

ALLEGANY COUNTY DEPARTMENT OF
PUBLIC WORKS

7 Court Street, Room 210
Belmont, New York 14813
Telephone: 585-268-9230 Fax: 585-268-9648

NOTICE TO BIDDERS

The Allegany County Department of Public Works will receive sealed bids until 10:00 a.m. March 16, 2010. At that time, bids will be opened in Room 222, County Office Building, Belmont, New York on the following items:

1. Culvert Pipe & Bands
2. Galvanized Corrugated Steel Beam Guide Rail, Posts, Block-Outs, and Back-Up Plates
3. Steel
4. Washed Crushed Gravel- Crushed Limestone
5. Highway Signs, Blanks and Posts
6. Bituminous Materials
7. 1311 Calcium Chloride
8. Crushed Gravel, Screened & Bank Run Gravel
9. Stone Fill (Rip Rap)
10. Ready Mix Concrete, Flowable Fill, and Concrete Blocks
11. Sand and Salt Mix
12. Rust Preventative Paint
13. Equipment Rental
14. Fiber Reinforced Bituminous Membrane Surface Treatment
15. Vegetation Control

Specifications for the above listed items may be obtained on the Internet: Allegany County Website at www.alleganyco.com; click on Public Works Department. They are also available at the Office of the Superintendent of Public Works, Room 210, County Office Building, Belmont, New York. It shall be the responsibility of each bidder to contact this office to determine if an addendum has been issued.

The Allegany County Department of Public Works reserves the right to reject any or all bids and to accept the bid it determines to be in the best interest of Allegany County.

Upon mutual agreement of the parties, Allegany County reserves the right to renew our contract (s) awarded as a result of this bid for an additional one (1) year period by resolution of the Public Works Committee of the Allegany County Board of Legislators in accordance with the specifications and NYS GML 103 and 104b.

David S. Roeske
Superintendent
Allegany County
Department of Public Works

DIRECTIONS FOR BID SUBMISSION

1. On envelope containing sealed bid:
 - a. Print your Company's name in upper left corner.
 - b. In lower left corner print:

Sealed Bid March 16, 2010

Description of Item:

Item No:

EACH BID SHOULD BE PLACED IN SEPARATE ENVELOPES

2. Non-Collusive Bidding Certification shall accompany each bid.
3. The Allegany County Department of Public Works will receive sealed bids until 10:00 a.m., March 16, 2010. At that time bids will be opened in Room 222, County Office Building, Belmont, New York.
4. Specifications may be obtained on the Internet: Allegany County Website at www.alleganyco.com; click on Public Works Department. They are also available at the Office of the Superintendent of Public Works, Room 210, County Office Building, Belmont, New York.
5. To be considered formal, bids must be submitted on enclosed bid submission sheets and be typewritten or written in ink. Any changes made should be initialed by an authorized party.
6. All bids shall remain open for 45 days after bid opening, unless hereinafter modified.

INFORMATION FOR BIDDERS

All bids are to be received by Allegany County Department of Public Works by 10:00 a.m., March 16, 2010. At that time bids will be opened in Room 222, County Office Building, Belmont, New York. The Allegany County Department of Public Works reserves the right to reject any or all bids and to accept the bid it determines to be in the best interest of Allegany County. All bid prices submitted shall be effective from date of bid award through May 1st, 2011.

It is understood and agreed that any Town, Village, School District or Fire District within Allegany County may also participate in this contract pursuant to Section 103, General Municipal Law. If the contract bidder sells a certain quantity of the bid items at a price below the Allegany County contract price to a political subdivision of Allegany County, the price to Allegany County must be reduced to the lower amount.

All bidders agree to defend and save Allegany County from and against all demands, claims, suits, costs, expenses, damages and adjustments based on any infringement of any patent relating to goods and materials specified in this bid.

A non-collusive-bidding certificate must accompany all bids. All bids must be submitted on County provided bid sheets. Failure to provide a non-collusive-bidding certificate or to submit a bid on the County provided form shall be cause for the bid to be rejected.

The Allegany County Department of Public Works reserves the right to reject any or all bids and to accept the bid it determines to be in the best interest of Allegany County.

All invoices of orders received shall be sent to the following address:

Allegany County DPW
7 Court Street, Room 210
Belmont, NY 14813-1078

Under no circumstances shall an invoice be sent to the address of delivery unless that address is the same as above.

All orders and invoices shall document the billing address and the delivery address, as the majority of orders shall be different.

