

**STATEMENT OF WORK
AGGREGATE & ANTI-SKID MATERIALS
INVITATION TO QUALIFY (ITQ) CONTRACT**

OVERVIEW: The purpose of this Invitation to Qualify (ITQ) is to qualify responsible and responsive suppliers for the provision of Aggregate and Anti-skid Materials to the Pennsylvania Department of Transportation (PennDOT) and other Commonwealth agencies. In addition, Local Public Procurement Units (COSTARS), as defined by the Commonwealth Procurement Code, may use this contract in accordance with the COSTARS Provision contained within this document.

This ITQ will result in a contract that is the first step in a two-step procurement process. Only those suppliers that respond to this ITQ, and that the Department of General Services (Department) finds to be qualified (“Qualified Suppliers”), and thus awarded a Contract, will be eligible to participate in the second step.

The second step involves the issuance of Requests for Quotes (“RFQ”) to the Qualified Suppliers. Through this two-step process, the Qualified Suppliers are offered the opportunity to submit prices for specific needs for aggregate and anti-skid materials to be supplied to using agency locations or for source pick-up. The Qualified Supplier selected through the RFQ process (“Selected Supplier”) will supply materials to meet specific requirements of the Commonwealth as indicated in requirements of the RFQ.

Suppliers interested in submitting an ITQ to become an Aggregate and Anti-skid Materials supplier must meet/adhere to the following requirements:

- A. Suppliers will be required to furnish the various aggregates & anti-skid materials in accordance with the Pennsylvania Department of Transportation Pub 408 (latest version) Specifications and Standard Special Provisions (latest version) and the PUB 34, Bulletin 14 Approved Aggregate Producers (latest version).
- B. The PennDOT Laboratory Testing Section, Materials and Testing Lab, 81 Lab Lane, Harrisburg, PA must approve all materials and sources used in conjunction with this contract. Qualified Suppliers, including both producers and agents, shall provide only Bulletin 14 approved materials from a Bulletin 14 approved source. Suppliers who provide materials from a source that has been suspended or lost Bulletin 14 approval status, or provide specific materials that have been suspended or lost Bulletin 14 approval status will be required to stop delivery on any open orders and will not receive additional requests for quotes until reinstated by PennDOT.
- C. Suppliers will be expected to supply Aggregate and Anti-Skid Material at the price quoted in their responses to the RFQ(s) and in accordance with all terms and conditions of the awarded contract. Suppliers shall be paid only for the materials as specified in the RFQ and then awarded on the Purchase Order issued by the using agency.
- D. It is understood that RFQ’s may be for materials delivered or being picked up by the Commonwealth, all RFQ’s for materials delivered are FOB destination.
- E. Materials must pass on-site receiving inspections to ensure compliance with minimum specification requirements including, but not limited to, no contamination by foreign material and no clumping of material. If material is rejected in an inspection, the supplier shall receive no reimbursement. The supplier will be responsible for removing the rejected material at no additional cost to the Commonwealth.
- F. The supplier shall furnish, with each shipment, an original and one copy of a certified delivery ticket. In cases where computerization requires the supplier to retain the original copy, two copies of the delivery ticket are acceptable; however, stamp or indicated one of the copies: “ORIGINAL DUE TO

COMPUTERIZED OR AUTOMATIC MACHINE ACCOUNTING.” A CS-4171 Form is to be included with each delivery as referenced in PennDOT Publication 408.

- G. On all bulk shipments originating outside the Commonwealth of Pennsylvania, a signed certified weight slip from the supplier must accompany each truck. Shipments originating within the Commonwealth must be weighed by a licensed Public Weigh Master and accompanied by a Weigh Master’s certificate. The scale used must be approved by the Department of Agriculture, Bureau of Standard Weights and Measures, or tested and approved by a Scale Repair Service with testing capabilities with appropriate weights and procedures as contained in Scale Code NBS Handbook 44. Weights used to conduct tests must be certified to be within Class F tolerances. The Weigh Master’s Certificate must be in conformance with Pennsylvania Code Title 70. In addition, a digital printer must be used if the source has that capability in its scale. The Commonwealth reserves the right to have truck deliveries check weighed at independent weighing stations. All costs for check weighing will be the responsibility of the Supplier.

If it is determined that a vehicle owned or leased by the supplier operated on public highways carrying weight in excess of the registered gross or axle weight limits established in Chapter 49 of the Motor Vehicle Code, the Commonwealth is not liable for payments for that amount of material equal to the excess over the registered gross and/or axle weight limits. The supplier may elect to deliver the excess material to the Commonwealth without charge or to retain the material in the vehicle.

