

# INVITATION TO BID

BID DATE: 3/11/2021

**PLEASE REFER TO BID NO. 2021-032**

**QUOTE NOT LATER THAN: 3/31/2021 BY 4:00 PM  
(EST)**

TO:  
VENDOR NAME:  
ADDRESS:

FROM:  
PURCHASING DEPARTMENT  
COUNTY OF BERRIEN, MICHIGAN  
ADMINISTRATION CENTER  
701 MAIN STREET  
ST. JOSEPH, MICHIGAN 49085

CONTACT:  
TELEPHONE #:  
EMAIL:

**PLEASE INDICATE "BID NO. 2021-032" ON OUTSIDE OF SEALED ENVELOPE TO INSURE PROPER  
BID PLACEMENT.** DELIVERY REQUIREMENTS: AS PER SPECIFICATIONS

*The Berrien County Board of Commissioners reserves the right to reject any and all bids or make any deviations  
deemed in the best interest of Berrien County.*

Quality: All materials/services furnished must be the best of their respective kinds (unless otherwise specified) and will be subject to our inspection and approval after delivery. If materials are rejected it will be held for disposition at your risk and expense.

QUANTITY	DESCRIPTION	PER M PRICE	TOTAL
	<b><u>REQUEST FOR BID ON THE FOLLOWING:</u></b>		
	Waterborne Pavement Paint		
	PLEASE SEE ATTACHED SPECIFICATIONS		
	<b><u>PLEASE SEND TWO (2) COPIES OF BID PROPOSAL</u></b>		

QUANTITY	DESCRIPTION	PER M PRICE	TOTAL
	<p>PURSUANT TO MICHIGAN PUBLIC ACT 517 OF 2012, AN IRAN-LINKED BUSINESS IS NOT ELIGIBLE TO SUBMIT A BID FOR THIS RFP. FURTHER, <b>EACH BID SUBMISSION <u>MUST</u> INCLUDE WRITTEN CERTIFICATION BY THE BIDDER THAT THE BIDDER IS NOT AN IRAN LINKED BUSINESS (SEE ATTACHED FORM)</b>. A BID SUBMISSION WITHOUT THE REQUIRED WRITTEN CERTIFICATION MAY BE REJECTED AS INCOMPLETE AND VIOLATIVE OF LAW. A SUSTAINED DETERMINATION BY THE COUNTY THAT A BIDDER HAS SUBMITTED A FALSE CERTIFICATION OF BEING AN IRAN LINKED BUSINESS MAY RESULT IN THE CANCELLATION OF AN EXISTING CONTRACT, A CANCELLATION OF INTENT TO ENTER INTO A NEW CONTRACT, AND/OR REPORTING OF THE BIDDER TO THE STATE ATTORNEY GENERAL, AND POSSIBLE FINES AND COSTS, AND BAR FROM FURTHER BIDDING ON COUNTY RFP'S FOR AN ADDITIONAL 3 YEARS, AS PROVIDED UNDER P.A. 517 OF 2012.</p> <p>MEMBER OF HPS (HOSPITAL PURCHASING SERVICES), STATE OF MICHIGAN MIDEAL PURCHASING PROGRAM, AND NATIONAL JOINT POWERS ALLIANCE</p> <p><b>ANY QUESTIONS REGARDING BID SPECIFICATIONS, PLEASE CONTACT Michael Juengling at 269-925-1196 ext 4424 or <a href="mailto:mjuengling@bcroad.org">mjuengling@bcroad.org</a></b></p> <p>ALL OTHER QUESTIONS REGARDING THE BID PROCESS, PLEASE CONTACT THE PURCHASING DEPT. AT 269-983-7111 EXT. 8295</p>		

*Jake Litaker*

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JAKE LITAKER  
jlitaker@berriencounty.org  
FINANCIAL ACCOUNTANT/ANALYST  
PHONE: 269-983-7111 EXT. 8295  
FAX 269-982-8668

BIDDERS NAME: \_\_\_\_\_

BIDDERS PHONE NUMBER: \_\_\_\_\_

BID DATE: \_\_\_\_\_



# BERRIEN COUNTY

## ROAD DEPARTMENT

**PROPOSAL AND SPECIFICATIONS**  
**FOR**  
**WATERBORNE PAVEMENT MARKING PAINT**

**Berrien County Road Department**  
**2860 EAST NAPIER AVENUE**  
**BENTON HARBOR, MI 49022**  
**1-269-925-1196**  
[www.berriencounty.org](http://www.berriencounty.org)

