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### **Attachments:**

**Attachment A: RFX Response in MAGIC**

**Attachment B: MAGIC Supplier Self-Service Guide**

**Attachment C: Specifications**

**Attachment D: EEV Certification and Agreement**

**Attachment E: Mississippi Department of Transportation Contract Terms and Conditions**

# NOTICE AND INSTRUCTIONS

RFX No. **3160005612**

## 1.0 GENERAL

The Mississippi Transportation Commission (MTC) intends to utilize the Sealed Bid Process to award an agency contract for the purchase of **Hydraulic Excavator, Crawler Mounted, 1.5 Cubic Yard Capacity, 54,000- Pound Operating Weight, Specification Number 129-HECM-160HP/27T-2095/120** for the Mississippi Department of Transportation (MDOT). The contract period shall be **Commission Approval through August 31, 2023.**

## 2.0 BID SUBMITTAL

### 2.1 SUBMITTAL DEADLINE

Sealed competitive bids will be received until **Wednesday, January 11, 2023 at 10:30 AM CST** at the William J. "Billy" McCoy Building, (Department of Transportation Building), Procurement Division, 5<sup>th</sup> Floor, 401 N. West, Jackson, Mississippi, 39201 or electronically into the MAGIC Procurement Portal as described herein and shortly thereafter publicly opened.

### 2.2 RESPONSE TO RFX (BID)

When submitting the bid, the bidder must ensure all questions have been answered within the RFX and all proposed items in the RFX have a response.

### 2.3 ELECTRONIC BID SUBMITTAL

**Sealed Competitive Bids may be submitted electronically through the State of Mississippi's MAGIC system at the following websites:**

<https://portal.magic.ms.gov>

or [https://www.ms.gov/dfa/contract bid search/Contract](https://www.ms.gov/dfa/contract%20search/Contract).

Please use the websites above to search for **RFX No. 3160005612**

### 2.4 ELECTRONIC COMPETITIVE SEALED BID SUBMITTAL ASSISTANCE

You must have the Bid number listed in the advertisement. Please refer to **Attachment A** for instructions for RFX responses in MAGIC. If you need assistance, please call the Mississippi Management and Reporting System (MMRS) help desk at 601-359-1343, select Option 2 for MAGIC functionality. Please allow a day or two for assistance with your issue.

**Bidders must be registered in MAGIC when submitting an electronic bid proposal.**

If the bidder is not registered as a bidder for the State of Mississippi, please go to the following website: <http://www.dfa.ms.gov/dfa-offices/mmrs/mississippi-suppliers-vendors/> and click on Mississippi Suppliers (Vendors) on left side of the webpage. Arrow to bottom of page and select Supplier Self Service and click the link “MAGIC Supplier Self-Service Reference Guide” (**Attachment B**). This website has information to help you register as a vendor for the State of Mississippi. Should you need assistance, please contact the MMRS help desk at 601-359-1343.

## **2.5 SEALED PAPER COMPETITIVE BID SUBMITTAL**

If the bidder cannot submit an electronic bid proposal, a sealed paper competitive bid will be received by the MTC at its offices in the William J. “Billy” McCoy Building, (Department of Transportation Building), Procurement Division, 5<sup>th</sup> Floor, 401 N. West, Jackson, Mississippi, 39201 until **Wednesday, January 11, 2023 at 10:30 AM CST.**

## **2.6 SEALED PAPER COMPETITIVE BID SUBMITTAL INSTRUCTIONS**

Proposals must be made on forms furnished by the Mississippi Department of Transportation or they will not be considered. Letters will NOT be considered a part of your proposal and **any alteration of the bid forms in any manner shall be considered non-conforming and bid shall be rejected.**

**If you are submitting an ALTERNATE BID, YOU MUST MAKE COPIES OF ORIGINAL FORMS AND SUBMIT AS SEPARATE BID.**

**Facsimile transmissions or email submissions will not be accepted for Bid Submittals.**

**Conditional or qualified bids will not be considered.**

## **3.0 RFX (BID) SPECIFICATIONS**

### **3.1 SPECIFICATIONS Hydraulic Excavator, Crawler Mounted, 1.5 Cubic Yard Capacity, 54,000-Pound Operating Weight**

SPECIFICATIONS – Hydraulic Excavator, Crawler Mounted, 1.5 Cubic Yard Capacity, 54,000- Pound Operating Weight (**ATTACHMENT C**)

