

Etowah County Rebuild Alabama Fund Bituminous Surface Treatment



PROPOSAL NO. EC FY 2021-2022-08

March 16th, 2022

**FOR THE CONSTRUCTION OF:
"Bituminous Surface Treatment"**

ETOWAH COUNTY, ALABAMA

Proposal of
Contractor Name: _____

Of (City, State): _____

ALDOT Contractor Identification Number: _____
(To be used to document E-Verify)

Alabama General Contractors License Number: _____

For the Construction Of:
"Bituminous Surface Treatment"

The specifications are hereto attached.

In order to be considered, proposals must be received at the location and time below:

Etowah County Commission
800 Forrest Avenue
Gadsden, Alabama 35901
Phone: (256) 549-5358

BEFORE: 10:00 AM ON MARCH 16, 2022

Bids will be opened as soon thereafter as practicable. Award will be made after review is complete at the next regularly scheduled meeting of the Etowah County Commission.

Bidder's Initials: _____

Etowah County Rebuild Alabama Fund Bituminous Surface Treatment



NOTICE TO CONTRACTORS

Gentlemen:

Etowah County is taking bids for labor, equipment, materials, and any incidentals required to complete the work of the following items required for the Bituminous Surface Treatment work of the County. This bid is intended to comply with the Rebuild Alabama Act, No. 2019-2, and Alabama Code Title 39, the Alabama Public Works Law. Bidders shall be required to comply with the provisions of the Rebuild Alabama Act, No. 2019-2 and Title 39 of the Alabama Code regardless if the requirement is explicitly detailed in the bid proposal or not. This bid shall be in effect from April 1st, 2022 until March 31st, 2023 covering any Proceed Orders issued by Etowah County during that time frame.

Sealed bids will be received by the Etowah County Commission at 800 Forrest Avenue, Gadsden, AL 35901 until 10:00 AM Central Time on March 16th, 2022, and then publicly opened as soon thereafter as practicable. Award will be made at the next regularly scheduled meeting of the Etowah County Commission. Only bids from contractors or material suppliers listed on the Alabama Department of Transportation (ALDOT) approved list of contractors and material suppliers will be accepted. All bids must be marked with the word "BID" on the outside of the bid package along with Bid Proposal for Bituminous Surface Treatment, the bid date and the Alabama General Contractor's License Number.

The contractor shall meet all Alabama Department of Transportation (ALDOT) Bonding and Licensing requirements as well as all applicable laws, ordinances, and codes of the U. S. Government, the State of Alabama, any relevant municipality, and the COUNTY, and, specifically and without limitation, shall comply with all provisions of the Beason-Hammond Alabama Taxpayer and Citizen Protection Act, commonly referred to as the Immigration Act.

All bid items shall be placed in accordance with the bid items and specifications, current revision of the Alabama Department of Transportation Standard Specifications (non-metric edition), and any Supplemental Specifications approved by the Etowah County Engineer. This project is being advertised, let to contract, and administered by an awarding authority other than the Alabama Department of Transportation (ALDOT). All references made in the standard specifications and in other related and included documents of this proposal, to ALDOT (except as applies to references made to ALDOT considering a bidder to be disqualified from bidding, or to the awarding authority consulting or interacting with ALDOT, etc.), the "State", the "Department" or "Highway Department", etc. shall be understood to mean the awarding authority for this project.

Should the bidder desire to offer a substitute for any item listed in this proposal, a full description of the item(s) offered as substitutes shall be submitted to the County Engineer at least 48 hours before the time stated for opening the bids. The County Engineer will issue an addendum, if necessary, to all bidders who have obtained a bid proposal. Each bidder shall include a copy of the addendum with his/her signature indicating they had received the addendum when submitting their bid. If no addendum is issued, the substitute will not be considered in determining the lowest responsible bidder. No bid proposals or additional addenda will be issued 24 hours prior to the time of the bid opening.

Signature on bid must be in ink. Bids made out in pencil will NOT be accepted. Etowah County reserves the right to accept or reject all Bids or any portion thereof. Etowah County Hours of Operation are 8:00 A.M. to 4:30 P.M. (Central Time) from Monday through Friday. Please remit all Bids and Inquiries to Etowah County Engineer, 800 Forrest Avenue, Gadsden, Alabama 35901.