# BERRIEN COUNTY ROAD DEPARTMENT

MICHIGAN DEPARTMENT OF TRANSPORTATION

SPECIFICATIONS

FOR

## PAVEMENT MARKING PAINTS (LEAD-FREE WATERBORNE)

### DESCRIPTION

This specification covers white and yellow, lead-free waterborne, ready-mixed paints to be used with pressure spray equipment to mark either Portland cement or bituminous concrete pavements. The paints shall be suitable for spray application without thinning when heated at temperatures up to 111 degrees F and shall also be suitable for retaining glass beads applied by the drop method.

The paints shall be uniformly ground and with reasonable redispersion, be suitable for application after a year of indoor storage.

The paint shall meet the current Michigan Department of Transportation Specifications for Waterborne Pavement Marking Paint.

MICHIGAN DEPARTMENT OF TRANSPORTATION

2012 QPL FOR LIQUID PAVEMENT MARKING MATERIALS

<u>WATERBORNE</u>	<u>WHITE</u>	<u>LEAD-FREE YELLOW</u>
Sherwin-Williams Paint	BP-5760 TM-2204	P-8479 TM-2205
Ennis Paint Co.	982211 982221 982201	982212 982222 982202
Ozark Materials, LLC	14228	24228

# **BERRIEN COUNTY ROAD DEPARTMENT**

NOTE: All paint material shall be from Tested Stock. The general procedures for Tested Stock may be found in Section F-4 of the Department's MQAPM. The following additional requirements shall apply:

1. Batch Size: Minimum batch size will be 2000 Gallons.
2. Labeling Requirements: Each drum shall be plainly marked, both on the head and side, with a durable, weather-resistant marking, showing the name and address of the manufacturer, description of the material, qualified products list identification number, batch number, date of manufacture, volume, and weight of contents and MDOT approval number.

## **PACKAGING & SHIPPING**

The paint shall be shipped in plastic totes with a 330 gallon capacity, placed on an **open flatbed trailer**. The Road Department does **not** have a loading dock therefore we require a flatbed trailer with the ability to be unloaded from **BOTH SIDES**.

## **ACCEPTANCE AND REJECTION**

The paint furnished under the contract shall conform to the requirements herein set forth. In the event that the traffic paint does not comply with these specifications, the Vendor will be required to replace all such paints at his own expense, including all handling and transportation charges, with paint that does not comply.

## **SPECIFICATIONS FOR CONTROL OF MATERIALS**

### **CONTROL OF MATERIALS**

Section 105.05 of the 2012 M.D.O.T. Standard Specifications for Construction and the following special provisions will apply.

### **FOR PAINT**

Written certification from the supplier that materials meet M.D.O.T. Specification will be required.

# BERRIEN COUNTY ROAD DEPARTMENT

## QUANTITY, DELIVERY POINT, SPECIFICATIONS AND PRICE SCHEDULE

### 1. QUANTITY

Bids will be received on approximately 13,000 Gallons of Yellow Pavement Marking Paint & 13,000 Gallons of White Pavement Marking Paint. The quantities given are approximate and the right is reserved by the Board of County Commissioners to accept delivery on more or less than the quantity bid upon.

### 2. DELIVERY POINT AND DELIVERY DATE

The successful bidder should deliver at least 50% of the white paint and 70% of the yellow paint to the Road Department by **June 1, 2021**. The remainder shall be delivered no later than July 6, 2020 to 2860 E. Napier Avenue, Benton Harbor, Michigan 49022. The Road Department will also take delivery of 100% of the yellow and white paint if available. PRICES QUOTED MUST BE F.O.B. BENTON HARBOR, MICHIGAN.

### 3. SPECIFICATIONS

The Berrien County Road Department will receive bids on waterborne lead-free Pavement Marking Paints which shall meet the attached specifications of the Michigan Department of Transportation. It is understood and agreed that the Provisions for Performance Tests and Service Tests were met as required and listed in the specifications.