- H. The Supplier shall be completely responsible for the preparation of accurate weight slips, certifications attesting to the accuracy of the weight recorded, and assuring conformance with Section 107.23(b) of Pub 408 (latest version), including the payment of liquidated damages as specified therein.

The Supplier shall designate a licensed weight person(s) to act as its agent.

The Supplier shall have scales calibrated annually by an independent agency acceptable to the Commonwealth. A Commonwealth Inspector may monitor weighing, and mobile weigh and scale inspection teams may provide random checking.

The Supplier shall weigh empty trucks, used to haul material measured by weight, daily unless otherwise directed. When the temperature is below 32F, the Commonwealth may require the supplier to weigh empty trucks upon every return trip and adjust the tare weight accordingly.

When the invoice weight exceeds the net weight determined by a department mobile weigh team by more than 3%, the deviation will be considered excessive. The Supplier shall take immediate corrective action upon notification of an excessive deviation. Within 30 days of notification, provide the using agency (District Executive, in the case of PennDOT) with a written description of corrective actions and safeguards, and the time at which they were implemented.

- I. If a supplier is having difficulty furnishing materials against a Commonwealth Purchase Order from the selected contract source(s), the supplier may request permission from the using agency (District Executive or their designee, in the case of PennDOT) to supplement shipments from another approved aggregate & anti-skid source in order to honor a Purchase Order. It does not matter if it is a competitor’s source. The condition is that regardless of change of source, the using agency will pay the lowest delivered cost per ton; i.e. if the supplemental source is closer than the original source, mileage is charged from the supplemental source but the mileage rate is the lower of the original source and supplemental source. If a supplier wishes to implement this clause, they must provide material from a source approved prior to the bid opening.

- J. In the event of an emergency situation that threatens public health, welfare or safety, or for circumstances outside the control of the agency that creates an urgency of need and does not permit time to solicit competitive bids, using agencies may obtain materials necessary to avert a crisis without soliciting bids. As soon as practical, agencies must complete the formal Emergency Procurement procedure to receive retroactive approval from DGS.

ISSUING OFFICE: This ITQ is managed and administered by the Commonwealth of Pennsylvania, Department of General Services (DGS), Bureau of Procurement. The Issuing Office is the sole point of contact in the Department for this ITQ. Please refer all inquiries to:

John Jones, Commodity Specialist
Department of General Services, Bureau of Procurement
1800 Herr Street, 2nd Floor, Arsenal Building
Harrisburg, Pennsylvania 17103
Telephone No. (717) 346-3848
Fax No. (717) 783-6241
jotjones@pa.gov

TERM OF CONTRACT: Any contract issued to qualified suppliers, as a result of this ITQ, shall commence on the Contract Effective Date and shall end on December 31, 2020 with one (1) five-year renewal.

QUALIFICATIONS: Suppliers interested in becoming an ITQ supplier must meet all of the following requirements. Failure to meet any of the below requirements will result in the registration being rejected.

- A. If the Supplier is a producer, the Supplier must be approved by the Department of Transportation, Laboratory Testing Section, Materials and Testing Lab, 81 Lab Lane, Harrisburg, PA 17110, prior to time of enrollment and identified as it is listed in the Department of Transportation's Publication 34, Bulletin #14 Approved Aggregate Producers (current edition).

If the Supplier is an agent, the Supplier must be qualified as an agent on Bulletin 14, and must provide an approved material from an approved source as listed in the Pennsylvania Department of Transportation's Bulletin 14 (current edition). The Supplier must identify at time of enrollment the approved source(s) they will use under this ITQ Contract.

Potential aggregate agents offering an aggregate distributing source location for approval shall request an inspection from the appropriate District Materials Engineer/Manager (DME/DMM) responsible for the aggregate distributing location.

Failure to maintain approval in the Department of Transportation Bulletin 14 (current edition) or provide approved materials from an approved source will result in suspension of the Supplier from the ITQ until such time as when approval has been re-secured. Suppliers will be provided 90 days to restore approval after which time the supplier's contract may be terminated upon written notification.