Bidder's Initials: _____

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BID PROPOSAL FOR **“Bituminous Surface Treatment”**

To the Etowah County Commission:

The undersigned shall give Etowah County at least 48 hours' notice in advance of performing work at any site once a Proceed Order has been issued by Etowah County. The undersigned must receive written permission to work on Saturdays, Sundays, or County recognized holidays 48 hours prior to such work commencing. Unless otherwise directed in writing by the County Engineer, the undersigned will be expected to begin work within 15 calendar days after issuance of the Proceed Order. The undersigned will be given a minimum of Fifteen (15) Working Days as defined in the current revision of the Alabama Department of Transportation Standard Specifications, per Proceed Order. Each Proceed Order shall designate the amount of working days or calendar days allowed. Should the undersigned fail to complete the project or projects specified in the Proceed Order within the working days or calendar days stipulated, liquidated damages shall be assessed as defined in section 108.10 in the current revision of the Alabama Department of Transportation Standard Specifications or as amended by Special Provision.

A certified check, drawn on an Alabama Bank, or bid bond, for \$10,000 made payable to the Etowah County Commission is enclosed as evidence of good faith. Within 15 days upon notification of bid award, the undersigned shall submit a Performance Bond for 100% of estimated cost for each Proceed Order and a Payment Bond for 50% of estimated cost for each Proceed Order to Etowah County along with the contract documents, certificate of public liability insurance, certificate of proof of workman's compensation insurance, and business license. The undersigned shall provide to the County his/her Alabama Department of Transportation (ALDOT) Vendor Identification Number as shown on the E-Verify Compliance Status List on the ALDOT website as proof of enrollment in E-Verify.

The undersigned shall submit the Advertisement of Project Completion to Etowah County immediately following the completion and acceptance of all work required, per Proceed Order. The County Engineer will submit the advertisement to the Association of County Commissions of Alabama (ACCA) to be posted on a website maintained by ACCA for a period of four consecutive weeks.

Upon completion and acceptance of all work required, the undersigned will be paid upon presentation of the following:

- a. A properly executed and duly certified voucher for final payment.
- b. A release of all claims and claims of liens against the awarding authority arising by virtue of the contract.
- c. Proof of Advertisement of project completion (AL Code 39-1-1(f) requires a 30 day waiting period after the notice has run before final settlement can be made)

The undersigned agrees: **Final payment will be made within 35 days after all the above requirements are met; Partial Payments, to be paid no more than monthly, for each Proceed Order will be provided under this contract; Retainage shall be withheld on each Proceed Order as required under Code of Alabama Section 39-2-12.**

By submitting this proposal, the contracting parties affirm, for the duration of the agreement, that they will not violate the federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.

Bidder's Initials: _____

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INSURANCE REQUIREMENTS

The Contractor, at its sole expense, shall obtain and maintain in full force the following insurance to protect the Contractor and the County Commission of Etowah County, Alabama (CCEC) at limits and coverages specified below. These limits and coverages specified are the minimum to be maintained and are not intended to represent the correct insurance needed to fully and adequately protect the Contractor

All insurance will be provided by insurers licensed to conduct business in the State of Alabama and shall have a minimum A.M. Best rating of A- VII and must be acceptable to the CCEC. Self-insured plans and/or group funds not having an A.M. Best rating must be submitted to the CCEC for prior approval.

No work shall be performed until proof of compliance with the insurance requirements has been received by the CCEC.

(a) Worker's Compensation and Employers Liability

Part One: Statutory Benefits as required by the State of Alabama

Part Two: Employers Liability

Each Accident	\$3,000,000
Each Employee	\$3,000,000
Policy Limit	\$3,000,000

- i. U. S. Longshoremen & Harborworkers' Act (USL&H) –
Required if contract involves work near a navigable
waterway that may be subject to the USL&H law.
- ii. Maritime Endorsement (Jones Act) –
Endorsement required if contract involves the use of a Vessel.
Or include coverage for "Master or Members or Crew" under "Protection and
Indemnity" coverage

Insurance Requirements

Bidder's Initials: _____

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Bodily Injury by accident (Each Accident)	\$3,000,000
Bodily Injury by disease (Aggregate)	\$3,000,000

(b) Commercial General Liability

Coverage on an Occurrence form with a combined single limit (Bodily Injury and Property Damage combined) as follows:

	<u>Projects</u>
Each Occurrence	\$3,000,000
Personal and Advertising Injury	\$3,000,000
Products/completed Operation Aggregate	\$3,000,000
General Aggregate	\$3,000,000

- Coverage to include:
 - Premises and operations
 - Personal Injury and Advertising Injury
 - Independent Contractors
 - Blanket Contractual Liability
 - Explosion, Collapse and Underground hazards
 - Broad Form Property Damage
 - Products/Completed Operations - This shall remain in effect for 24 months beyond completion and acceptance by owner of the project, whichever is later.
 - Railroad Protective Liability Insurance if work involves construction, demolition or maintenance operations on or within 50 feet of a railroad.

