered. Bids, however, may be modified by written or telegraphic notice, if such notice is received by the City Secretary prior to the time and date set for the bid closing.
- c. Samples, when required, must be submitted within the time specified, at no expense to the City of Burnet. If not destroyed or used up during testing, samples will be returned upon request, at the bidder's expense.

6. WITHDRAWAL OF BIDS:

Bids may not be withdrawn after the time set for the bid opening, unless approved by the City Council.

7. LATE BIDS OR MODIFICATION OF BID:

Bids and modifications received after the time set for the bid opening, will be returned to the bidder unopened, as required by State law.

8. REJECTION OF BIDS:

- a. The City may reject a bid if:
 1. The bidder misstates or conceals any material fact in the bid, or if
 2. The bidder does not strictly conform to law or the requirements of the bid, or if
 3. The bid is conditional, except that the bidder may qualify his bid for acceptance by the City on an "All or None" basis or a "Low item" basis
- b. The City reserves the right to accept or reject any or all bids, or any part thereof, and to accept that offer considered most advantageous to the City. The City may also waive any minor informalities or irregularities in any bid.

9. AWARD OF CONTRACT:

- a. The contract will be awarded to the lowest responsible bidder, conforming to the Call for Bid, whose bid is most advantageous to the City, price and other factors considered.
- b. The City reserves the right to accept any item or group of items, unless the bidder restricts his bid by specific reference, as in 8(a) above.
- c. Written notice of award will be furnished to the successful bidder.
- d. A binding contract results after the issuance of an authorized Purchase Order by the City. The Purchase Order and the Call for Bid document shall constitute the contract documents.
- e. The City of Burnet may, in its discretion, apply any monies owed the City which remain delinquent at the effective date of this contract.

10. ASSURANCE OF COMPLIANCE - PERFORMANCE BOND OR DEPOSIT:

- a. When specified in the Call for Bid, the successful bidder shall be required to furnish, as a part of the contract acceptance, a Purchase Contract Performance Bond, in the amount specified. Upon receipt of the completed Purchase Contract Performance Bond form the successful bidder, the City will issue a Purchase Order. In lieu of said bond, a certified check drawn upon a State or National Bank or Trust Company shall be deposited with the City Secretary.
- b. In the event a Purchase Contract Performance Bond is not required, and the vendor breaches the contract, the vendor shall be liable for liquidated damages in the amount specified in the Call for Bid.

11. ASSURANCE OF COMPLIANCE - EQUAL EMPLOYMENT OPPORTUNITY AND SMALL AND/OR MINORITY BUSINESS ENTERPRISE REQUIREMENTS:

- a) Bidder agrees that if his bid is accepted, he/she will not engage in employment practices which have the effect of discriminating against employees or prospective employees because of race, color, national origin, sex, age, handicap or political belief or affiliation. In addition, bidder agrees that he/she will abide by all applicable terms and provision of the Nondiscrimination Clause and the Small or Minority Business Enterprise Clause as contained in the City of Burnet current Affirmation Action Plan, or applicable Federal statutes.