Information on becoming qualified as a producer/agent can be found on the Department of Transportation's Bulletin 14 can be located at:

https://www.dot.state.pa.us/public/pdf/construction/bulletins_supporting_docs/Bulletin%2014%20-%20Supporting%20Information.pdf

- B. **Supplier Contact Information Form:** Suppliers must complete/submit a Supplier Contact Information Form. On the form, Suppliers must provide general information including Supplier name, address, telephone number, e-mail address, and SAP Vendor ID Number.

Suppliers must provide the name, title, telephone number, fax number, and e-mail address for the individual who will be responsible for receiving the Request for Quotes (RFQ) and for preparing and submitting the Supplier's quotes for the RFQ.

- C. **Aggregate & Anti-Skid Counties of Interest Form:** Suppliers must complete/submit an Aggregate & Anti-Skid Counties of Interest Form. By placing the source supplier code in the boxes on the Aggregate & Anti-Skid Counties of Interest Form, Suppliers indicate to which counties they wish to supply Aggregate & Anti-Skid materials from each specific source. The Counties of Interest Form must identify the plant locations the Supplier wishes to provide from, along with the supplier code of each source as listed in the Department of Transportation's Bulletin 14 (current edition).

The Aggregate & Anti-Skid Counties of Interest Form identifies Suppliers who can provide Aggregate & Anti-Skid materials to specific counties in accordance with the Department of Transportation's PUB 408 (current edition) or applicable Standard Special Provisions. In the event additional Aggregate & Anti-Skid Materials Supply Categories or materials are added to the ITQ, the Counties of Interest Form can be modified to meet those requirements.

During the contract, Suppliers may add counties of interest and supplier codes of the sources for qualified materials by submitting an updated Bituminous Materials Counties of Interest Form to the Department of General Services' Commodity Specialist for their review and approval.

- D. **Reciprocal Limitations Form:** This ITQ is subject to the Reciprocal Limitations Act. Suppliers must complete and submit with the ITQ Response the State of Manufacture Chart, which is contained in GSPUR-89 ("Reciprocal Limitations Act Requirements") which is attached to and made part of this ITQ. The completed State of Manufacture Chart should be submitted as part of the bid.
- E. **Lobbying Certification and Disclosure – Electronic Submission:** With respect to an award of a federal contract, grant, or cooperative agreement exceeding \$100,000 or an award of a federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding \$150,000 all recipients must certify that they will not use federal funds for lobbying and must disclose the use of non-federal funds for lobbying by filing required documentation. Bidders must complete and return the Lobbying Certification Form and the Disclosure of Lobbying Activities Form, which are attached to and made a part of this ITQ. The completed and signed Lobbying Certification Form and the Disclosure of Lobbying Activities Form should be submitted with the ITQ Response. Commonwealth agencies will not contract with outside firms or individuals to perform lobbying services, regardless of the source of funds.

MATERIAL CATEGORIES: Suppliers will need to pick the appropriate commodity code(s) to qualify for this contract. Suppliers will select the appropriate code(s) under the Business Details section of the qualification process. The Commonwealth may add additional commodity codes as the need arises. The table below lists the appropriate commodity code and description of each material category.

COMMODITY CODE	DESCRIPTION OF MATERIAL CATEGORY
Aggregate Materials	This category contains the types of aggregates used by Commonwealth agencies. This category may cover FOB delivery or Source pick up of such materials.
Anti-Skid Materials	This category contains types of anti-skid materials commonly used by Commonwealth agencies. This category covers FOB delivery. Suppliers able to bid Anti-Skid Types AS1-AS3 are required to bid Type AS4 as well. Source pick up of such materials is available for COSTARS members.

REQUEST FOR QUOTES (RFQ) PROCEDURES: Commonwealth Agencies will issue an RFQ to qualified Contractors, through the Commonwealth’s Custom Portal, powered by the JAGGAER system. Contractors will respond to the RFQ in the system. The requesting Agencies may require the qualified Contractors to furnish, upon request, additional documentation in the RFQ. The qualified Contractors selected for the RFQ process will receive a Purchase Order (PO) and will supply the service to meet the specific requirements as indicated in the RFQ.

Agencies will exercise a scoring method based upon the criteria set forth in the RFQ. The Scoring Methods are defined as follows:

- Best Value
 - Refers to the process of selecting the quote which provides the greatest value to the agency based on evaluating and comparing all pertinent criteria, including cost, so that the Contractor whose overall proposal best suits the agency’s needs is selected for each individual project; and
- Low Cost
 - Refers to the lowest cost quoted from all proposals received that are deemed both responsive and responsible for the project.

If the procurement is issued by PennDOT, it will be through their own e-Procurement system.