

COKE COUNTY INVITATION TO BID FLEXIBLE ROAD BASE

Date: _____

Dear Bidder:

Coke County invites you to submit a bid for Flexible Road Base

Coke County will receive Sealed Bids addressed to the County Judges Office 13 East 7th St, Robert Lee, TX 76945 by_____. No Late Bids will be accepted. The Bids will be publicly opened and read aloud at the regularly scheduled Coke County Commissioners Court meeting. All Bidders are invited to attend the opening. Questions concerning this Bid Packet may be directed via e-mail, or phone, to:

Name: Hal Spain

Title: Coke County Judge

E-Mail: hal.spain@co.coke.tx.us

Phone: (325) 453-2641

Coke County reserves the right to refuse and reject any or all bids, waive any or all formalities or technicalities, hold bids for a period of 60 days without taking action, and accept the bid to be the best and most advantageous to Coke County. Coke County reserves the right to accept multiple bids if it is in the best interest of the County.

INSTRUCTIONS TO BIDDERS

BID INFORMATION

THE BID

Competitive formal bids will be received for: Flexible Road Base based on a FOB price per yard, and or Flexible Road Base delivered (per ton or per mile) to Coke County.

Flexible Road Base to be furnished under this proposal shall be the type specified. All specifications shown are minimum. **The Flexible Road Base shall be TxDOT Limestone Base, Ty-A, Grade 1-2 or Commercial Base or TxDOT ASPPM (All Season Performance Patching Mix).** There is no intention to disqualify any bidder who can meet the specifications.

EXCEPTIONS OR CHANGES

No bid may be altered or amended after the bid date, although any bid may be withdrawn and resubmitted before that date. Any bids received after the bid date and time specified in the bid packet will be returned unopened.

No changes or alterations will be allowed to the bidder's instructions and specifications unless specifically changed by an addendum.

TAXES

Coke County is exempt from Federal Excise Tax, State Tax, and Local Taxes. Do not include tax in the bid. If it is determined that tax was included in the bid it will not be

included in the tabulation of any awards. Tax exemption certificates will be furnished upon request.

TAX IDENTIFICATION NUMBER (TIN)

A W-9 Form will be required of all vendors doing business with Coke County
The W9 form must be included with the Bid.

INVOICING

All invoices must be submitted itemized as to the yards of Flexible Road Base picked up at vendors facility or loads delivered to Coke County (including mileage charges).

PAYMENT

Payment shall be made after Coke County has approved payment and then held a regularly scheduled Commissioners Court meeting.

INDEMNIFICATION

Supplier/Contractor shall indemnify, defend and hold harmless Coke County, its affiliates and subsidiaries, from and against any and all claims, liabilities, losses, damages, cost or expense (including but not limited to reasonable attorney's fees) arising out of, resulting from or occurring in connection with the performance of the contract and/or supplies that is (I) attributable to any bodily or personal injury, sickness, diseases or death of any person or any damage or injury to or destruction of real or personal property including the loss of use thereof; and (II) caused in whole or in part by any negligent, strict liability or other act or omission of their respective agents or employees or any other party for whom any of them may be liable regardless of whether such is caused in part by the negligent, strict liability or other act or omission of a party or parties indemnified hereunder. This indemnification shall extend to claims occurring after any contract is terminated as well as while it is in force.

EEOC GUIDELINES

During the performance of this Contract, the Supplier/Contractor agrees not to discriminate against any employee or applicant for employment because of race, national origin, age, religion, gender, marital or veteran status, or physically challenging condition.

TERMINATION OF AGREEMENT

The contract may be terminated by Coke County or the Vendor(s) awarded the flexible road base contract with 30 days written notice by either party.

ETHICS STATEMENT

The undersigned bidder, by signing and executing this bid, certifies and represents to Coke County that bidder has not offered, conferred or agreed to confer any pecuniary benefit, as defined by (1.07 (a) (6) of the Texas Penal Code, or any other thing of value as consideration for the receipt of information or any special treatment or advantage relating to this bid. The bidder certifies and represents that the bidder has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this bid, the bidder certifies

and represents that bidder has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of Coke County concerning this bid on the basis of any consideration not authorized by law. The bidder also certifies and represents that bidder has not received any information not available to other bidders so as to give the undersigned a preferential advantage with respect to this bid. The bidder further certifies and represents that bidder has not violated any state, federal, or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like, and that bidder will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustee, agent or employee of Coke County in return for the person having exercised their official discretion, power or duty with respect to this bid. The bidder certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent, or employee of Coke County in connection with information regarding this bid, the submission of this bid, the award of this bid or the performance, delivery or sale pursuant to this bid.

The vendor shall defend, indemnify, and hold harmless Coke County, all of its officers, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages and liabilities, arising out of, connected with, or resulting from any acts or omissions of contractor or any agent, employee, subcontractor, or Supplier of contractor in the execution or performance of this bid.

I have read all of the specifications and general bid requirements and do hereby certify that all items submitted meet specifications.

FIRM'S REPRESENTATIVE: _____

(Signature)

TYPE/PRINT NAME: _____

TITLE: _____

COMPANY NAME: _____

MAILING ADDRESS: _____

CITY, STATE, & ZIP CODE: _____

TELEPHONE NO.: _____ **FAX NO.:** _____

FEDERAL ID# AND/OR S/S #: _____

DATE: _____

Certificate of Interested Parties (Form 1295):

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The Texas Ethics Commission was required to adopt rules necessary to implement that law, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website. The commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The commission also adopted new rules (Chapter 46) on November 30, 2015, to implement the law. The commission does not have any additional authority to enforce or interpret House Bill 1295.

Filing Process:

Starting on January 1, 2016, the commission will make available on its website a new filing application that must be used to file Form 1295. A business entity must use the application to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be filed with the governmental body or state agency with which the business entity is entering into the contract.

The governmental entity or state agency must notify the commission, using the commission's filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30th day after the date the contract binds all parties to the contract. The commission will post the completed Form 1295 to its website within seven business days after receiving notice from the governmental entity or state agency. Information regarding how to use the filing application will be available on this site starting on January 1, 2016.