The contractor shall name the CCEC, its officers, appointees, employees, and agents as additional insured for claims arising out of the Contractors and/or Subcontractors work. The ISO Form CG 20 10 11 85 or a comparable form that is no more restrictive shall be required. The Additional Insured form MUST include the current Operations and Products/Completed Operations of the contractor. The naming of the additional insured does not obligate the additional insured to pay any premiums due.

Insurance Requirements

Bidder's Initials: _____

Etowah County Rebuild Alabama Fund Bituminous Surface Treatment



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Insurance Requirements
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- Aggregate limits to be on a “per project” basis OR an Owners and Contractors Protective Liability Policy shall be provided in the name of CCEC, the contractor and Subcontractors. Limits to be the same as above Commercial General Liability.

(c) Automobile Liability

Covering all Owned, Non-Owned, and Hired vehicles with a Combined single limit (bodily injury and property damage combined) of \$3,000,000 each accident. The policy shall name CCEC its officers, appointees, employees, and agents as an Additional Insured.

(d) Protection and Indemnity Insurance

If the contract involves work aboard an Owned, Non-Owned or Hired Vessel, Liability coverage in the amount of \$3,000,000 per occurrence shall be maintained.

(d) Indemnification and Liability

Under this section the term County shall include Etowah County, the Etowah County Commission, the officers, appointees, department heads, agents, and employees of the Etowah County Commission

The County shall not be liable for any injury to the person or property of any person, firm, or corporation resulting directly or indirectly from Contractor’s performance of this Contract, and the Contractor assumes full and complete responsibility therefore.

The Contractor shall further indemnify the County and hold the County safe and harmless from any and all liability, lawsuits, judgments, attorney fees, and other costs incurred by the County in defending any claim or lawsuit made against the County by any person, firm, or corporation arising directly or indirectly out of any work performed by the Contractor pursuant hereto or any breach or alleged breach of duty or responsibility of the Contractor related thereto.

Bidder’s Initials: _____

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Insurance Requirements
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Waiver of Subrogation

The Workers Compensation Policy shall contain a Waiver of Subrogation in favor of the CCEC, its officers, appointees, employees, and agents.

Certificate of Insurance

A Certificate of Insurance evidencing the above minimum requirements must be provided to and accepted by the CCEC PRIOR to commencement of any work on the contract. Each policy shall be endorsed by the issuing insurer to provide thirty (30) days prior written notice of cancellation to the CCEC.

Bidder's Initials: _____

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BID ITEMS AND SPECIFICATIONS

The unit prices below will apply to each Proceed Order issued and should be based on County Wide Pricing. A Proceed Order may include multiple projects or sites. Each Proceed Order shall note the items required and estimated quantities per project or site.

PRICE ADJUSTMENTS will be made to all Asphalt Materials in accordance with the following: It is understood and agreed that the price per square yard of materials bid is based on prices at the time of opening of bids. Prices on contracts developed from this bid will be adjusted based on the PRICE INDEX per gallon of asphalt as determined by the ALDOT Asphalt Index for the month of January 2022. Any increase or decrease in prices will be determined and adjusted by the price index for the month in which delivery and placement is made. Adjustment will be made in accordance with the current ALDOT Specifications. This adjustment shall apply to the gallons of emulsified asphalt or emulsified asphalt with polymer used in the placement of surface treatment.

Upon request, Test Reports shall be submitted on all materials before Payment will be made. The Contractor shall furnish flagmen and portable traffic control devices (or other method approved by the County Engineer) in accordance with current revision of the Manual of Uniform Traffic Control Devices (MUTCD). The County Engineer shall serve as the final authority for all phases of workmanship and materials.

A minimum of 20,000 square yards of paving or resurfacing will be done on each mobilization of equipment to Etowah County; however, the minimum of 20,000 square yards may be in more than one location in Etowah County.

For the pricing of a multiple layer surface treatment under the granite column, only the top layer should be priced for granite. All other layers should be priced for limestone material.

Materials and construction requirements shall meet the Alabama Department of Transportation Standard Specifications for Highway Construction, Latest Edition.

