



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.midland-mi.org

INVITATION TO BID
BID NO. 3243
ANNUAL BITUMINOUS MATERIAL

Sealed bids will be accepted at the City Clerk's Office, City Hall, 333 West Ellsworth Street, Midland, Michigan 48640-5132, until 2:00 PM, Tuesday, **March 16, 2010** for the annual supply and delivery of Bituminous Material to the Department of Public Services per the attached specifications. Technical questions about this bid shall be directed to Martha Rex, DPS Budget Analyst, at (989) 837-6912.

Invitation to Bid and all its pages, documents and attachments, including those added subsequently by written notice, submitted and properly executed, shall constitute the contract between the City of Midland and the successful vendor when approved and accepted by the City.

The City reserves the right to accept or reject all or any parts of any and all bids, to waive irregularities and to award in the best interests of the City of Midland.

Mike Meyer, CPPB, C.P.M.
Purchasing Agent
Midland, Michigan

BITUMINOUS MATERIALS – PICKED UP

Supply the City of Midland Public Services Department with bituminous materials for January 1 through December 31, 2010. Supplier to quote on F.O.B. supplier's yard basis. The cost calculation for the bid award will include the hourly labor and equipment cost to travel to the supplier's yard.

**Estimated
Quantity:**

Item:

1,000 tons

Bituminous Mixture No. 2, as per City of Midland Engineering Department Standard Specification 4.00, loaded onto City trucks.

200 tons

"QPR", or approved equal, bituminous patching material, loaded onto City trucks.

Supplier's Yard: _____

**CITY OF MIDLAND, MICHIGAN
STANDARD INSTRUCTIONS TO BIDDERS**

1. Receipt and Opening of Bids: Sealed bids will be accepted and date/time stamped upon receipt in the office of the City Clerk, City Hall, 333 West Ellsworth, Midland, MI 48640-5132, until the time indicated on the attached Invitation to Bid for goods or services listed in the specifications and will be publicly opened and read aloud.
2. Form of Bid: Bids shall be submitted on the enclosed form with any exceptions, deviations or modifications to the published requirements clearly noted and explained.
3. Submission of Bids:
 - A) Envelopes containing bids shall be sealed and clearly marked on the outside of the envelope with the name and address of the bidder, the title and bid number of the project, and the date and time of the scheduled bid opening.
 - B) Any bid received after the scheduled opening time will not be accepted and will be returned unopened.
 - C) Any bidder may withdraw their bid response by written request at any time prior to the scheduled bid opening.
 - D) Telephonic or faxed bids will not be accepted and telephonic, telegraphic, or faxed amendments to bids or withdrawals will not be accepted under any circumstances.
 - E) Unless otherwise specified, no bid may be withdrawn, changed, or modified in any way for a period of sixty (60) calendar days from the date of the bid opening.
 - F) Negligence on the part of the bidder in preparing the bid confers no rights for the withdrawal of the bid after opening.
 - G) Bids received prior to the time of bid opening will be securely kept unopened. No responsibility will attach to any officer or employee of the City for the premature opening of a bid not properly addressed or identified.
 - H) In case of a discrepancy between unit prices and their extensions, the unit price bid shall govern.
4. Brand Names: Wherever in the specifications or proposal form brand names, trade names, manufacturer, or catalog numbers are called, it is for establishing a grade or quality level only and the phrase "or equal" is deemed to follow unless a prequalified list or the term "only", "no exceptions", or similar phrase is included.
5. Taxes: The City of Midland is exempt from State and Federal taxes. However, property purchased by a contractor to be used in the construction, alteration, repair, or improvement of property owned by the City is taxable to the contractor. Therefore, the price bid for contracts other than construction contracts must be exclusive of taxes and will be so construed. Construction contracts will be construed to include all applicable taxes unless the contract specifies otherwise.
6. Acceptance of Bids: The City will award to the lowest, responsive, responsible vendor that meets the functional requirements and needs expressed by the specifications. Tie bids will be awarded based on the most favorable terms for payment and/or delivery schedule or other costs associated with the award process. Receipt of a purchase order or properly executed contract covering the materials or services as described in the bid will indicate the award of bid and contract of purchase.
7. City's Rights: The City reserves the right to accept or reject any or all bids, to waive irregularities or defects, to award on a split-order or lump-sum basis, and accept other than the low bid when deemed to be in the City's best interests.
8. Delivery: Bids shall include all delivery charges with terms of Freight Prepay - FOB Midland, MI.
9. Laws: The laws of the State of Michigan shall govern the rights, obligations, and remedies of the Parties under this bid and any agreement reached through this process. The City of Midland is a Michigan municipal corporation.
10. Disclosure: All of the information included in your bid response is subject to the "Freedom of Information Act" and may be disclosed in its entirety after the formal, public bid opening has been completed. Bid tabulations will be available at our website, www.midland-mi.org in the Purchasing section of the Fiscal Services Department under the City Government tab.
11. Independent Price Determination: By submission of this proposal, the bidder certifies that the pricing structure offered has been arrived at independently without consultation, communication, or agreement of such prices for the purpose of restricting competition with any other bidder or competitor.
12. Acceptance of Materials: All components used in the manufacture or construction of materials, supplies, and equipment, and all finished goods, shall be new, the latest make/model, of the best quality, and highest grade workmanship. In the event the delivered material is found to be defective or does not conform to specifications, the City reserves the right to cancel the order upon written notice to the bidder and return the materials to the bidder at the bidder's expense.