**\*ATTACHMENT C- SPECIFICATIONS MUST BE COMPLETED AND SUBMITTED WITH BID.\***

All items must be NEW and of CURRENT make and model. Any and all equipment for which bids are submitted must have been produced, or replaced earlier makes of the same model that is submitted, for a minimum of the last three (3) years.

The Mississippi Department of Transportation reserves the right to request samples of equipment for inspection and evaluation at any time in the bid process up until the time of award.

The Mississippi Department of Transportation reserves the right to reject any bid that, in the opinion of the Mississippi Department of Transportation, does not meet the intent of the RFX proposal, or does not appear to have been manufactured with materials or labor workmanship to produce an acceptable standard of quality.

## **3.2      REQUIRED LITERATURE**

***\*\* APPROPRIATE LITERATURE MUST BE SUPPLIED WITH THE BID TO SUBSTANTIATE COMPLIANCE WITH SPECIFICATIONS PROVIDED WITH THE ELECTRONIC OR PAPER RFX. \*\****  
**\*\* IF LITERATURE IS NOT PROVIDED, BID MAY BE REJECTED.\*\***

## **4.0 PROTEST PROCEDURE**

### **4.1    PROTEST INFORMATION**

It is the intent of the Specifications to obtain a product that will adequately meet the needs of the user while promoting the greatest extent of competition that is practicable. It is the responsibility of the prospective bidder to review the entire Notice and Instructions and proposal packet and to notify MDOT Procurement Division if the Specifications or Instructions are formulated in a manner which would unnecessarily restrict competition. Any protest or question concerning the specifications or bidding procedures must be received in writing by the Mississippi Department of Transportation Procurement Division by **Wednesday, January 4, 2023 at 10:00 AM CST**. The Mississippi Department of Transportation Procurement Division may be reached at telephone number 601-359-7300, facsimile number 601-359-7302, or [hvanbuskirk@mdot.ms.gov](mailto:hvanbuskirk@mdot.ms.gov).

Protest of the award of this bid shall be done in accordance with Chapter VI of the Procurement Manual of the Office of Purchasing, Travel and Fleet Management of the Mississippi Department of Finance and Administration.

## **5.0 GENERAL INSTRUCTIONS**

### **5.1    INSTRUCTIONS FOR BIDDERS**

Detailed information may be obtained from the PROCUREMENT DIVISION by calling (601) 359-7300.

The MTC reserves the right to reject any or all bids and to accept all or only certain units of any bid. The MTC reserves the right to award one or more of the items in the various proposals to one or more companies.

It is understood that all proposals are submitted on the basis of complying with the provisions, terms and specifications set out herein, and in the proposal forms PROVIDED THAT YOU CAN DO SO UNDER THE VARIOUS GOVERNMENT RULINGS AND DIRECTIVES NOW IN EFFECT OR WHICH MAY BE ISSUED DURING THE PERIOD OF CONTRACT. In the event you bid on furnishing any materials which are prohibited from being manufactured by a Government ruling or directive and are awarded such materials, you will not be required to make such shipment of said prohibited materials so long as Government directive is in effect. However, any change in specifications or provisions of the quotation should be discussed with MDOT promptly upon your being advised of the Government ruling or directive necessitating a change.

The MTC reserves the right to waive minor technicalities on bid proposals and specifications when it is in the best interest of the Mississippi Department of Transportation. The MTC reserves the right to waive minor technicalities when it is in the best interest of the State.

Unless otherwise specified, all formal bids shall be binding for a minimum of sixty (60) days after opening. If a bid is withdrawn after opening, bidder will be removed from the list of eligible bidders for a period of (6) six months.