The Bidder shall furnish and attach to his proposal the Company's specifications for the particular paints offered. It is understood and agreed that the paints quoted herein shall have been manufactured after March 1, 2021.

### Bid:

LEAD-FREE WHITE WATERBORNE, LEAD-FREE YELLOW WATERBORNE,

<u>QUANTITY</u>	<u>MATERIALS</u>	<u>TOTAL</u>
13,000 Gallons	LEAD-FREE WATERBORNE <u>WHITE PAINT</u> @ _____ PER GAL.	\$ _____
13,000 Gallons	LEAD-FREE WATERBORNE <u>YELLOW PAINT</u> @ _____ PER GAL.	\$ _____

TOTAL BASE BID: \$ \_\_\_\_\_

# BERRIEN COUNTY ROAD DEPARTMENT

MANUFACTURER

NAME: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY AND STATE: \_\_\_\_\_

NAME AND ADDRESS OF BIDDER

NAME: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY AND STATE: \_\_\_\_\_

BID SUBMITTED BY: \_\_\_\_\_

(Authorized Signature)

TELEPHONE NUMBER: \_\_\_\_\_

DATE: \_\_\_\_\_

TERMS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

REMARKS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

# BERRIEN COUNTY ROAD DEPARTMENT

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to non-discrimination in Federally-assisted programs of the Department of Transportation, Title 49, code of Federal Regulations, Part 21 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulation, including employment practices when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the **BERRIEN COUNTY ROAD DEPARTMENT** to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State highway department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Non-compliance:** In the event of the contractor’s non-compliance with the non-discrimination provisions of this contract, the **BERRIEN COUNTY ROAD DEPARTMENT** shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or



# BERRIEN COUNTY ROAD DEPARTMENT

(b) Cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the **BERRIEN COUNTY ROAD DEPARTMENT** may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the **BERRIEN COUNTY ROAD DEPARTMENT** to enter into such litigation to protect the interests of the County, and, in addition, the contractor may request the State highway department to enter into such litigation to protect the interests of the State and/or the United States to enter into such litigation to protect the interests of the United States.

**SWORN AND NOTARIZED AFFIDAVIT OF COMPLIANCE  
IRAN ECONOMIC SANCTIONS ACT  
Michigan Public Act No. 517 of 2012**

All bidders must submit the following certification statement in compliance with Public Act No.517 of 2012 (the "Iran Economic Sanctions Act") and attach this form to the bid; bidders may file a certification statement with the County of Berrien that confirms compliance for all bids submitted in fiscal year 2021. By submitting this form to the County of Berrien, you are confirming that you are in compliance with the Act in relation to the submitted bid(s). **The County of Berrien shall not accept a bid unless, and until, this sworn and notarized certification statement is submitted to the County of Berrien either as an attachment to a given bid, or, as filed with the County of Berrien to confirm compliance during fiscal year 2021.** A certification statement filed with the County of Berrien for fiscal year 2021 will only be effective for bids submitted and dated from 1/1/21 to 12/31/21. The completed form will be kept on file in the purchasing department. The undersigned, the owner or authorized officer of \_\_\_\_\_ (the "Bidder"), pursuant to the compliance certification requirement provided in the County of Berrien Request for Proposal, hereby certifies, represents and warrants that the Bidder (including its officers, directors and employees) is not an "Iran linked business" within the meaning of the Iran Economic Sanctions Act, and that in the event the Bidder is awarded a contract as a result of the aforementioned Request for Proposal, the Bidder will not become an "Iran linked business" at any time during the course of performing the work or any services under the contract. The Bidder further acknowledges that any person who is found to have submitted a false certification is responsible for a civil penalty of not more than \$250,000.00 or 2 times the amount of the contract or proposed contract for which the false certification is made, whichever is greater, the cost of the County of Berrien's investigation, and reasonable attorney fees, in addition to the fine. Moreover, any person who submitted a false certification shall be ineligible to bid on a request for proposal for three (3) years from the date it is determined that the person has submitted the false certification.

**BIDDER:**

\_\_\_\_\_  
Name of Bidder

By: \_\_\_\_\_

Its: \_\_\_\_\_

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

STATE OF \_\_\_\_\_ )

)ss

COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_.

\_\_\_\_\_  
, Notary Public

\_\_\_\_\_ County, \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Acting in the County of: \_\_\_\_\_