INFORMATION FOR BIDDERS AND CONDITIONS AND REQUIREMENTS
APPLICABLE TO ALL BIDS AND AWARDS

By submitting a bid the bidder certifies and agree as follows:

1. that it will maintain normal business hours during the time in which the material bid will be needed by the County. Bidders agree that normal business hours shall mean 8:00 AM to 4:00PM. Bidders also acknowledge and agree that on some occasions it may be necessary to remain open before or beyond normal business hours in order to provide the County with the material bid.
2. that all materials proposed or materials supplied by the bidder to the County shall conform to the requirements set forth in Standard Specifications, Construction and Materials manual published by the New York State Department of Transportation, Office of Engineering, January 2, 1990 (English measurement not metric) or to any other standard or standards for such materials or sources of materials specifically set forth in these specifications. If the materials bid or the source of the materials bid are subject to certification or approval by the New York State Department of Transportation for materials or sources of materials which are purchased by the State of New York, the bidder certifies that the materials bid or proposed and/or the source of such materials are currently approved and/or certified by the New York State Department of Transportation for use by the State of New York and the bidder shall furnish with his bid proof of such current approval or certification.
3. that the Superintendent of Public Works may order tests of the materials proposed by a bidder or supplied by a successful bidder, at any time, and that the costs of such testing shall be the responsibility of the bidder and/or successful bidder as the case may be. That the bidder and/or the successful bidder agrees to pay the costs of any such tests when presented with an invoice by the Superintendent of Public Works or by the testing entity.

**ALLEGANY COUNTY DEPARTMENT OF PUBLIC WORKS
BID SPECIFICATIONS FOR GUIDE RAIL VEGETATION CONTROL**

Pursuant to provisions of the New York State Highway Law and General Municipal Law, sealed bids properly labeled, will be received at the Office of the County Superintendent of Public Works until 10:00 a.m. March 16, 2010. At that time all bids received will be publicly opened and read for the application of a chemical solution for controlling vegetation under guide rails, sign posts and any other designated areas on and along the Allegany County Highway System or properties owned by Allegany County.

The Allegany Department of Public Works reserves the right to reject any or all bids and to accept the bid it determines to be in the best interest of Allegany County

INSURANCE, LEGAL RESPONSIBILITY & SAFETY

The bidder shall take every precaution in his operations to avoid property damage and assume all liability for any damage resulting for his/her actions, errors or omissions and shall defend and hold the County of Allegany harmless. All damage complaints shall be investigated promptly by the bidder at the direction of the Superintendent of Public Works.

The low bidder shall within thirty (30) days of being awarded the contract submit satisfactory evidence that his operations are covered by liability insurance in the amount of \$5,000,000.00 for bodily injury and \$5,000,000.00 for property damage, and that under the coverage, or by separate policies in the above amounts, the County of Allegany Department of Public Works, and/or the County of Allegany, and/or County Superintendent of Public Works, are named among the insured and are fully indemnified. This liability insurance is to remain in effect for a period of one year following the completion of the contract. The bidder shall, within thirty (30) days after the award, also submit satisfactory evidence that his operations are covered by Workman's Compensation Insurance, Unemployment Insurance and Social Security as required by law.

The bidder must comply with Section 103-d of the General Municipal Law, which requires that every bid or proposal made to a political subdivision shall contain the statement of non-collusion as attached. No contract will be awarded to any corporation, not incorporated in the State of New York, unless and until such corporation shall have qualified to do business within the State of New York, pursuant to Section 210 of the General Corporation Law.

Every bidder intending to make a proposal is expected, before submitting a bid, to become fully familiar with the work to be done. A bidder will be barred from pleading misunderstanding or deception because of estimates of quantities, character, and scope of work, location or other conditions surrounding the same.

Permission will not be given to withdraw, modify or explain any proposal or bid after the bid opening.

On acceptance of this proposal for said work, the bidder hereby binds themselves to enter into written contract within ten (10) days of notice to do so by the County Superintendent of Public Works.

The low bidder will be required to submit a satisfactory financial statement attested by a Certified Public Accountant and bank references within ten (10) days after the bid opening or the bid will be rejected as incomplete.