Failure to respond on three contract advertisements will result in removal from the prospective bidders list.

bidder must be duly qualified to do business and in good standing in the State of Mississippi and remain duly qualified and in good standing throughout the term of the contract and for as long thereafter as any obligations may remain outstanding under the contract.

To register or check your status with the State of Mississippi, visit <https://corp.sos.ms.gov/corp/portal/c/page/login/portal.aspx>

## **5.2 OFFICE CLOSURE**

If the location of the bid opening to the public is closed for any reason, including but not limited to: acts of God, strikes, lockouts, riots, acts of war, epidemics, governmental regulations superimposed after the fact, fire, earthquakes, floods, or other natural disasters, (the "Force Majeure Events"), which closure prevents the opening of bids at the advertised date and time, all bids received shall be publicly opened and read aloud on the next business day that the location shall be open to the public and at the previously advertised time. The new date and time of the bid opening, as determined in accordance with this paragraph, shall not be advertised, and all bidders, upon submission of a bid proposal, shall be deemed to have knowledge of and shall have agreed to the provisions of this paragraph. Bids shall be received by the agency until the new date and time of the bid opening as set forth herein. The agency shall not be held responsible for the receipt of any bids for which the delivery was attempted and failed due to closure as a result of a Force Majeure Event. Each bidder shall be required to ensure the delivery and receipt of its bid by the agency prior to the new date and time of the bid opening.

## **6.0 AWARD INSTRUCTIONS**

### **6.1 AWARD CRITERIA**

Award will be made based on the lowest bid submitted meeting the Mississippi Department of Transportation specifications and bid requirements.

### **6.2 AWARDED BIDDER INSTRUCTIONS**

If award is made by the MTC, a contract will be forwarded to the successful bidder. Purchase Orders will be issued on as needed basis by MDOT. A Purchase Order will only be issued by MDOT when there is an executed contract between the agency and bidder. Any action by a bidder prior to the receipt of a Purchase Order will be at the bidder's "**OWN RISK**" and the Mississippi Department of Transportation will not be held liable for such action.

### **6.3 AGENCY CONTRACT TERM**

The contract shall begin on **Commission Approval through August 31, 2023**. If an agency contract is awarded and executed in connection with this proposal, the MTC reserves the right to extend the agency contract for this proposal for up to six (6) months at one time, upon written acceptance of both parties. The total amount of extensions will be nine (9), The contract shall not exceed sixty (60) months. The contract extension shall begin on the original termination date or the extension termination date.

#### **6.4 CANCELLATION OF AGENCY CONTRACT**

Any contract or item award may be canceled with or without cause by the MTC upon 30 days written notice of intent to cancel. Cause for the MTC to cancel may include, but is not limited to: cost exceeding current market prices for comparable purchases; request for increase in prices during the period of the contract; or, failure to perform to contract conditions. The bidder will be required to honor all purchase orders prepared and dated prior to the date of expiration or cancellation if received by the bidder within a period of 30 days following the date of expiration or cancellation. Cancellation by the MTC does not relieve the bidder of any liability arising out of a default or nonperformance. If a contract is canceled by the MTC due to the request for increase in prices or failure to perform, bidder may be removed from the bidders list for a period of twelve (12) months. Protests of said removal from the bidders list shall be in accordance with Chapter VI of the Procurement Manual of the Office of Purchasing and Travel of the Mississippi Department of Finance and Administration.

## 7.0 SUBMITTAL INSTRUCTIONS FOR A SEALED PAPER COMPETITIVE BID

The bidder has chosen not to submit the Sealed Competitive Bid electronically into the MAGIC System.

Bids must be submitted in sealed envelope(s).

**\*\* RFX IDENTIFICATION INFORMATION ON THE OUTSIDE OF THE ENVELOPE  
MUST BE AS SHOWN BELOW. \*\***

### STREET DELIVERY:

RFX NO. 3160005612  
PROCUREMENT DIVISION (5<sup>TH</sup> FLOOR)  
WILLIAM J. "BILLY" MCCOY BUILDING  
MS DEPT. OF TRANSPORTATION  
401 NORTH WEST STREET  
JACKSON MS 39201

\_\_\_\_\_ 1. I/We certify that we have read and understand the "NOTICE AND INSTRUCTIONS"  
which is a part of this bid.

