

STATEMENT of WORK

DELIVER and TAILGATE PLACE 4 MINUS Material STRIP ROAD FOREST DISTRICT 6 Cambria County

I. SCOPE OF WORK:

The Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Gallitzin State Forest, requires services to deliver and tailgate place approximately 2,475 tons of 4" MINUS material, to Strip Road between the Weigh Station Road intersection and the State Forest boundary line, Adams Township, Cambria County.

Questions regarding the technical aspects of this bid should be directed to Bob Wetzel at 814-472-1862 or rowetzel@pa.gov. Questions regarding the bidding or contractual aspects of this bid should be directed to Carol Durham at 717-783-3309 or cdurham@pa.gov.

II. BID REQUIREMENTS:

The following are requirements of this bid solicitation. Failure to comply with any of these requirements could result in a non-responsive determination and subsequent disqualification for the Contractor.

A. **Signed Acknowledgement of DCNR 4" Minus Specifications:**

1. If the Contractor will be producing the 4" MINUS product, a signed letter of acknowledgement must be included with the Contractor's bid response confirming the Contractor's ability to competently create and supply Certified 4" MINUS that meets the below specifications (Attachment A.1.4" MINUS).
2. If the Contractor will not be producing the product, a letter of intent, signed by the desired quarry, must accompany the Contractor's bid response that confirms the quarry's ability to competently create and supply certified 4" MINUS that meets the below specifications (Attachment A.2.4" MINUS).
3. Contractor's must choose the appropriate acknowledgement letter from the Attachment A - 4" MINUS (A.1 Contractor acknowledgement of 4" MINUS product *or* A.2 quarry letter of intent in instances where Contractor is not producing the 4" MINUS) and include the fully executed copy with their bid response.

Passive Sieve	Low Percentage	High Percentage
4 inch	100%	--
3½ inch	80%	97%
2½ inch	70%	95%
1½ inch	50%	80%
¾ inch	30%	60%

- B. Reciprocal Limitations Act Form:** The Contractor must include with their solicitation response a properly executed Reciprocal Limitations Act form that lists the state of manufacture for any supplies procured with their bid response.
- C. Worker Protection and Investment Certification Form:** Pursuant to Executive Order 2021-06, Worker Protection and Investment (October 21, 2021), the Commonwealth is responsible for ensuring that every Pennsylvania worker has a safe and healthy work environment and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with all applicable Pennsylvania state labor and workforce safety laws. Such certification shall be made through the Worker Protection and Investment Certification Form (BOP-2201) and submitted with the bid, proposal or quote.

III. CONTRACT TASKS:

The following tasks must be completed in performance of the contract:

- A. Schedule of Work:** The Forest District contact noted in Section I: Scope of Work will request the Schedule of Work. Within two weeks of said request, the lowest responsive and responsible Contractor must submit a fully executed and signed Schedule of Work to the respective Forest District Contact.

The Schedule of Work must include:

- 1. The quarry name and contact information (name, address, phone number, and email address if applicable);
- 2. In instances where the creation of the entire project specific pile of 4" MINUS material is prohibitive; the Contractor must include a proposed schedule for the creation of the 4" MINUS material;
- 3. The name and contact information of any intended subcontractors (name, address, phone number, and email address)
- 4. The proposed schedule for delivery and application of the 4" MINUS material.

Please note that the Contractor must not subcontract with any person or entity to perform all or any part of the work to be performed under this Contract without the prior written consent of the Forest District Contact, which consent may be withheld at the sole and absolute discretion of the Forest District Contact.

B. Creation of 4" MINUS Material:

- 1. Contractor is required to create a project-specific pile of compliant 4" MINUS, equal to the total requested tonnage.
 - a. Before testing can commence, a fully executed DCNR, Bureau of Forestry 4" MINUS Certification Form must be submitted *and* approved by the DCNR Forest District Contact listed in Section I: Scope of Work.

2. If the Contractor is not producing the product and/or the Contractor desires to change the quarry supplier (from the supplier noted with the bid response), the Contractor must submit an updated signed letter of intent to the Forest District Contact from the new quarry as soon as feasible, but prior to the creation of any 4" MINUS material.
3. Should the Contractor require additional 4" MINUS material after the testing and approval of the initial product, the DCNR reserves the right to request that the newly-created 4" MINUS material is tested prior to delivery to prove compliance with the material requirements listed in this Statement of Work.
4. Should the contractor hold several concurrent 4" MINUS jobs with the Commonwealth, the 4" MINUS for each project must be kept whole and separate from other projects as well as other commodity and non-commodity products at the quarry.
5. Approved 4" MINUS material may only be utilized on the designated project. Substituting 4" MINUS from other projects is strictly forbidden.
6. The Forest District Contact and/or their designated representative(s) may perform quality assurance and quality control visits to the quarry and 4" MINUS load site at any time over the duration of this contract. Visits may be to inspect and test the 4" MINUS for this specific project; observe quarry operations; or for any other reasons deemed pertinent as determined by the DCNR.

