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1.0 NOTICE AND INSTRUCTIONS TO VENDORS OF HOT AND COLD ASPHALT MIXTURES

The Mississippi Transportation Commission (MTC) intends to utilize the Sealed Bid Process to award an agency contract for the purchase of Hot and Cold Asphalt Mixtures for the Mississippi Department of Transportation (MDOT) statewide. The contract period shall be **July 1, 2020 through June 30, 2021**

2.0 BID SUBMITTAL

2.1 SUBMITTAL DEADLINE

Sealed competitive bids will be received until **2:30 P.M. on Thursday, April 9, 2020** at the William J. "Billy" McCoy Building, (Department of Transportation Building), Procurement Division, 5th Floor, 401 N. West, Jackson, Mississippi, 39201 or electronically into the MAGIC Procurement Portal as described herein.

2.2 ELECTRONIC BID SUBMITTAL

Sealed Competitive Bids are encouraged and are preferred to be submitted electronically through the State of Mississippi's MAGIC system at the following websites:

<https://portal.magic.ms.gov> (Preferred)

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

Please use the websites above to search for RFX No. 3160003537

Attachments E and F need to be submitted with bid

2.3 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.

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

If the vendor is not registered as a vendor 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.

2.4 SEALED PAPER COMPETITIVE BID SUBMITTAL

If the vendor 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, 5th Floor, 401 N. West, Jackson, Mississippi, 39201 until **2:30 P.M., Thursday, April 9, 2020**

2.5 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.

Attachments E and F need to be submitted with bid.

3.0 PRODUCTS AND SPECIFICATIONS

All materials and equipment must conform to the Mississippi Standard Specifications for Road and Bridge Construction of 2017 and any amendments thereto, where applicable.

All materials supplied on this contract must come from suppliers that are approved by the Mississippi Department of Transportation.

All materials supplied under this contract shall be subject to testing by the Mississippi Department of Transportation Materials Division. The contractor is required to sample and furnish to MDOT a 20 pound representative sample of the HMA being furnished, provided at least 50 tons are furnished for the day. Samples are then required at a frequency of one (1) sample per 500 tons of HMA furnished or fraction thereof. MDOT reserves the right to request additional samples as deems appropriate. Any material which does not meet Mississippi Department of Transportation specifications shall be returned at Vendor's expense and invoices for said material will not be processed. Failure to meet specifications on any purchase may result in an award to the next eligible bidder on future purchases made during the life of the contract.

Delivery: As needed to job sites specified by the District Maintenance Engineer; delivery shall be required the next day after notification.

4.0 MATERIAL ADJUSTMENT

A material adjustment will be applied only to materials produced from an approved MDOT HMA mix design and Contractors Hot Mix Asphalt Specification mix. For material that require an MDOT HMA mix design the vendor is required to include the approved MDOT HMA mix design ID number on the delivery tickets for items that a material adjustment is applicable.

The payment cycle for material subject to a material adjustment will be from the 16th of the month through the 15th of the following month in order to allow for the distribution of the Petroleum Products Based Prices for the current period. The Petroleum Products Based Prices which are issued on the 15th of each month are to be used for calculating the materials adjustment through the 15th of the following month. An invoice along with the CSD-881MND is required before payment will be made. The materials adjustment is to be shown as a separate line item on the same invoice as the materials.

The material base prices for this contract are shown in the attached Notice to Bidders entitled **“Petroleum Products Base prices for Contracts Let in March 2020”**. The monthly base prices can be obtained from the District Maintenance Engineer after the 15th of each month.

See Attachment C: Petroleum Products Base Prices for Contracts Let in March 2020.

See Attachment D: CSD-MND-Work Sheet for Material Price Adjustment.

5.0 PROTEST PROCEDURE

5.1 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 **10:00 A.M., Thursday, April 2, 2020**. The Mississippi Department of Transportation Procurement Division may be reached at telephone number 601-359-7300 or facsimile number 601-359-7302.

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.

6.0 GENERAL VENDOR INSTRUCTIONS

6.1 INSTRUCTIONS FOR VENDORS

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 proposal 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 us 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, Vendor will be removed from the list of eligible bidders for a period of (6) six months.

Failure to respond on three contract advertisements will remove your name from the prospective bidders list.

Vendor 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>

6.2 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 Vendors/Contractors, 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 Vendor/Contractor 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.

7.0 VENDOR AWARD INSTRUCTIONS

7.1 AWARD CRITERIA

Award will be made to all bidders meeting specifications. If product is to be picked up, purchases will be made from the bidder providing the lowest cost to the Mississippi Department of Transportation (taking into account the line item pricing and the cost of transporting the product). If the materials are to be delivered, purchases will be made from the lowest bidder (line item pricing, plus haul charge) able to deliver in a timely manner. All purchases must meet Mississippi Department of Transportation specifications and bid requirements. Failure to meet specifications on any purchase may result in an award to the next eligible bidder on future purchases made during the life of the contract.

Delivery: As needed to job sites specified by the District Maintenance Engineer; delivers shall be required the next day after notification.

Delivered at all MDOT locations in Mississippi.

7.2 AWARDING VENDOR INSTRUCTIONS

If award is made by the MTC, a contract will be forwarded to the successful bidder. Upon receipt of the properly executed contract by the Mississippi Department of Transportation Procurement Manager, a Notice to Proceed or a Purchase Order will be issued. Any action by a bidder prior to the receipt of the Notice to Proceed or Purchase Order will be at the bidder's **"OWN RISK"** and the Mississippi Department of Transportation will not be held liable for such action.

7.3 AGENCY CONTRACT TERM

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 thirty-six (36) months, twelve (12) months at one time, upon written acceptance of both parties.