QUALIFICATION OF BIDDER

No submitted bid will be considered responsive unless the bidder submitting the bid meets the following conditions:

- a. Each bidder shall submit with this bid, evidence that he has had at least five (5) years of satisfactory experience applying guide rail vegetation control herbicides in accordance with the specifications
- b. Each bidder shall submit with this bid, evidence that employees operating the herbicide application equipment have had at least five (5) years of satisfactory experience operating the equipment called for by these specifications, so that an acceptable and workmanlike job will result.
- c. Each bidder shall submit with this bid evidence that they have a responsible field complaint program in effect, as well as a documented on-site chemical spill worker guidelines and a contingency plan for field operations. Copies of these programs must be included with the bid.
- d. Each bidder must submit with this bid, a copy of his license to apply pesticides issued by the New York State Department of Environmental Conservation, Bureau of Pesticides. The license shall be current and valid. All pesticide applicators shall provide evidence that they are registered at the time of application.
- e. Each bidder must submit with this bid, a copy of the chemical manufacturer's labels and material data safety sheets for the specified products.
- f. Each bidder shall submit with his bid, in writing, a certificate of evidence issued by the Secretary of State that he is authorized to do work within the State of New York.

The County Superintendent of Public Works reserves the right to make any investigations or inquiries necessary to determine the competence and ability of the bidder to properly perform the work. If after an investigation the County Superintendent of Public Works is not satisfied the bidder is properly qualified to meet all requirements contained herein and to perform all work in a satisfactory manner, he/she may determine that the bid is non-responsive.

SCOPE

This specification describes the minimum material and quality requirements for the treatment of noxious vegetation under guide rail, around sign posts, and other designated areas as outlined in the specifications or by the County Superintendent of Public Works.

MATERIALS TO BE USED

A spray mixture which includes systemic, pre- and post-emergent non-selective herbicides is to be utilized. The bidder is to select specific products, brands and dilution ratios based on conditions present at the time work is performed, including but not limited to weed species, weather conditions, dust or any pollutants on the surface of targeted vegetation, etc... This mixture must include a spray adjuvant to reduce drift, off-target damage, etc... The proposed mixture must be consistent with generally accepted Integrated Vegetation Management principles and take into account the issue of herbicide resistance.

The proposed herbicide solution, rates of application and labels and MSDS of proposed herbicides to be utilized must be submitted with this bid for review by the County Superintendent of Public Works. The County Superintendent of Public Works has sole discretion in approving the proposed mixture.

All materials to be used by the bidder shall be in new containers fitted with tamper-proof seals. All containers shall be properly marked and labeled with the manufacturer's identification label as it is registered with the United States Environmental Protection Agency. Each container shall contain the full amount of the material indicated on the attached labels. Any containers that do not contain the full amount of material as per the labels, shall be rejected.

DESCRIPTION OF WORK

The bidder shall chemically treat all vegetation growing under guide rails and around sign posts as directed by the Allegany County Department of Public Works. All guide rail sections and sign posts on each designated County Highway shall be sprayed. Vegetation Control shall be performed by applying a swath of thirty-six (36) inch typical width, at the rates specified, centered on the guide rail. Sign and delineator posts shall also be treated using a typical thirty-six (36) inch pattern. All designated areas within this scope shall be treated to obtain

a minimum of 95% control as determined by the County Superintendent of Public Works.

AREAS TO BE COVERED

A minimum of 675 edgeline miles shall be covered by the bidder and all specified areas (property perimeter fences, etc...) selected by the Superintendent of Public Works shall be treated to the satisfaction of the Superintendent of Public Works.

METHOD OF TREATMENT

After consultation with the County Superintendent of Public Works regarding areas to be treated and the level of treatment desired, the bidder shall inspect areas discussed. The final method of treatment shall then be discussed and agreed upon by the bidder and County Superintendent of Public Works.

All spray crews shall consist of a minimum of two (2) persons. At least one person on each vehicle engaged in the application of herbicides shall be certified by the New York State Department of Environmental Conservation as a Commercial Pesticide Applicator licensed in Category 6A.

No spraying shall be done within one hundred (100) feet of an inhabited house, business, public park or waterway.

TRAFFIC CONTROL

All traffic control shall be in accordance with the New York State Manual of Uniform Traffic Control Devices.

TIME OF OPERATIONS

If deemed necessary, a pre-construction conference shall be held at the office of the County Superintendent of Public Works at least ten (10) days prior to starting work. The bidder shall be present at the conference and shall present a proposed schedule of work, source of materials and be prepared to discuss the contract requirements and specifications.

At least 72 hours prior to starting work, the successful bidder shall notify the County Superintendent of Public Works and present a proposed schedule of work.

All designated areas shall be treated as early as possible to ensure maximum control of all weeds, grasses and wild grape vine growing under and around guide railing. **The treatment shall be done before June 1, 2010, and shall be made as rapidly as possible to minimize the amount of time that the bidder is working on and along the County Highways.** Should the work not be

completed by the June 1st date a \$200.00 per day assessment shall be applied as liquidated damages.

EQUIPMENT

Bidder shall submit with bid a descriptive list of all equipment available for use with this contract.