The Contractor must provide transportation and/or escort the DCNR representative(s) to the 4" MINUS load site over the duration of the project.

C. 4" MINUS Material Requirements:

1. All material must be certified to not degrade the environment nor create health hazards.
2. Aggregate must originate from a Pennsylvania Department of Transportation (PennDOT) qualified quarry source. Quarry source must be approved as listed in PennDOT Bulletin 14.
3. Wearing course material must be structurally durable so that weathering and traffic loads do not result in the creation of dust, sediment, or pollution.
4. All 4" MINUS material is to be derived from natural stone formations.
 - a) Stone is defined as rock that has been crushed; rock is defined as consolidated mineral matter.
 - b) For use in this program, both are restricted to that which has been mined or quarried from existing geologic bedrock formations.
5. All components of the aggregate mix are to be derived by crushing parent rock material.
6. LA Abrasion Less than 40% passing. Los Angeles Abrasion test, AASHTO T-96 (ASTM C 131) will be used to determine this property.

7. The Plasticity Index (PI) of the 4" MINUS must not exceed a rating of 4. The laboratory test required for these results is the ASTM D4318 – Standard Test Method for Liquid Limit, Plastic Limit, and Plasticity Index of Soils.
8. Material must be within the range of pH 6 - pH 12.45 as measured by EPA 9045C.
9. Material is to be delivered and placed at optimum moisture content ranging between 4% to 6%. The laboratory test required for these results is the AASHTO T255 - Total Evaporable Moisture Content of Aggregate by Drying.
10. 4" MINUS must be properly mixed and at the proper moisture content before it is loaded onto the transport vehicles.
11. Tarps are to be used to cover 100% of the load's exposed surface from the time of loading until immediately before dumping, including standing time waiting to dump.

D. Rejection of 4" MINUS Material:

1. If the created 4" MINUS material fails up to two separate compliance tests, as outlined in Section III, Subsections A & B, of this Statement of Work, the DCNR reserves the right to disqualify the Contractor as non-responsible. The Contractor may not receive payment for failed 4" MINUS material.
2. If material is delivered to the project site that the DCNR suspects will not meet the required specifications as defined in Section III, Subsections A & B, of this Statement of Work, the delivery may be rejected. The DCNR may request to visit the quarry to observe the quarry conditions and project-specific 4" MINUS pile.
3. If necessary, additional testing may be requested if the DCNR has concerns that the 4" MINUS material has been compromised. The Contractor may not receive payment for rejected 4" MINUS material or the delivery of the rejected 4" MINUS material. In the instance of additional testing, no work can be completed until the test results are received.

E. Delivery of 4" MINUS Material:

1. A fully executed, signed DCNR Bureau of Forestry 4" MINUS Certification Form must be provided to the on-site DCNR representative at the time of initial delivery. This form must apply to the specific stockpile of 4" MINUS material from the Contractor's source. The form certifies that the 4" MINUS material meets all specifications and requirements referenced in this Statement of Work.
 - a. Should quarry conditions change, it is the Contractor's responsibility to provide an updated, executed Attachment A - 4" MINUS (A.1 Contractor acknowledgement of 4" MINUS product *or* A.2 quarry letter of intent in instances where Contractor is not producing the 4" MINUS; the form must be provided to the Forest District Contact *prior to the delivery* of the 4" MINUS material.
2. The Contractor cannot begin delivery of the 4" MINUS to the job site until the following four conditions are met:

- a. A fully executed Purchase Order is received by the Contractor, **and**
 - b. A Schedule of Work has been provided to and approved by the Forest District Contact, **and**
 - c. The 4" MINUS Material for the project has been created, tested, and approved by the DCNR, **and**
 - d. The Forest District Contact for the DCNR has given the Notice to Proceed with delivery to the Contractor.
- 3. Delivery must be at a rate of 120 to 170 tons per hour, approximately 900 to 1,300 tons per ten (10) hour day.
 - 4. No material can be delivered before 7:00 a.m. or after 4:30 p.m.
 - 5. Delivery must continue on an uninterrupted basis. Any delays in delivery must be immediately relayed to the Forest District Contact.
 - 6. All trucks must be driven by individuals capable of placing material by the tailgating method.

F. Use of Roads:

- 1. The DCNR does not guarantee the successful Contractor the use of roads maintained by the PennDOT, townships, or other agencies or owners.
- 2. The Contractor must contact the PennDOT-posted highway coordinator and/or officials of other roads needed for this project to inquire about possible restrictions, including weight limits, that would prevent or limit use.
- 3. The Contractor is responsible for obtaining all necessary Road Use Permits and/or any associated bonds from the PennDOT, townships, or other agencies or owners.