7.4 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 Vendor will be required to honor all purchase orders prepared and dated prior to the date of expiration or cancellation if received by the Vendor within a period of 30 days following the date of expiration or cancellation. Cancellation by the MTC does not relieve the Vendor 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, Vendor 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, Travel and Fleet Management of the Mississippi Department of Finance and Administration.

8.0 SUBMITTAL INSTRUCTIONS FOR A SEALED PAPER COMPETITIVE BID

The vendor 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 3160003537
PROCUREMENT DIVISION (5TH 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 are a part of this bid.

COMPANY: _____ NAME: _____
(Print or Type)

ADDRESS: _____ SIGNED BY: _____

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.

MELINDA L. MCGRATH, P.E., EXECUTIVE DIRECTOR MISSISSIPPI DEPARTMENT
OF TRANSPORTATION

9.0 COMPETITIVE SEALED BID ELECTRONIC SUBMITTAL INSTRUCTIONS

The instructions in Section 9.0 are for the electronic submittal of the bids by the vendor in the MAGIC System.

Please refer to sections **2.2 and 2.3 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 vendor acknowledges and certifies that it has read and understands the **"NOTICE AND INSTRUCTIONS"** which is a part of this bid.

MELINDA L. MCGRATH, P.E., EXECUTIVE DIRECTOR MISSISSIPPI DEPARTMENT OF
TRANSPORTATION

10.0 PROPOSAL

PROPOSAL FOR FURNISHING HOT AND COLD MIX ASPHALT SUPPLIERS THE PERIOD OF JULY 1, 2020 THROUGH JUNE 30, 2021

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

Gentlemen:

Pursuant to your advertisement for proposals to be received until **2:30 P.M., Thursday, April 9, 2020**, I/We _____ residing at _____ do submit our bid for furnishing the following in accordance with the "Standard Specifications for Road and Bridge Construction" adopted 2017, and any amendment made thereto, 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 such, Mississippi Department of Transportation shown and in full truck load quantities priced per gallon listed below.

Award will be made to all bidders meeting specifications. If product is to be picked up, purchases will be made from the bidder providing the lowest cost to the Mississippi Department of Transportation (taking into account the line item pricing and the cost of transporting the product). If the materials are to be delivered, purchases will be made from the lowest bidder (line item pricing, plus haul charge) able to deliver in a timely manner. All purchases must meet Mississippi Department of Transportation specifications and bid requirements. Failure to meet specifications on any purchase may result in an award to the next eligible bidder on future purchases made during the life of the contract.

DELIVERY: AS NEEDED TO JOB SITES SPECIFIED BY THE DISTRICT MAINTENANCE ENGINEER; DELIVERIES SHALL BE REQUIRED THE NEXT DAY AFTER NOTIFICATION.

DELIVERED AT ALL MDOT LOCATIONS IN MISSISSIPPI

RFX 3160003537

PRICING TO BE INDICATED ON ATTACHED SHEETS: **ATTACHMENT F**

COMPANY: _____ NAME: _____
(Print or Type)

ADDRESS: _____ SIGNED BY: _____

TITLE: _____

PHONE : _____ DATE : _____

FAX : _____

EMAIL : _____

11.0 COOPERATIVE PURCHASE

FINAL ACCEPTABLE DELIVERY, AS PER CONTRACT.

TO: HOT AND COLD MIX ASPHALT VENDORS

FROM: PROCUREMENT DIVISION,

MDOT DATE: MARCH 2020

We agree to extend the prices quoted for the Mississippi Department of Transportation Procurement Division in RFX 3160003537 for the period of July 1, 2020 through June 30, 2021, 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: _____

SIGNED BY: _____

TITLE: _____

PHONE : _____

DATE: _____

FAX : _____

EMAIL : _____

**12.0 MISSISSIPPI DEPARTMENT OF TRANSPORTATION
CONTRACT TERMS AND CONDITIONS**

_____ 1. I/We certify that we have read and understand the "**MISSISSIPPI DEPARTMENT OF TRANSPORTATION CONTRACT TERMS AND CONDITIONS (ATTACHMENT G)**" and if awarded the proposed bid the "**TERMS and CONDITIONS**" will be followed accordingly.

ATTACHMET G does not need to be completed. The vendor needs to acknowledge by initialing section 12.0 that the terms and conditions have been read. An agency contract will be sent the vendor after the contract is awarded.

COMPANY: _____

NAME: _____
(Print or Type)

ADDRESS: _____

SIGNED BY: _____

TITLE: _____

PHONE : _____

DATE: _____

FAX : _____

EMAIL : _____

13.0 CHECKLIST INFORMATION

PLEASE BE SURE THE ITEMS CHECKED BELOW ARE SUBMITTED WITH YOUR BID. FAILURE TO DO SO MAY CAUSE YOUR BID TO BE CONSIDERED IRREGULAR AND BE REJECTED.

- (X) "NOTICE AND INSTRUCTIONS" SIGNED AND ENCLOSED (SEALED PAPER COMPETITIVE BID SUBMITTAL) (SECTION 8.0)
- (X) "PROPOSAL" COMPLETED AND ENCLOSED (SECTION 10.0)
- (X) ACKNOWLEDGEMENT OF MDOT CONTRACT TERMS AND CONDITIONS (SECTION 12.0)
- (X) COOPERATIVE PURCHASING AGREEMENT (IF APPLICABLE) (SECTION 11.0)
- (X) CORRECT RFX NUMBER IS USED IN ADDRESS (FROM PROPOSAL PAGE)
- (X) PRICING PAGES (ATTACHMENT F)
- (X) EEV CERTIFICATION AND AGREEMENT (ATTACHMENT E)