

EXHIBIT A

14-139



ALAN BRUBAKER, P.E., P.S.

SUMMIT COUNTY ENGINEER

_____ BID PACKAGE _____

SUMMIT COUNTY ENGINEER

BID FOR THE PURCHASE OF:

CLAY FILL MATERIALS

OPENING DATE: APRIL 17, 2014 AT 11:00 A.M.

INSTRUCTIONS TO BIDDERS

March 11, 2014

Sealed bids will be opened and publicly read on April 17, 2014 at 11:00 E.S.T., by the Summit County Executive's Office, at the County of Summit Ohio Building, 8th floor conference room, 175 South Main Street, Akron, Ohio 44308. Sealed bids will be received until 11:00 a.m. E.S.T. April 17, 2014.

For:

CLAY FILL MATERIALS

The envelope containing the bid shall be marked with the material title and shall be opened immediately thereafter and read publicly.

I. BID BOND

Each bid in the amount of twenty five thousand dollars (\$25,000.00) or more shall be accompanied by a bid bond signed by a surety company authorized to do business in Ohio, or a certified check or cashiers check on a solvent bank, which bond or check shall be in the amount not less than 3% of the amount bid and in no event less than forty five dollars (\$45.00).

- A. The bid bond or check of the successful bidder will be returned upon execution of the contract.
- B. Bid bonds or checks of unsuccessful bidders will be returned upon a written request submitted to the Engineer's Office.

II. LICENSES/PERMITS

Bidders shall include in their proposal the cost for all licenses/permits required by the State of Ohio and/or any municipality, township or village that are necessary to perform this contract and shall obtain all such permits.

III. FORM OF PROPOSAL

The proposal shall be made on the attached blank forms, designated for such purpose, and shall be completely filled out to contain all the required information, and must be properly signed.

IV. UNACCEPTABLE BIDS

No bid will be accepted from, or contract awarded to any person, firm, or corporation that is in arrears or is in default to the County of Summit upon any debt or contract, or that is in default as surety or otherwise, upon any obligation to the County, or has failed to perform faithfully any previous contract with the County or has been debarred by the County from consideration for contract awards.

V. WITHDRAWAL OF BIDS

No bid will be allowed to be withdrawn after it has been deposited with the County of Summit Engineer, except as provided by law.

VI. REJECTION OR ACCEPTANCE OF BIDS

The County of Summit and the County of Summit Engineer reserve the right to reject any and all bids, and any part or parts of any bid, and also the right to waive any informalities in the bid. The County and the Engineer have the right to hold bids for up to sixty (60) days. In awarding a contract, the County has the right to consider all elements in determining the responsibility of the bidder. Any bid which is incomplete, conditional, obscure, or which contains additions not called for or irregularities of any kind, may be rejected.

VII. BIDDER QUALIFICATIONS

With his proposal, the bidder shall furnish evidence that is satisfactory to the County of:

- A. Adequate experience in work of this type.
- B. Financial ability to perform the work to its completion in accordance with the specifications, and/or supply the required commodity.
- C. Effort and intent to provide equal employment opportunity and minority business enterprise requirements.
- D. Local Preference Ordinance 94-178

Summit County has established a "Local Preference" for construction contracts by Ordinance 94-178, dated February 22, 1994. Local preference is given to bidders that have an established principal place of business in either Summit County or the State of Ohio. This principal place of business must have been established at least two (2) years prior to the bid opening date.

Bidders having established their principal place of business in Summit County may be preferred as lowest if their bid does not exceed by more than 3%, with an upper limit of Ten Thousand Dollars (\$10,000), of the apparent lowest bidder.

Bidders having established their principal place of business in the State of Ohio may be preferred as lowest if their bid does not exceed by more than 2% of the apparent lowest bid.

To qualify for local preference, bidders must state on the bid form their principal place of business and the date of establishment. Each bidder shall have only one principal place of business. Local preference may only be applied in considering the lowest bid and shall not waive or nullify evaluation of which bidders are responsive and responsible. In no event shall any preference granted herein exceed a maximum of 3% or \$10,000.00, whichever is less.

E. Disadvantaged Business Preference—Ordinance 93-67

Summit County has established a "Disadvantaged Business Preference" for construction contracts by Ordinance 93-67, dated February 2, 1993. Disadvantaged Business Preference is given to bidders who have submitted proof of certification as a "disadvantaged business" as provided in Section 177.04 of the Codified Ordinances of County of Summit prior to the advertisement for bids or other announcement for quotes by the County and must actually perform the work or supply the goods or services themselves without the use of subcontractors other than certified disadvantaged businesses. No person, with purpose to obtain a bid preference as a disadvantaged business, shall knowingly misrepresent that he owns, controls, operates or participates in the operation of a disadvantaged business, subject to the penalties specified in Section 177.04(h) of the Codified Ordinances.

Bids from disadvantaged businesses may be preferred as lowest if their bid does not exceed by more than three percent (3%) the apparent lowest bid or ten thousand dollars (\$10,000.00), whichever is less. The disadvantaged business preference shall not apply where prohibited by State or Federal law or regulation.