Equipment used in the transportation and application of the chemical mixtures shall be modern, in good repair, and not more than 7 years in age. Equipment shall be of such design and construction as to comply with all the requirements hereof, shall be sufficiently maintained at all times, properly licensed, rigged and marked so as to meet all requirements of the State of New York laws, rules and regulations which apply to such equipment and usage.

Each spray unit shall be equipped with a sequential flashing arrow panel, capable of flashing left to right, right to left, pass either side, or no passing. A strobe, visible fore and aft, shall be in constant operation during application of chemical mixtures.

The equipment used in the application of chemical mixture shall be equipped with a spray boom capable of being mounted on either side of the front of the unit with adequate remote vertical control from inside the cab of the unit and manual or remote horizontal control to allow delivery of the spray solution to the specified area while keeping the amount of drift to a absolute minimum. The boom shall be composed of two (2) pressure actuated diaphragm check valves or equal used in conjunction with two (2) flat fan nozzles mounted 18" apart, one angled forward, the other aft, to prevent shadowing. These nozzles shall be capable of individual or simultaneous operation and of sufficient size to allow for the largest possible droplet size at a pressure not to exceed 60psi, with a vehicle speed not to exceed 10 MPH, and apply the spray solution at the specified rate per acre.

The spraying equipment shall be truck mounted units each of which should have a liquid capacity of not less than five hundred (500) gallons. Each unit shall be powered with a pump capable of pressures ranging from twenty (20) to three hundred (300) pounds per square inch. Each spray unit shall be equipped with a permanently attached anti-siphoning device, or water brake air gap to prevent backflow into any water source. Nozzle-type spray gun and boom, as well as any other nozzle arrangement shall be designed to apply a large droplet of spray with an absolute minimum of atomization or drift.

The spraying unit shall be equipped with an electronic computer based control system, capable of delivering the specified chemical application rate, on a per acre basis over variable pattern widths, independent of vehicle ground speed. The system shall consist of a cab mounted console control panel, a speed sensor unit, a flow meter, and a motorized control valve. The control monitor

shall also contain an automatic override switch, to allow for manually controlling flow for system check out and spot spraying capability. The sprayer system shall be capable of monitoring the specified rate of spray solution applied per acre, independently of multiple operations, and automatically maintain the flow regardless of vehicle speed. Additionally, the computerized system shall be capable of monitoring the truck speed, total area covered based on the specified spray pattern width, and length traveled during application. The system unit shall have a distance measuring accuracy of plus or minus fifty (50) feet per lineal mile.

The County Superintendent of Public Works, or his/her representative, reserves the right to inspect the Contractor's equipment prior to making an award recommendation.

GUARANTEE

Between thirty (30) to forty (40) days after completion of the application of herbicides the County Superintendent of Public Works, or his/her representative shall inspect and make a determination of the acceptability of the areas treated. Any treated areas, which in the sole opinion of the County Superintendent of Public Works, or his/her representative, is found to be unsatisfactory and whose level of control is less than 95%, the vendor will re-treat these said areas at no additional cost to the County Superintendent of Public Works, or his/her representative.

Any weeds which escape initial control measures will be re-evaluated in order to assess the potential of herbicide resistance. The Contractor is required to report any results of potential resistance to the County Superintendent of Public Works or his/her representative within 14 days of initial inspection along with a written report of each area treated and the results observed.

Before any payments are made, the County Superintendent of Public Works, or his/her representative must be satisfied that the workmanship and results of such are satisfactory, and in this regard his/her decision shall be final.

The bidder may elect to accompany the County Superintendent of Public Works, or his/her representative during their inspection.

COMPLIANCE WITH THE LAW

All materials used shall be registered with the New York State Department of Environmental Conservation, Bureau of Pesticides.

Bidder will comply with all aspects of the New York State Department of Environmental Conservation laws, rules, policies, procedures, directions and/or directives that may apply to herbicides or the application of herbicides.

In addition to the requirements already set forth regarding equipment, the bidder shall comply with the Fair Labor Standards Act of 1938 and all subsequent amendments, and with all the provisions of the New York State Labor Laws and all other laws, rule and regulations pertaining to the payment of wages, salaries and to all other matters applicable to the work performed under such contract.

BID BOND

All bidders must include with the bid a Bid Bond for \$1000.00 (one thousand dollars)

PERFORMANCE BOND

The successful bidder will be issued a notice of intend to award and will be required to submit a Performance Bond in the amount of \$10,000.00 within three (3) weeks of the date of receipt of the notice of intent. Upon receipt of the Performance Bond the successful bidder will be issued a Notice of Award. The Performance Bond will be returned upon completion of work and acceptance by the County Superintendent of Public Works.