Bidder's Initials: _____

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BITUMINOUS SURFACE TREATMENT WITH CRS-2 ASPHALT EMULSION				
ITEM	TREATMENT	LIMESTONE	GRANITE	COUNTY FURNISHED AGGREGATE
401A-006	G			
401A-008	J			
401A-009	K			
401A-010	L			
401A-012	AJG			
401A-013	JG			
401A-014	KG			

BITUMINOUS SURFACE TREATMENT WITH CRS-2P ASPHALT EMULSION				
ITEM	TREATMENT	LIMESTONE	GRANITE	COUNTY FURNISHED AGGREGATE
401A-006	G			
401A-008	J			
401A-009	K			
401A-010	L			
401A-012	AJG			
401A-013	JG			
401A-014	KG			
Triple Surface Seal				
Triple Surface Seal with 89 Stone Seal				
404-G Scrub Seal				
404-B Scrub Seal				

Bidder's Initials: _____

Etowah County Rebuild Alabama Fund Bituminous Surface Treatment



The undersigned hereby states that this Bid Proposal is to the best of their knowledge; their true and correct bid, except for changes initiated herein, and is submitting these bid items for review and consideration.

Signature of Bidder (If Firm or Individual) _____

By: _____

Address of Bidder _____

Name and Address of Member of Firm _____

Signature of Bidder (Corporation) _____

_____ Business Address _____

President

_____ Business Address _____

Secy. & Treas.

Attest: _____ Incorporated in _____

State

(Corporate Seal)

**BIDS WILL NOT BE CONSIDERED UNLESS THIS FORM AND FORM FOR BID BOND
IS USED AND IS SIGNED IN INK BY PRINCIPAL AND SURETY.**

Bidder's Initials: _____

Etowah County Rebuild Alabama Fund Bituminous Surface Treatment



BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That _____ of
(Name of Contractor)

(Address)
as Principal, and _____ of
(Name of Surety)

_____, as Surety,
(Address)

are held firmly bound unto Etowah County Commission,
Subdivision of and Body Corporate in the State of Alabama as Obligee, in the full and just
sum of **Ten Thousand Dollars (\$10,000)** lawful money of the United States, for the payment of
which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators,
successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal is herewith submitting its proposal for
"Bituminous Surface Treatment"

The condition of this obligation is such that if the aforesaid Principal shall be awarded the
contract the said Principal will, within the time required, enter into a formal contract and give a
good and sufficient bond to secure the performance of the terms of and conditions of the
Contract, then this obligation to be void; otherwise, the Principal and the Surety will pay unto
the Obligee the difference in money between the amount of the Contract as awarded and the
amount of the proposal of the next lowest responsible bidder, which amount shall not exceed
\$10,000. If no other bids are received, the full amount of the proposal guarantee shall be so
retained or recovered as liquidated damages for such default.

Witness our hands and seals this _____ day of _____, 20____.

Signature of Individual Bidder: (Use only where bidder is an individual)

_____, Doing business as _____
(Name of Individual) (Business Name)

Business Mailing Address: _____
(Mailing Address)

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Name of Corporation, Partnership, or Joint Venture:

Bidder's Initials: _____

Etowah County Rebuild Alabama Fund Bituminous Surface Treatment



(Name of Partnership, Joint Venture or Corporation)

Business Mailing
Address: _____ BY: _____ (L.S.)

(Address) (Signature and Position or Title of Officer
Authorized to Sign Bids and Contracts for Firm)

Business Mailing
Address: _____ BY: _____ (L.S.)

(Address) (Signature and Position or Title of Officer
Authorized to Sign Bids and Contracts for Firm)

Business Mailing
Address: _____ BY: _____ (L.S.)

(Address) (Signature and Position or Title of Officer
Authorized to Sign Bids and Contracts for Firm)

(Corporate Seal)
Attest: _____ Name of State under the laws of which the
Corporation was chartered:

(Secretary) (State)

(Corporate Seal)
Attest: _____ Name of State under the laws of which the
Corporation was chartered:

(Secretary) (State)

SURETY: _____
(Name of Surety)

BY (AGENT): _____
(Attorney in Fact)

AGENT'S ADDRESS: _____

(Mailing Address)

NOTICE: Valid Power of Attorney Must Be Attached.

Bidder's Initials: _____

Etowah County Rebuild Alabama Fund
Bituminous Surface Treatment



END OF PROPOSAL

Bidder's Initials: _____