F. Cumulative Preferences

No bidder shall receive preferences cumulatively exceeding five percent (5%) or fifteen thousand dollars (\$15,000.00), whichever is less.

VIII. TAXES

The County of Summit is exempt from all sales, excise, and transportation taxes, except State of Ohio gasoline tax. The unit prices for bid shall exclude all such taxes, and will be so construed.

IX. EXAMINATION OF SPECIFICATIONS, SITE, ETC.

The bidder must examine the specifications, location of the proposed work, if applicable, exercise individual judgement as to the extent of the work to be done, and agree to fully complete the work or deliver equipment or materials in accordance with the specifications for the price bid.

All bidders will be held to have thoroughly acquainted themselves with all conditions pertaining to the work and to have visited the site and to have familiarized themselves with the exact conditions existing.

The bidder is required to carefully read the specifications for all parts of the work so as to become familiar with the work covered under this contract.

X. EEO COMPLIANCE

The successful bidder must furnish documentation complying with State of Ohio and federal laws relating to discrimination and equal employment opportunity as outlined in the specifications on included forms. Questions relating to EEO requirements should be directed, Office of the Summit County Engineer, 538 E. South Street, Akron, Ohio 44311.

XI. OTHER REQUIREMENTS FOR SUCCESSFUL BIDDERS

- A. All permits, certificates of inspection, etc., relating to performance of contracts, if any, must be obtained prior to the contract being executed.
- B. Successful bidders must furnish a copy of an unexpired State of Ohio Certificate of Worker's Compensation.
- C. A 100% performance bond based on the bid and/or contract amount must be submitted within ten (10) days after receipt of notification of award.
- D. A "Declaration of Personal Property Tax Delinquency" form must be fully executed and notarized pursuant to Ohio Revised Code Section 5719.042, before an award can be made.

- E. The bidder/contractor/design-builder shall indemnify and save the County harmless from all claims or liabilities of any type or nature to any person, firm, or corporation arising from, resulting from, or attributable to the work done under this agreement by the bidder/contractor/design-builder itself or acting with others.
- F. Successful bidder must furnish the County with a taxpayer identification number. The Internal Revenue Code requires the County to file an information return by January 31st of the following year on all payments made to another person of \$600.00 or more. Section 3406 of the Internal Revenue Code (26 U.S.C. 3406) requires the County to withhold at a rate of thirty-one percent (31%) if a payee fails to furnish a correct taxpayer identification number, and the back-up withholding requirements continues until the requested information is received.

XII. SAFETY REQUIREMENT

The bidder/contractor/design-builder, its employees, agents, representatives, and any other party working on its behalf, shall comply with all applicable terms of the Occupational Safety and Health Act, 29 U.S.C. 651 et seq. and any applicable related regulations, including, but not limited to, those stated in 29 CFR 1910.01-1910.1450, as amended, and 29 CFR 1926.1-1926.1152, as amended, and shall comply with all applicable terms of Ohio Revised Code Chapter 4167, as amended, and any applicable related regulations under the Ohio Administrative Code, as amended. This compliance shall include, but shall not be limited to, at a minimum, providing all employees working on the project with the necessary training before the work is performed, and providing all safeguards, safety devices, and protective equipment. The bidder/contractor/design-builder further shall take any and all other actions reasonably necessary to protect the life and health of employees of the bidder/contractor/design-builder and of the County and to protect property in connection with the performance of the work under this agreement.

XIII. INSURANCE

The Bidder/contractor/design-builder must provide insurance covering the working period in the amounts according to the contract documents.

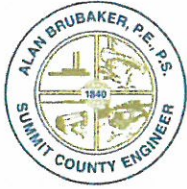
The Bidder/contractor/design-builder shall furnish Summit County with proof of insurance.

XIV. STATE OF OHIO PREVAILING WAGE RATES

All wages paid to employees on the work site shall be paid at the prevailing wage rate of wages for the class of work called for under this agreement. The prevailing wage rate for such wages shall be determined in accordance with Ohio Revised Code Chapter 4115, except for any employees who are covered by a collective bargaining agreement in existence prior to the date of this contract, who shall be paid the rate of pay provided for under such an agreement. The bidder/contractor/design-builder agrees to provide the County with full and complete documentation of payment records.

The bidder/contractor/design-builder agrees to provide the County with a contact person, a telephone number, a mailing address and if available, an electronic mail address for purposes of giving notice to the bidder/contractor/design-builder of any changes in prevailing wage rates. Where an electronic mail address is given, the bidder/contractor/design-builder agrees that the use of that method by the County satisfies any notice requirements of any change in prevailing wage rates that it may have under Ohio Revised Code Chapter 4115.

The bidder/contractor/design-builder further agrees that upon receipt of notice from the County of any changes in prevailing wage rates to immediately inform all subcontractors with whom it has contracted of such changes. The bidder/contractor/design-builder agrees to defend and indemnify the County, its elected officials, agents and employees, against all claims, actions, demands, judgments, settlements, damages, liabilities, losses, and costs of any kind, including, but not limited to, reasonable fees of attorneys and experts, arising from or related to the bidder/contractor/design-builder's failure to inform its subcontractors of changes in prevailing wage rates upon notice from the County of such changes.