Note: It is understood and agreed that any political subdivision or district within Allegany County may also participate in this contract pursuant to Section 103, General Municipal Law.

If the contract bidder sells a certain quantity of the bid item at a price below Allegany County contract price to a political subdivision of Allegany County, the price must be reduced to the lower amount.

THE RIGHT OF EXCLUSIONS & ADDITIONS

The County Superintendent of Public Works reserves the right to include or exclude any highway or portion of highway at any time under the terms and conditions of the contract.

SUPERVISION & INSPECTION

The bidder shall supply qualified personnel to supervise all work hereunder. Such supervisory personnel shall be other than those engaged in the actual application of chemicals and shall not number less than one (1) supervisor for each four (4) persons engaged in the actual spraying operation.

If at any time during the spraying operations the County Superintendent of Public Works requires the company of such supervisor for a joint inspection of the work hereunder, the supervisor shall make him/her available for such inspection.

At any time during the spraying operations, samples of the materials being used shall be furnished upon request of the County Superintendent of Public Works.

DAILY RECORDS

The County Superintendent of Public Works shall be given the daily reports at the completion of the contract. These reports shall show for each road the date treated, starting/ending time sprayed, any resistant species of weeds observed and their location, the miles traveled, the materials utilized including EPA numbers, the amount of materials applied and the rates at which they were applied, the actual lineal feet treated, and the weather conditions observed at time of treatment including the direction and intensity of the wind at the time of such treatment.

PENALTY

Should any of the requirements included in these specifications not to be met by the bidder (as determined by the County Superintendent of Public Works or his/her representative), the bidder may be fined at a rate of \$200 per day for every calendar day the non-compliance exists, starting with the day of notification by the County of same. The sum total of which shall be deducted from the bidders payment.

NOTICE TO ALL BIDDERS:

ALL SHEETS MUST REMAIN INTACT. DO NOT DETACH ANY PAGES FROM THESE SPECIFICATIONS. FAILURE TO COMPLY SHALL RESULT IN REJECTION OF BID.

ALLEGANY COUNTY DEPARTMENT OF PUBLIC WORKS
BID PROPOSAL FOR
GUIDE RAIL AND SIGN VEGETATION CONTROL
March 16, 2010

The undersigned, being experienced and responsible for the performance of the same, hereby agrees to apply materials on County Highways in accordance with all the specification requirements.

For bidding purposes the following miles are approximate. Prices are required for the following mileages and that the price shall include materials for everything needed to complete the work described.

PRICE FOR 675 EDGELINE MILES TO BE COVERED: \$ _____
PRICE PER MILE FOR 350 EDGELINE MILES OR MORE: \$ _____
PRICE PER MILE FOR 350 EDGELINE MILES OR LESS: \$ _____
PRICE PER MILE FOR 0-30 CENTERLINE MILES: \$ _____
PRICE PER MILE FOR 0-40 CENTERLINE MILES: \$ _____
PRICE PER MILE FOR 0-50 CENTERLINE MILES: \$ _____
PRICE PER MILE FOR 0-60 CENTERLINE MILES: \$ _____

NAME OF
COMPANY: _____
ADDRESS: _____

SIGNATURE OF AUTHORIZED
REPRESENTATIVE: _____
TITLE OF
REPRESENTATIVE: _____
TAX IDENTIFICATION
NUMBER: _____
TELEPHONE
NUMBER: _____ FAXNUMBER: _____
DATE: _____

Subscribed and sworn to before me
This _____ day of _____.

Notary Public

ALLEGANY COUNTY DEPARTMENT OF
PUBLIC WORKS

7 Court Street, Room 210
Belmont, New York 14813
Telephone: 585-268-9230 Fax: 585-268-9648

NON-COLLUSIVE BIDDING CERTIFICATION

By submission of this bid, each bidder and each person on behalf of any bidders certifies, and in the case of a joint bid, each party thereto as to its own organization. Under penalty of perjury, that to the best knowledge and belief:

1. The prices in this bid have arrived independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any manner relating to such prices with any other bidder or with any competitor;
2. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not be knowingly be disclosed by the bidder prior to the opening, directly or indirectly, to any other bidder or to any competitor, and;
3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

Name of Bidder

Signature of Bidder

Date

Subscribed and sworn to before me
This _____ day of _____, 20__

NOTARY PUBLIC

NOTE: If bidder is a corporation, the corporate name and title of officer Signing must be stated.