

## INVITATION TO BID

STATE OF ALABAMA

COUNTY OF BALDWIN

**NOTICE IS HEREBY GIVEN** that the County Commission of Baldwin County, Alabama, will receive bids in the Purchasing Office on May 26, 2015 at 11:00 A.M., for the Provision of Regular Unleaded Gasoline and No. 2 Diesel Fuel for the Baldwin County Commission. Bids will be opened on May 26, 2015 at 11:30 A.M., in the Purchasing Conference Room located at 257 Hand Ave., Bay Minette, Alabama. Bids received after the May 26, 2015 at 11:00 A.M. deadline will not be considered. All times to be determined solely by the clock on the wall of Purchasing Conference Room. For all purposes and uses herein, a bid and all required paperwork is "received" at the time and date indicated on the Purchasing Office file stamp which shall be impressed on the face of all such documents when and as presented at the Purchasing Office.

### **SEE ATTACHED SPECIFICATIONS**

This invitation package consists of **NINE (9)** pages. Bidders shall verify that have received all pages as indicated. If all pages have not been received, then it is the responsibility of the bidder to contact the Purchasing Manager, Wanda Gautney at (251) 580-2520 phone, (251) 580-2536 fax.

### **GENERAL BID INFORMATION**

**Bidders shall carefully read all parts of the invitation package with its accompanying schedules and attachments, if any. Bidders shall direct all requests for explanation or additional information concerning the meaning or interpretation of the conditions or attached specifications of this invitation to Wanda Gautney in writing or by e-mail (wgautney@baldwincountyal.gov) in sufficient time for a reply before submission date of bids. The Commission cannot, and does not, guarantee that such inquiries sent by mail or e-mail will be received timely or prior to the required submission date and time. It is the responsibility of the bidder to contact the Purchasing Manager, Wanda Gautney at (251) 580-2520 if a reply is not received.**

The use of specific names and numbers in the specifications is not intended to restrict the bidder or any seller or manufacturer, but is solely for the purpose of indicating the type, size and quality of materials, product services, or equipment considered best suited for Baldwin County.

Contact initiated by a potential bidder with a county official will be only as specifically set out in this invitation. Any other contact with a county official initiated by a potential bidder or bidder regarding this bid, **between the date of this invitation to the date of bid award**, shall be deemed and treated as an attempt to unduly influence the bid award, and may be grounds for rejection of the bid submitted by the bidder initiating such other contact, at the discretion of the Baldwin County Commission.

### **BIDDER QUALIFICATIONS**

All bidders, to the best of their knowledge and belief, must be in, and remain in compliance with all applicable Federal, Alabama State, County and municipal laws, regulations, resolutions and ordinances. In particular, and without limitation, all bidders must be licensed and permitted in accordance with The Code of Alabama Title 10, concerning corporations doing business within Alabama, Title 34, dealing with licensing for businesses, Title 40, concerning licenses and taxation, unless otherwise exempt. All bidders should be prepared to timely submit to the County non confidential evidence or documentation demonstrating that the fact they are presently licensed and permitted under Alabama law. Such non confidential evidence or documentation is encouraged to be submitted with the Bid Package.

The bidder expressly acknowledges, to and for the benefit of the Baldwin County Commission, that this Agreement may be funded with **federal grant monies** and, therefore, bidder expressly warrants and agrees that it shall at all times comply with all applicable federal, state, local and municipal laws and regulations. For more information about the Federal regulations visit the website <http://www.gpoaccess.gov/index.html> Code of Federal Regulations.

**All bidders must provide proof of proper certification of authority, and any required registration, to transact business in this State, in order to perform work for the Baldwin County Commission. Bidder's Registration Number shall be provided on the Bid Response Form. The phone number for the Alabama Secretary of State is (334) 242-5324, Corporate Division.**

**All vendors, contractors and grantee are required to comply with the Alabama Immigration Law under Sections 31-13-9 (a) and (b) of the Code of Alabama. Forms and documents will be included with award documents. Information and forms can be found on the Baldwin County Commission's Purchasing website under E-Verify at [www.baldwincountyal.gov](http://www.baldwincountyal.gov)** All bidders should submit with their bid response the completed E-Verify package and Certification Regarding Lobbying Form which can be downloaded from the Purchasing website [www.baldwincountyal.gov](http://www.baldwincountyal.gov)

### **PREPARING THE BID**

Bids must be typed or hand written in ink. A bid submitted in pencil is unacceptable. The Bid Guarantee and Bid Response Form must be the original paperwork; copies are not acceptable. All required paperwork must be received in the sealed Bid Package.