COMPANY: \_\_\_\_\_ NAME: \_\_\_\_\_  
(Print or type)

ADDRESS: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

PHONE: \_\_\_\_\_ DATE: \_\_\_\_\_

FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Sign your bid and return it, as shown above.

The "**NOTICE AND INSTRUCTIONS**" are a part of your bid, sign and return with your bid.

BRAD WHITE  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT OF TRANSPORTATION



## **8.0 COMPETITIVE SEALED BID ELECTRONIC SUBMITTAL INSTRUCTIONS**

**The instructions in Section 8.0 are for the electronic submittal of the bids by the bidder in the MAGIC System.**

Please refer to sections **2.3 and 2.4 on page 1** of the bid packet for further information on the electronic submittal of the bid in the MAGIC System.

The **"NOTICE AND INSTRUCTIONS"** is a part of your bid, and by submitting an electronic bid, the bidder acknowledges and certifies that it has read and understands the **"NOTICE AND INSTRUCTIONS"** which is a part of this bid.

BRAD WHITE  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT OF TRANSPORTATION

9.0 PROPOSAL

**FOR HYDRAULIC EXCAVATOR, CRAWLER MOUNTED, 1.5 CUBIC YARD CAPACITY, 54,000-  
POUND OPERATING WEIGHT**

**RFX NO. 3160005612**

Mississippi Transportation Commission  
Mississippi Department of Transportation Building  
Jackson, MS. 39201

Pursuant to your advertisement to be received until **Wednesday, January 11, 2023 at 10:30 AM CST**

I/We \_\_\_\_\_ residing at \_\_\_\_\_ do submit our bid furnishing the following in accordance with the "Standard Specifications for Road and Bridge Construction" adopted 2017, and any amendment made thereto where applicable, your Specifications and the "NOTICE AND INSTRUCTIONS". This proposal is made without collusion on the part of any person, firm or corporation.

Our prices quoted in FIGURES ONLY for furnishing **HYDRAULIC EXCAVATOR, CRAWLER MOUNTED, 1.5 CUBIC YARD CAPACITY, 54,000- POUND OPERATING WEIGHT** delivered statewide F.O.B. Mississippi Department of Transportation.

NOTE: IF NO BIDS RECEIVED CAN MEET THE DELIVERY REQUIREMENT, AWARD MAY BE MADE TO THE LOWEST BIDDER MEETING SPECIFICATION. THE COMMISSION RESERVES THE RIGHT TO CANCEL AND/OR READVERTISE THIS PROCUREMENT.

All items must be NEW and of CURRENT make and model. Any and all equipment for which bids are submitted must have been produced, or replaced earlier makes of the same model that is submitted, for a minimum of the last three (3) years.

The Mississippi Department of Transportation reserves the right to request samples of equipment for inspection and evaluation at any time in the bid process up until the time of award.

The Mississippi Department of Transportation reserves the right to reject any bid that, in the opinion of the Mississippi Department of Transportation, does not meet the intent of the RFX proposal, or does not appear to have been manufactured with materials or labor workmanship to produce an acceptable standard of quality

**AGENCY CONTRACT TO PURCHASE ; HYDRAULIC EXCAVATOR, CRAWLER MOUNTED, 1.5 CUBIC YARD CAPACITY, 54,000- POUND OPERATING WEIGHT FOR PERIOD OF COMMISSION APPROVAL THROUGH AUGUST 31, 2023.**

TERM: THE TERM OF THIS CONTRACT SHALL BE FOR A PERIOD OF SIX (6) MONTHS, COMMISSION APPROVAL, THROUGH AUGUST 31, 2023. NO PERFORMANCE BOND WILL BE REQUIRED FOR THIS AGENCY CONTRACT. THE BID PRICE SUBMITTED CANNOT CHANGE THROUGH THE LENGTH OF THE CONTRACT (SIX MONTH PERIOD). EACH EXTENSION WILL BE SIX MONTHS. EACH EXTENSION MUST HAVE MUTAL AGREEMENT BETWEEN THE VENDOR AND MDOT.