IV. CONTRACTOR REFERENCES:

After the bid opening and prior to awarding of the contract, the DCNR has the right to request three (3) references (name, addresses, and telephone numbers) for whom similar work has been performed by the Contractor as proof of qualifications to perform the work involved in this contract. Similar work is defined as tailgating of at least 4,000 tons of 4" MINUS material.

References are an optional tool available to the DCNR to help determine bidder capabilities. If any of these references are requested and the bidder cannot supply the necessary documentation and proof of compliance, the DCNR reserves the right to reject the bidder. The decision to both request references or reject bidders based on inadequate reference will be made solely at the discretion of the DCNR.

V. LIQUIDATED DAMAGES:

If any item is not delivered or performed within the contract specified time limits, the delay will interfere with the proper implementation of the Commonwealth's programs and utilizing the item, to

the loss and damage of the Commonwealth. From the nature of the case it would be impractical and extremely difficult to fix the actual damage sustained in the event of any such action.

The Commonwealth and the Contractor, therefore, presume that in the event of any such delay the amount of damage which will be sustained from a delay will be \$250.00 per day per item, and they agree that in the event of any such delay, the Contractor shall pay such amount as liquidated damages and not as a penalty.

The Commonwealth, at its option, for amounts due the Commonwealth as liquidated damages, may deduct such from any money payable to the Contractor or may bill the Contractor as a separate item. The Commonwealth shall notify the Contractor in writing of any claims for liquidated damages pursuant to this paragraph before the date the Commonwealth deducts such sums from money payable to Contractor. Delivery of an item, which is rejected by the Commonwealth, shall not toll the running of the days for purposes of determining the amount of liquidated damages.

VI. CONTRACT TERM:

Contract will commence upon receipt of Purchase Order and terminate June 30, 2022.

VII. BID AWARD:

Bidder must complete and return the following for award of bid:

- A. The electronic Invitation for Bid to be found at www.pasupplierportal.state.pa.us,
- B. One of the following documents:
 - 1. A properly executed Attachment A.1: Contractor Acknowledgment of 4" MINUS Specifications
Or
 - 2. A properly executed Attachment A.2: Quarry Letter of Intent
- C. A properly executed Reciprocal Limitations Act form that lists the state of manufacture for any supplies procured.
- D. A properly executed Worker Protection and Investment Certification form.

Bids will be awarded based on lowest total sum.

The contract quantities herein are estimated only and may increase or decrease depending on the needs of the Department.

VIII. PAYMENT TERMS:

Payment will be made upon satisfactory completion of project for actual services performed, which includes meeting the 4" MINUS aggregate specification.

This contract will be paid by Automated Clearing House (ACH), commonly referred to as direct deposit. Contractor should review Section V.20 CONTRACT-016.2 Payment - Electronic Funds Transfer of the Commonwealth's Terms and Conditions for complete details and contractor's responsibilities.

IX. SERVICE SLIPS:

To ensure prompt payment, the Contractor must provide a service slip(s) to the District Office after the completion of the project.

X. INVOICES:

Invoice format must be in accordance with the Invitation for Bid - IFB.

All invoices for this contract MUST either be:

- A. **Emailed**** to the following for a Paperless Email Invoice Option: Email a copy of the correctly executed invoice to: 69180@pa.gov

For information the Commonwealth's E-Invoicing Program, visit:
<http://www.budget.pa.gov/Programs/Pages/E-Invoicing.aspx#.Vnmr06M06Uk>

- B. **Or mailed**** to the following address:
Commonwealth of PA – PO Invoice
P.O. Box 69180
Harrisburg, PA 17106

All invoices must include the purchase order number. The company name and address listed on the purchase order also must be listed on each invoice. Failure to provide this information may result in a delay of payment.

Please Note: Contractors are reminded to **NOT** include employer identification numbers, Social Security Numbers, bank account information, or other personally identifiable information on their invoices. That information is uniquely tied to your SAP Number and, for security purposes, should not be explicitly stated on an invoice.

XI. RECEIPT AND OPENING OF BIDS:

Bids must be submitted via the PA Supplier Portal, to be found at www.pasupplierportal.state.pa.us.
Faxed, emailed, and mailed bids **will not** be accepted.

No responsibility will be attached to any employee of the DCNR for the premature opening of, or the failure to open, a bid not properly addressed and identified, or for any reason whatsoever.

XII. BID RESULTS:

Bidder can obtain bid results by accessing www.emarketplace.state.pa.us/. The bids will be posted as soon as practicable following the bid opening. The results are the apparent bidders, and all bids are under review until final award of the purchase order.

Attachments