

INVITATION TO BID

BID DATE: 10/16/2023

PLEASE REFER TO BID NO. 2023-091

**QUOTE NOT LATER THAN: 11/09/2023 BY 8:45 AM
(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. 2023-091" 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
	<p><u>REQUEST FOR BID ON THE FOLLOWING:</u></p> <p>Unleaded Gasoline & Diesel Fuel Six-Month Pricing</p> <p>PLEASE SEE ATTACHED SPECIFICATIONS</p> <p><u>PLEASE SEND TWO (2) COPIES OF BID PROPOSAL</u></p>		

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, EACH BID SUBMISSION <u>MUST</u> INCLUDE WRITTEN CERTIFICATION BY THE BIDDER THAT THE BIDDER IS NOT AN IRAN LINKED BUSINESS (SEE ATTACHED FORM). 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>ANY QUESTIONS REGARDING BID SPECIFICATIONS, PLEASE CONTACT Barbi Hoge at 269-925-1196 x 4417 or bhoge@bcroad.org</p> <p>ALL OTHER QUESTIONS REGARDING THE BID PROCESS, PLEASE CONTACT THE PURCHASING DEPT. AT 269-983-7111 EXT. 8295</p>		

Jake Litaker

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

UNLEADED GASOLINE

& DIESEL FUEL

6 MONTH BID PRICING

**BIDS MUST BE TURNED IN TO THE PURCHASING
DEPARTMENT BEFORE THE DEADLINE
INDICATED ON THE INVITATION TO BID SHEET:**

**Purchasing Department
County of Berrien, Michigan
Administration Center
701 Main Street
Saint Joseph, MI 49085
1-269-983-7111
www.berriencounty.org**

BERRIEN COUNTY ROAD DEPARTMENT

GENERAL SPECIFICATIONS

Except as hereinafter provided by Supplemental Specifications or Special Provisions, the method and manner of performing the work and the quantity and quality of materials to be furnished under this contract shall be in strict accordance with the current Standard Specifications for construction of the Michigan Department of Transportation and the current edition of the Michigan Manual of Uniform Traffic Control Devices.

SUPPLEMENTAL SPECIFICATIONS

101.02 Definitions:

Commission – The Board of County Commissioners of the County of Berrien, Michigan.

103.02 Changes in Work

Adjustable Items – This Contract contains no adjustable item; therefore, no adjustments in unit prices for increased or decreased quantities will be allowed.

107.10 Owners Protective Liability Policy covering bodily injury and property damage protection shall be furnished to the Commission.

SUPPLEMENTAL SPECIFICATIONS (CONT'D)

CANCELLATION OF CONTRACT PROVISIONS

The Board shall have the right to cancel the Contract for non-performance. Should an inspection by the Board's designated representative (County Engineer) reveal that the Contractor's work results in any non- acceptable maintenance condition of one or all specified areas;

The Board's designated representative at the time of the first circumstance shall call for a meeting with the Contractor to insure no misunderstanding on the issues involved.

If the condition should repeat itself a second time, the Board's designated representative shall call for another meeting with the Contractor and issue a written warning of possible Contract termination should the condition continue.

If the condition should repeat itself for a third time, the Board's designated representative shall call for another meeting with the Contractor and issue a written Notice of Contract Termination.

Submission of bid will be construed as a conclusive presumption that the Contractor is thoroughly familiar with the bid requirements and specifications and that he/she understands agrees to abide by each and all stipulations and requirements contained therein.

The Contractor, his/her employees, agent, and representatives shall conduct themselves in a manner which is conducive to good public relations. They shall display proper respect to the Board, the general public, and surrounding property owners as is applicable.

Neither the Contractor nor his/her Subcontractors shall discriminate against any employee or applicant for employment, to be employed in the performance of this Contract, with respect his/her hire, tenure, terms, conditions or privileges of employment, of any matter directly or indirectly related to employment because of his/her race, color, religion, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of this Contract.

BERRIEN COUNTY ROAD DEPARTMENT

QUANTITY AND DELIVERY POINT

QUANTITY

Bids will be received for approximately a total of 50,000 gallons of diesel fuel and 15,500 gallons of unleaded gasoline to be delivered upon request to one of the six Berrien County Road Department properties.

The quantity given is only approximate and the right is reserved by the Berrien County Road Department to accept delivery on more or less than the quantity bid upon.

The delivery price of fuel shall remain constant for 6 month term. Contract start date being November 11, 2023. Contract end date being May 1, 2024.