These specifications exhibit the general intent and purpose of Baldwin County regarding this bid; and they shall be so considered by the bidders. Accordingly, the bidder admits and agrees that said specifications are not complete in every detail. The bidder also agrees that the work and materials not indicated, or expressly mentioned in these specifications, but which are reasonably necessary for the full and faithful performance of the item(s) bid in accordance with the full and faithful intent, will be included in the bid and incorporated in the work the same as if fully and expressly indicated and specified.

The Bidders shall list on a separate sheet of paper any variations from, or exceptions to, the conditions and specifications of this bid. The exceptions shall be labeled **"EXCEPTION(S)**

**TO BID CONDITIONS AND SPECIFICATIONS,”** and shall be attached to the front of the bid inside the Bid Package. Additional features and/or capabilities not included in the specifications may be included in the bid.

To facilitate the bid evaluation and tabulation, bids should be submitted with specifications identified in the order in which they appear in this document. If applicable, the bidder will provide cost in two (2) categories:

- (1) Cost using material as specified.
- (2) Cost using material as specified of at least 25% recycled material, if available.

It is the intent of the Commission to award bids which include recycled material when not prohibitive in cost and when in compliance with all other terms and conditions of the Alabama Competitive Bid Law.

**IF THE TOTAL PROPOSED BID AMOUNT EXCEEDS \$10,000.00, A BID GUARANTEE OF AT LEAST 5% OF THE PROPOSED BID AMOUNT, NOT TO EXCEED \$10,000.00, WILL BE INCLUDED WITH THE BID.** Such bid guarantee shall be in the form of a bid bond (individual or annual, provided, that bonding is available for such services, equipment or materials), postal money order, certified check, cashier’s check, or Letter of Credit. **No exceptions will be allowed.** In the event that a bidder is unable to, or does not, accept the bid award, the bid guarantee may be forfeited to the County at the County’s discretion.

#### **SUBMITTING THE BID**

In the event that a bidder is financing the product(s) through another agency other than itself, the financing agency must sign the Bid Response Form along with the bidder. A copy of the financing agreement and all conditions must be included with the Bid Response Form. The bidder and the Financing Agency will be held to the requirements stated in the Invitation to Bid. Any assignment of the financing agreement must be approved by the financing agency and the County Commission. Failure to disclose the financing information and all conditions will disqualify the Bidder at the County’s discretion.

Bidders that are returning a **NO BID** statement shall write on the outside of the Bid Package, the **Bid Number (i.e. WG15-18) with “NO BID”** written underneath. The Bid Package will not be opened in public, but it will be noted that the bidder did respond.

Bids may be hand delivered at any time prior to the bid opening date and time to the Baldwin County Purchasing Office, Annex III Building, 257 Hand Avenue, ATTN.: Wanda Gautney, **(mailing) 312 Courthouse Square-Suite 15, Bay Minette, Alabama 36507**. The Commission cannot guarantee that bids sent by mail or courier will be received on or before the bid opening day and time as required. Bids received after the deadline shall not be accepted and shall be returned.

All bids received must be in a sealed envelope plainly marked, **“WG15-18” “PROVISION OF REGULAR UNLEADED GASOLINE AND NO. 2 DIESEL FUEL.”** Bids submitted by “Express/Overnight” services must be in a separate inner envelope/package sealed and identified as stated in the previous sentence. Bidders and any other interested individuals are invited to attend the bid opening.

#### **BID AWARD**

The County Commission reserves the right to study bids as to their correctness and may award the bid within a thirty (30) day period but the County Commission reserves the right to extend the bid award for an additional thirty (30) days until an award decision can be made.

