1. **Overview:** The purpose of this Invitation to Qualify (ITQ) is to qualify responsible and responsive suppliers for the provision of Aggregate and Anti-slip 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-slip 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.

2. **Issuing Office:** This ITQ is issued for the Commonwealth by the Pennsylvania Department of General Services, Bureau of Procurement. Please refer all inquiries to:

   John Jones, Commodity Specialist  
   Department of General Services  
   Bureau of Procurement  
   555 Walnut Street, 6th Floor  
   Harrisburg, Pennsylvania 17101  
   Telephone No. (717) 346-3848  
   Fax No. (717) 783-6241  
   jotjones@pa.gov

3. **Scope of Work:**

   This ITQ will cover the provision of various types of aggregates & anti-slip materials. When furnishing these materials, suppliers will be responsible for providing an approved material from an approved source as listed in the Pennsylvania Department of Transportation’s Publication 34, Bulletin 14 (current edition) for Approved Aggregate Producers. Suppliers will be responsible for providing an approved material that has restrictions within the acceptable limits of the restriction or application. The materials which are available through this ITQ have been placed into supply categories. Each supply category is listed and defined in Table A below.

   Only those suppliers that respond to this ITQ and meet the requirements can become a Qualified Supplier and receive a Contract. See Part II, Bid Requirements, for details on the qualification process.
4. **Addenda to the ITQ:** If it becomes necessary to revise any part of this ITQ, addenda will be executed and posted to the Department website, [www.emarketplace.state.pa.us](http://www.emarketplace.state.pa.us).

5. **Supply Categories:**

Interested suppliers will select the specific materials that they intend to provide and also indicate which counties that they wish to serve. The Department may add or delete entire categories or individual materials as necessary to meet Commonwealth agency needs.

**TABLE A**

<table>
<thead>
<tr>
<th>SUPPLY CATEGORY</th>
<th>DESCRIPTION OF SUPPLY CATEGORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate Materials</td>
<td>This category contains the types of aggregates used by Commonwealth agencies. This category may cover FOB delivery or Source pick up of such materials.</td>
</tr>
<tr>
<td>Anti-Skid Materials</td>
<td>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 1-3 are required to bid Type 4 as well. Source pick up of such materials is available for COSTARS members.</td>
</tr>
</tbody>
</table>

6. **Alternate Proposal:** The Department will **not** accept alternate proposals. Alternate proposals are those that are provided in a form other than that specified by the Department. The Department will not accept proposals wherein a supplier alters any of the forms provided in the application.

7. **Rejection of Proposals:** The Department reserves the right to reject any and all proposals received as a result of this ITQ.

8. **Incurring Costs:** The Department is not liable for any costs or expenses incurred in the preparation and submission of the proposals.

9. **Specifications:** Qualified 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).

10. **RFQ Procedures:** The Department or the using agency will issue a Request for Quote (RFQ) to include but not limited to, the type of material, estimated quantity, delivery location(s), effective term of the order, other special terms, conditions and specifications or special provisions, and bid response requirements. The Department reserves the right to issue RFQ’s in the format of reverse auctions. RFQs may also be issued on an as-needed basis through mail, facsimile, electronic mail or phone.
For requirements under the threshold established by the Department of General Services for Small No Bid procurements, the Department or using agency will issue a RFQ to at least one Qualified Supplier on the ITQ that has identified that county in the Aggregate & Anti-Skid Materials Counties of Interest Form.

For requirements over the threshold established by the Department of General Services for Small No Bid procurements the Department or using agency will issue a RFQ to all qualified suppliers who can provide the materials in accordance with the Department of Transportation’s PUB 408 (current edition), Pub 34 Bulletin 14, and have identified that county in the Aggregate & Anti-Skid Materials Counties of Interest Form.

11. **Quotes:** Suppliers must submit quotes by the date and time and via the method specified in each RFQ to be considered for award. All quoted prices will remain firm for, at minimum, the time period identified in the RFQ and must be prepared and submitted in accordance with the specifications of the RFQ, if any. Quoted prices must be inclusive of all transportation, delivery, handling charges, fees, overhead, profit and any applicable taxes, etc.