ALAN BRUBAKER, P.E., P.S.
SUMMIT COUNTY ENGINEER

BID SHEET

BIDDER: (Company Name) _____
Address: _____

Authorized Signature: _____
Date: _____
Type or Print Name, Title: _____
BID BOND AMOUNT: _____
Name of Surety Company: _____
OR Check Number: _____
Address of Bidder's Pick-up Point: _____
Hours of Operation: _____ Telephone: _____
Fax Number: _____ E-Mail Address: _____

BID FOR: Clay Fill Materials

SPECIFICATIONS: Compactable clay fill material to be delivered to various job site within Summit County. Prices for this clay fill material shall be quoted on the basis of price per ton; quantities are according to the needs of the Engineer. Prices shall be firm for one (1) year from the date of Bid Award, with option to extend for one (1) year on mutual agreement. **Whereas, the total materials purchased may exceed \$25,000.00, the Summit County Engineer requires a bid bond as outlined on page 1, Section I of the Instructions to Bidders portion of this package.**

<u>Location</u>	<u>Price Per Ton</u>
Various Job Sites	_____

NOTICE TO BIDDER: If you are not quoting exactly to specifications, list exceptions below:

Bids received past the appointed time of Bid Opening shall not be accepted and will be returned unopened. The Engineer reserves the rights to award this contract to the lowest and best overall bid. For inquiries concerning this bid contact, Patrick Dobbins, Deputy Director of Public Service, Summit County Engineer, 601 E. Crosier Street, Akron, Ohio 44311. Telephone: (330) 643-2860.

NOTE: Bids shall be enclosed in an envelope, **SEALED** and addressed to:

**Summit County Executive
County of Summit Ohio Building
175 South Main Street
Akron, Ohio 44308**

ATTENTION: SHANNON McNULTY

Bids shall be plainly marked on the outside of the envelope as follows:

BID FOR: CLAY FILL MATERIALS

ADVERTISED DATE: April 5, and April 12, 2014

OPENING DATE: April 17, 2014 @ 11:00 a.m.

NOTICE

Attached is the "Declaration of Personal Property Tax Delinquency" from, which is required pursuant to ORC 5719.042. this statement is required for every competitive bid contract awarded by the County.

When an award is made relative to a competitive bid, the successful bidder must have the fully executed statement attached to his contract documents, i.e. contract or purchase order, as applicable. If the declaration shows moneys owed, a copy shall be forwarded by the County Auditor to the County Treasurer within 30 days of receiving it.

Inquired Concerning this matter may be directed to County Executive's General Counsel, County of Summit Executive's Office, Ohio Building, 8th Floor, 175 S. Main Street, Akron, Ohio 44308.

**EQUAL EMPLOYMENT OPPORUNITY/ANTI-DISCRIMINATION
COMPLIANCE CERTIFICATE**

EQUAL EMPLOYMENT OPPORUNITY/ANTI-DISCRIMINATION

A. _____ understands that, if it is to be found to be the best suitable bidder, agrees that in the hiring of employees for the performance of work under any contract awarded by the County of Summit, or any subcontract awarded by the County of Summit, no contractor, subcontractor or any person acting on his behalf, shall, by reason of race, creed, sex, disability, military status as defined in section 4112.01 of the Ohio Revised Code, color, gender identity as defined in Section 101.02(f) in the Codified Ordinances of the County of Summit and sexual orientation as defined in Section 101.02(r) in the Codified Ordinances of the County of Summit, shall discriminate against any citizen of the state in the employment of labor or workers who are qualified and available to perform the work to which the employment relates.

B. _____ further agrees that no contractor, subcontractor or any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this Agreement on account of race, creed, sex, disability, military status as defined in section 4112.01 of the Ohio Revised Code, color, gender identity as defined in Section 101.02(f) in the Codified Ordinances of the County of Summit and sexual orientation as defined in Section 101.02(r) in the Codified Ordinances of the County of Summit. The undersigned certifies he does not maintain and he will not permit his employees from performing services at any segregated facilities.

Firm Name

By:

Title: _____

Date: _____

This certification becomes part of the resultant contract.

DECLARATION OF PERSONAL PROPERTY TAX DELINQUENCY
OHIO REVISED CODE 5719.042

I _____ hereby affirm that
_____, bidder herein IS/IS NOT (as applicable) charged
at the time of submitting this bid with any delinquent personal property taxes on the
general tax list of personal property of the County of Summit.

The amount of such due and unpaid delinquent tax and any due and unpaid
penalties and interest is \$ _____.

Signature _____

Title _____

STATE OF OHIO)(

COUNTY OF SUMMIT, ss.)(

Before me, a Notary Public, in and for said County, personally appeared
_____, authorized signatory for _____.

And acknowledges that he has signed the foregoing instrument and that the same
is his free act and deed.

IN TESTIMONY WHEREOF, I have affixed my hand and seal of my office at
_____, Ohio, this _____ day of _____, 19____.

Notary Public _____