DELIVERY POINT

The successful bidder shall deliver the requested fuel at such times throughout the next 6 months from the date of 11/11/2023, as the requirements of the Road Department shall necessitate, to various job sites in accordance with bid prices:

STAMPED OR METERED TICKETS

All materials supplied to the Berrien County Road Department where quantities invoiced are based on measures of volume (gallons), the supplier **SHALL** supply **STAMPED** or **METERED TICKETS** to verify quantities delivered.

When tanker purchases are delivered, terminal **BILLS-OF-LADING** for product delivered are required to be supplied with delivery made. Each Bill-Of-Lading **MUST INDICATE ACCEPTANCE** by an **AUTHORIZED REPRESENTATIVE** of the Road Department.

HANDWRITTEN TICKETS will **NOT** be accepted.

BERRIEN COUNTY ROAD DEPARTMENT

INCLUDE IN SUBMITTED SEALED BID A DRAFTED COPY OF CONTRACT AGREEMENT. IF AWARDED 6 MONTH FUEL PRICING, THE CONTRACT WILL BE REVIEWED AND (IF APPROVED) SIGNED BY THE BOARD DURING THE THURSDAY, 11/9/2023 MEETING.

PROPOSAL DIESEL FUEL

*Seasonally Winterized

DELIVERY: Monday, November 13, 2023 TO May 1, 2024

<u>DESTINATION</u>	<u>PRICE PER GALLON F.O.B. DESTINATION</u>
Benton Harbor Garage 2860 E. Napier Avenue (Maximum 8,000 gallon tank)	_____ PER GAL.
Watervliet Garage 3377 Hennessey Road (Maximum 1,000 gallon tank)	_____ PER GAL.
Eau Claire Garage 6248 W. Main Street (Maximum 1,000 gallon tank)	_____ PER GAL.
Baroda Garage 9200 Hills Road (Maximum 8,000 gallon tank)	_____ PER GAL.
Three Oaks Garage 625 E. Ash Street/ (6189 US 12 West) (Maximum 8,000 gallon tank)	_____ PER GAL.
Bakertown Garage 1940 Bakertown Road (Maximum 8,000 gallon tank)	_____ PER GAL.

PROPOSAL UNLEADED FUEL

DELIVERY: Monday, November 13, 2023 TO May 1, 2024

<u>DESTINATION</u>	<u>PRICE PER GALLON F.O.B. DESTINATION</u>
Benton Harbor Garage 2860 E. Napier Avenue (Maximum 4,000 gallon tank)	_____ PER GAL.

Note: Delivery within 2 days of order

BERRIEN COUNTY ROAD DEPARTMENT

NAME AND ADDRESS OF BIDDER

NAME _____

ADDRESS _____

CITY AND STATE _____

BID SUBMITTED BY: _____

Authorized Signature

TELEPHONE NUMBER _____

DATE _____

DELIVERY _____ DAY(S)

TERMS: _____

REMARKS: _____

TITLE VI

The Berrien County Road Department, in accordance with Title VI of Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of gender, disability, race, color, or national origin in consideration for an award.

TITLE VI CONTRACT REQUIREMENTS:

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

BERRIEN COUNTY ROAD DEPARTMENT

TITLE VI

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
6. 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
 - (b) Cancellation, termination or suspension of the contract, in whole or in part.
7. **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.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);

BERRIEN COUNTY ROAD DEPARTMENT

TITLE VI

- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to -ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

**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 2023. 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 2023.** A certification statement filed with the County of Berrien for fiscal year 2023 will only be effective for bids submitted and dated from 1/1/23 to 12/31/23. 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: _____

BERRIEN COUNTY ROAD DEPARTMENT

HOLD HARMLESS

This Agreement made this _____ day of _____, 20__ by and between the Berrien County Road Department and the Board of County Road Commissioners of the County of Berrien (hereinafter referred to as the BOARD) and _____ (hereinafter referred to as the CONTRACTOR).

Said Contractor hereby agrees to undertake the following work in the status of independent contractor performing the following operations:

UNLEADED GASOLINE & DIESEL FUEL 6 MONTH BID PRICING

Said Contractor shall at all times exercise extreme care and shall assume any and all liability for bodily injury, death or property damage arising out of the above stated operation or by anyone else acting in concert or under the control or direction of said Contractor, and will indemnify and hold harmless the Berrien County Road Commission, its Commissioners, employees, attorneys and agents for any and all claims for bodily injury, death or property damage arising out of this agreement.

It is also agreed if the Board is involved in any litigation arising out of said operation, that the Contractor will indemnify and hold harmless the Board for any and all legal fees or cost incurred by the Board in defense of said Board.

WITNESSED BY:

Contractor

Berrien County Road Department