12. **Selected Supplier Responsibilities:**
   a. Selected 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.
   b. 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.
   c. 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.

13. **Award:** The Department or using agency shall evaluate each RFQ and make a determination of best value from those quotes received. If the using agency makes a best value determination based on any other factor than low cost, such determination must be documented for the contract file. Considerations which may impact the best value award are, but not limit to:

If more than one type of material is used on the same jobsite, total costs of all combined aggregate & anti-skid materials may be a factor in determining which contract supplier receives the award for a given job. Details of such transactions are the responsibility of the Department or using agency, are on file with the Department or agency that issued the RFQ, and are subject to review by any awarded supplier.

   a. **Source Pick Up:** Source pick up award is the cost per ton price that the Commonwealth will pay for aggregate & anti-skid materials purchased “FOB source of supply/loaded on Commonwealth trucks.”
The using agency will normally procure material from the source that represents the lowest responsible cost to the using agency after taking into consideration length of haul and dead haul. However, in some instances, the using agency may select the most economic source based upon other considerations such as, but not limited to, differences in haul time due to terrain or urban congestion; length of wait at the source; crew productivity based on truck availability and haul distance. Details of such transactions are the responsibility of the Department or using agency, are on file with the Department or agency that issued the RFQ, and are subject to review by any awarded supplier.

The Department or using agency may issue a purchase order for tonnage, to take on an uninterrupted basis to completion of the order, or a purchase order may be issued for tonnages to take over a period of time as a “blanket” purchase order.

Supplier(s) awarded a Purchase Order for source pickup of material shall ensure availability of materials for loading into Commonwealth vehicles within 24 hours after receipt of the Purchase Order (for 50 tons or less) and within the timeframe identified in the RFQ for orders which exceed 50 tons. When the supplier commits to provide material, the supplier will provide it no later than one (1) hour after the mutually agreed upon time. Commonwealth vehicles shall be served on a first-come, first serve basis.

b. **FOB Destination**: FOB Destination award is the total price per ton that the Commonwealth will pay for aggregate & anti-skid material to be delivered to a Commonwealth location (i.e. job site, stockpile, etc.). It shall be understood that for RFQs requesting materials for FOB Destination, all quoted prices shall include transportation costs for delivery.

For FOB Destination, if a supplier cannot or does not commence delivery at the established delivery time, the Commonwealth can terminate the award and issue the award to the next most economically feasible supplier available who responded to the applicable RFQ. If award is made to another supplier, immediate availability is a factor in the selection process, and the delinquent supplier is responsible for any excess cost to the Commonwealth. Continued failures may result in cancellation of the Contract.

14. **Order Method**: For orders that exceed the threshold of the Commonwealth of Pennsylvania Purchasing Card and all PennDOT inventory purchases, the Commonwealth will issue a Purchase Order to the Selected Supplier for the material(s) and quantity specified and awarded through the RFQ.

For awards under the threshold of the Commonwealth of Pennsylvania Purchasing Card and not for PennDOT inventory, the Commonwealth may elect to pay via Commonwealth Purchasing Card. In this case, the Purchasing Card is to be charged for the quoted dollar amount for the material(s) and quantity requested in the RFQ.

Each RFQ and/or Purchase Order placed using either method specified above will be deemed to incorporate the terms and conditions set forth in this Contract. The Selected Supplier cannot initiate delivery until receipt
of either a fully executed Purchase Order or agency authorization to charge the ordered material(s) to the appropriate Commonwealth Purchasing Card.

15. **Approved Source**: 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.

16. **Delivery Ticket**: 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.

17. **Weighing of Aggregate Materials**: 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.

18. **Weighing of Aggregate Materials Criteria**:

   a. 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.

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

d. 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.

e. 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.

19. **Supplemental Source:** 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.