The Baldwin County Commission reserves the right to reject any, and all bids, to waive any informality in bids, and to accept in whole or in part, such bid or bids, solely at its discretion

All factors stated in this invitation package will be considered in determining the successful bidder, and any omission(s) of the stated requirements may be cause for rejection of the bid (s), all as determined solely by the Baldwin County Commission.

### **TITLE 39/CODE OF AL COMPLIANCE**

As a condition of any Bid Award and the respective contract(s) pursuant thereto, the County places full reliance upon the fact that it is the sole responsibility of any contractor, person or entity entering into such a contract with Baldwin County for the prosecution of any public works, to ensure that they and/or any of their respective agents comply with all applicable provisions of Title 39-1-1 et seq. Code of AL 1975.

More specifically, any contractor, person or entity entering into such a contract with Baldwin County for the prosecution of any public works shall be in compliance with, and have full knowledge of, the following provisions of Title 39:

“(f) The Contractor shall, immediately after the completion of the contract give notice of the completion by an advertisement in a newspaper of general circulation published within the city or county in which the work has been done, for a period of four successive weeks. A final settlement shall not be made upon the contract until the expiration of 30 days after the completion of the notice. Proof of publication of the notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published . . .” §39-1-1(f) Code of AL 1975.

“(g) Subsection (f) shall not apply to contractors performing contracts of less than fifty thousand (\$50,000) in amount. In such cases, the governing body of the contracting agency, to expedite final payment, shall cause notice of final completion of the contract to be published one time in a newspaper of general circulation, published in the county of the contracting agency and shall post notice of final completion on the agency’s bulletin board for one week, and shall require the contractor to certify under oath that all bills have been paid in full. Final settlement with the contractor may be made at any time after the notice has been posted for one entire week.” §39-1-1 (g) Code of AL 1975.

**NOTE: Any failure to fully comply with this section or any applicable laws of the State of Alabama shall be deemed a material breach of the terms of both the Bid Award and the respective contracts resulting there from. Furthermore, Baldwin County takes no responsibility for resulting delayed payments, penalties, or damages as a result of any failure to strictly comply with Alabama Law.**

Done this 5<sup>th</sup> day of May, 2015.

Charles F. Gruber s/s  
CHARLES F. GRUBER, Chairman  
Baldwin County Commission

**BID #WG15-18 SPECIFICATIONS**

Bidders shall give a unit price as indicated on the Bid Response Form. It is the intent of Baldwin County to award the bid to one (1) vendor. The price bid shall include all delivery charges and shall exclude all taxes and fees.

It is the intent of the Baldwin County Commission to award this bid for twenty-four (24) months (2015-2017) to begin on **June 19, 2015** with an option to issue one twelve (12) month extension (2017). The Baldwin County Commission will, in writing, notify the vendor thirty (30) days prior to expiration of the 2015-2017 bid with its intent to extend the contract. The Vendor shall respond in writing to the Baldwin County Purchasing Manager stating it will or will not agree to the bid extension. The said response shall be made to the Baldwin County Purchasing Manager within ten (10) calendar day of receipt of the Commission’s intent to extend letter. The prices for 2015 shall also apply to the extension period.

Bidders shall submit bids for a **MARGIN over OPIS price** for gasoline and diesel fuel. Bid prices for gasoline and diesel fuel will be based on Shell Mobile, Alabama posted Terminal schedule prices or consumer transport from the supplier to the bidders at 12:00 P.M., May 21, 2015 and award will be based on these prices. **OPIS Rack Sheet for May 21, 2015, must be included with Bid Response.** The successful bidder shall notify the Baldwin County Commission of increases or decreases in the posted prices within five (5) days of such increase or decrease. **NO PRICE INCREASE MY BE MADE UNTIL WRITTEN NOTIFICATION IS PROVIDED TO THE BALDWIN COUNTY COMMISSION.** Failure of a vendor to keep the Baldwin County Commission informed in writing of these changes will be grounds for cancellation of the order and/or not being allowed to bid the next period.