**VOLUME: THE TOTAL QUANTITY OF UNITS TO BE PURCHASED BY MDOT IS NOT KNOWN. THE MINIMUM PURCHASE SHALL BE ONE (1) UNIT AND THE MAXIMUM PURCHASE SHALL BE TEN (10) UNITS.**

\$\_\_\_\_\_/EA. DELIVERY:\_\_\_\_\_DAYS ARO

MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_

COMPANY: \_\_\_\_\_

NAME: \_\_\_\_\_  
(Print or type)

ADDRESS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

PHONE: \_\_\_\_\_

DATE: \_\_\_\_\_

FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

## 10.0 COOPERATIVE PURCHASE

**TO: Hydraulic Excavator, Crawler Mounted, 1.5 Cubic Yard Capacity, 54,000- Pound Operating Weight**

**FROM: Procurement Division**

**DATE: December 2022**

**We agree to extend the prices quoted for the Mississippi Department of Transportation Procurement Division in RFX No. 3160005612 for the period of Commission Approval through August 31, 2023, to the governmental entities indicated below.**

**Please indicate by checking the appropriate blank for the following:**

**Governing Authorities** \_\_\_\_\_

**Other State Agencies** \_\_\_\_\_

**COMPANY:** \_\_\_\_\_

**NAME:** \_\_\_\_\_  
(Print or type)

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**FAX:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

## 11.0 MISSISSIPPI TRANSPORTATION COMMISSION

### CONTRACT TERMS AND CONDITIONS

\_\_\_\_\_ I/We certify that we have read and understand the "**MISSISSIPPI TRANSPORTATION COMMISSION CONTRACT TERMS AND CONDITIONS**" (**ATTACHMENT E**) and if awarded the proposed bid the "**TERMS and CONDITIONS**" will be followed accordingly. I/we understand that the "NOTICE AND INSTRUCTIONS" and any attachments, as well as my/our responses to this solicitation will be fully incorporated by reference in the "TERMS and CONDITIONS" of any contract that may be executed as a result of this solicitation.

**ATTACHMENT E** does not need to be completed. The bidder shall acknowledge by initialing the blank in the paragraph above that the terms and conditions have read and understood. A contract will be sent to the bidder after the contract is awarded.

Please complete the following:

COMPANY: _____	NAME: _____ (Print or type)
ADDRESS: _____ _____	SIGNATURE: _____ TITLE: _____
PHONE: _____	DATE: _____
FAX: _____	
EMAIL: _____	

## 12.0 INVOICING AND PAYMENT

**Please complete the section below.**

**This section pertains to invoicing and payment. The bidder name and address below is what will appear on the invoice submitted by the bidder to MDOT for the purchase of Hydraulic Excavator, Crawler Mounted, 1.5 Cubic Yard Capacity, 54,000- Pound Operating Weight if a contract is awarded to the bidder.**

BIDDER  
NAME:

\_\_\_\_\_

ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

### 13.0 CHECKLIST INFORMATION

**Failure to submit all items that are checked (X) below may cause your bid to be considered irregular and be rejected:**

- (X) “NOTICE AND INSTRUCTIONS” – signed and enclosed (Section 7.0, Sealed Bid Submittal)
- (X) Correct RFX number is used in address – (final portion of Section 7.0,”)
- (X) “PROPOSAL” – completed and enclosed (Section 9.0)
- (X) Cooperative Purchase (if applicable)- (Section 10.0)
- (X) Acknowledgement of MTC “CONTRACT TERMS AND CONDITIONS” – (Section 11.0)
- (X) Invoicing and Payment- (Section 12.0)
- (X) “SPECIFICATIONS” – completed and submitted (Attachment C)
- (X) Detailed literature to prove compliance with “SPECIFICATIONS”
- (X) “EEV CERTIFICATION AND AGREEMENT” – Employment Eligibility Verification, signed and enclosed (Attachment D)