20. **Emergency:** 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.
Suppliers interested in doing business with the Commonwealth through the Aggregates & Anti-Skid Materials ITQ Contract (ITQ Contract), CN00038692, must submit a proposal along with the required supporting documentation to the Commonwealth through the www.pasupplierportal.state.pa.us website. The Commonwealth will review and evaluate the bid and supporting documentation to determine whether the supplier meets the minimum eligibility requirements. Each supplier that meets the minimum eligibility requirements will be considered to be a Qualified Supplier and will be awarded a contract. Award of a contract to a supplier is not a guarantee of business. A “How to Submit an ITQ Proposal” document is available in the “Document Library” at: http://www.dgs.internet.state.pa.us/ITQ/ITQLibrary/DocumentLibrary.aspx. Choose your ITQ from the drop down menu.

Suppliers interested in submitting a bid to become a Qualified Supplier must meet all of the following requirements. Failure to meet these requirements may result in the supplier’s bid being rejected:

1. **Mandatory Requirements:** All suppliers must be registered on the Pennsylvania Supplier Portal. Suppliers not currently register can register at the following website: https://www.pasupplierportal.state.pa.us/irj/portal/anonymous/.

2. **Prequalification:** 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:
3. **Reciprocal Limitations:** A supplier must complete/submit a Reciprocal Limitations Act Form (Appendix A). The form to be completed can be found in the Document Library for this ITQ at [http://www.dgs.internet.state.pa.us/ITQ/ITQLibrary/DocumentLibrary.aspx](http://www.dgs.internet.state.pa.us/ITQ/ITQLibrary/DocumentLibrary.aspx).

4. **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.

   The form to be completed can be found in the Document Library for this ITQ at [http://www.dgs.internet.state.pa.us/ITQ/ITQLibrary/DocumentLibrary.aspx](http://www.dgs.internet.state.pa.us/ITQ/ITQLibrary/DocumentLibrary.aspx).

5. **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.

   The form to be completed can be found in the Document Library for this ITQ at [http://www.dgs.internet.state.pa.us/ITQ/ITQLibrary/DocumentLibrary.aspx](http://www.dgs.internet.state.pa.us/ITQ/ITQLibrary/DocumentLibrary.aspx).

6. **Supplier Responsibility:** A Supplier must be determined as responsible by the Issuing Office. (Reference Section IV. Supply Terms and Conditions, “Contractor Responsibility Program and Provisions” Clause.

7. **Supplier Representations And Authorization:**

   a. Each supplier by completing and submitting its proposal understands, represents, and acknowledges that:

      i. The supplier has read and understands the terms and conditions of this ITQ.
ii. The aggregates and anti-skid material offered will be in conformance with the specifications and requirements referenced in this ITQ without exceptions.

iii. You agree that your proposal will remain valid during the entire contract period.

iv. You agree that, unless your proposal arrives by 2:00 PM on December 1st, 2015, it may not be considered for the full contract period beginning on or about January 1, 2016.

v. You agree that you must maintain your status as an approved supplier in order to remain eligible to receive an RFQ.

vi. You agree that it is your sole responsibility to maintain and update when necessary all contact information especially a valid e-mail address for the ITQ on file with the Department of General Services.
This Invitation to Qualify (ITQ) will have two enrollment periods. The initial enrollment period shall commence on the date the ITQ is issued and shall remain open through 12/31/2015. All solicitation responses received from interested suppliers during this period will be considered and all suppliers whose responses meet the minimum requirements contained in Part II will be issued a contract. It is in the best interest of all suppliers to submit their proposals during this initial enrollment period in order to qualify for the full contract period, and be eligible to submit responses to the initial RFQ’s at the start of the contract period.

Starting February 1st, 2016, an open enrollment period will be in effect thru December 31, 2020. During this period, the Department of General Services will continue to accept proposals and qualify suppliers.

The evaluation of a solicitation response and the subsequent contract execution process may take an estimated thirty (30) Commonwealth business days to complete. Please note that the evaluation and contract execution process may take longer to complete depending on the volume of responses received and the availability of Commonwealth resources.