Regular Unleaded Gasoline and No. 2 Diesel Fuel, upon an eight (8) hour response time, shall be delivered to the following Baldwin County locations:

- BRATS/Sheriff Facility located in Robertsdale
- Bay Minette Highway Barn/Sheriff Facility
- Foley Highway Barn
- Foley Satellite Courthouse
- Fairhope Satellite Courthouse
- Magnolia Sanitary Landfill
- Silverhill Highway Barn

And any other location as required by the County Commission.

Regular unleaded gasoline and No. 2 diesel fuel shall be delivered by a **metered tank wagon or truck** and amounts shall be from 100 gallons up to 12,000 gallons per delivery as needed.

**In emergency conditions, products shall be delivered upon order by the Commission.**

Bidders shall furnish fuel test reports with the response to this bid.

**SPECIFICATIONS FOR REGULAR UNLEADED GASOLINE**

The County consumed during the period of January 1, 2014 through December 31, 2014, approximately 500,702 gallons of regular unleaded gasoline; quantities may vary from year to year due to the increase/decrease of the County's fleet.

Minimum Octane Rating	87
Sulfur (ASTM D90-50T) Content	.0080% Max
Corrosion Test (ASTM D-130 50T)	
3 hours @ 122 degree F	1 Max
Gum (ASTM D381-50) not to exceed	
3mgs per 100cc's	4 Max
Induction Period Hours	240 Minutes Min
Acidity	None
ASTM Research Method (ASTM D908-510)	82 MON
Distillation (ASTM D-86-46)	
% Evaporated @ 150 degree F	50%
@ 365 degree F	90%
End Point	437 degree F Min
Recovery Min.	96 Min
Residue Maximum	2% Max
Vapor Pressure (9 ASTM D-323-49)	
May through September @ 100 degree F	10 PSI
September through October @ 100 degree F	12.5 PSI
November through April @ 100 degree F	14.5 PSI Max

**SPECIFICATIONS FOR NO. 2 DIESEL FUEL**

The County consumed during the period of January 1, 2014 through December 31, 2014, approximately 700,000 gallons of diesel; quantities may vary from year to year due to the increase/decrease of the County's fleet.

**Inspection:**

Gravity: API	33.4
Viscosity, 100 degree F, SUV	34.9
Flash: degree F	144 degree
Cloud: degree F	+5 degree
Pour: degree F	-5 degree
Color: D1500	L 1.5
Sulfur: %	0.22%
Mercaptan Sulfur:%	0.01%
Car. Res. On 10% Btms., Rams. %	0.18%
Total Acid No., D 974	0.04%
Cetane Index	40+
Xistent Insolubles: Mgs/600gms	1
Potential Insolubles: Mgs/600gms	1
Filtrate after Aging, Color, D 1500	0.5

**Distillation:**

Over Point: degree F	370 degree
End Point: degree F	650 degree
10% at: degree F	450 degree

Recovery: %

98%

Bad Fuel: If substantial proof is received that delivered fuel was not good (i.e. contained materials damaging to fuel tanks) or that the product does not meet specifications, the vendor will be notified and will have an opportunity to make good on the delivery and any damages that occurred from the bad fuel.

**BID #WG15-18 RESPONSE FORM**

Gasoline/Diesel

Date: \_\_\_\_\_

Out of State \_\_\_\_\_ or \_\_\_\_\_ If yes, \_\_\_\_\_  
Yes No Registration Number

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Company Rep. \_\_\_\_\_  
\_\_\_\_\_ (Rep. Name Typed or Printed)

Position: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

**REGULAR UNLEADED GASOLINE (E-10 87 OCTANE)**

Tank Wagon Delivery \_\_\_\_\_ Margin over Terminal price per/gallon

Truck Transport Delivery \_\_\_\_\_ Margin over Terminal price per/gallon

Specify the number of gallons for truck transport delivery \_\_\_\_\_

**NO#2 DIESEL FUEL**

Tank Wagon Delivery \_\_\_\_\_ Margin over Terminal price per/gallon

Truck Transport Delivery \_\_\_\_\_ Margin over Terminal price per/gallon

Specify the number of gallons for truck transport delivery \_\_\_\_\_