

SPECIFICATIONS AND BID PROPOSAL  
FOR  
SEAL COAT GRADE ASPHALT EMULSION

TO  
THE BOARD OF COUNTY COMMISSIONERS  
HENRY COUNTY, OHIO

FOR  
THE HENRY COUNTY HIGHWAY DEPARTMENT

BIDS WILL BE RECEIVED – MARCH 16, 2010  
10:00 A.M.

## LEGAL NOTICE

Notice is hereby given that sealed bids will be received by the Board of County Commissioners of Henry County, Ohio until Thursday, March 16, 2010 at 10:00 A.M., at which time and place, said bids will be opened and read for 100,000 gallons, more or less, of seal coat grade asphalt emulsion for use by the Henry County Highway Department according to the specifications which are on file with the Office of the Henry County Engineer, 660 North Perry Street, Napoleon, Ohio. A copy of the specifications and bid proposal may be obtained between the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday. The specification and bid proposal is also available at the Henry County Engineer's website, <http://www.henrycountyengineer.com> under the link "Bid Request Listing".

Bids must be submitted on the forms provided by the Engineer.

Bids may be hand delivered or mailed in a sealed envelope bearing the Bidder's name and address and marked "Sealed Bid for Asphalt Emulsion".

The said Board reserves the right to reject any or all bids.

The contract will be award to the lowest and best bidder.

No bid will be considered unless it be accompanied by a bond executed by a surety company authorized to do business in the State of Ohio or a certified check on a solvent bank; either in the amount of five (5%) percent of the bid based on supplying 100,000 gallons of MWS 90 asphalt emulsion, F.O.B. manufacturer's plant site or supply point to guarantee that if said bid is accepted, a contract will be entered into and the performance of it properly secured.

BY ORDER OF  
BOARD OF COUNTY COMMISSIONERS  
HENRY COUNTY, OHIO

By: Vicki R. Glick, Clerk

Please advertise:

February 23, 2010  
March 2, 2010

## SEAL COAT GRADE ASPHALT EMULSION SPECIFICATIONS

The purpose of these specifications is to provide the Henry County Highway Department with seal coat grade emulsified liquid asphalt for the 2010 Road Maintenance Program. The intent is to secure a satisfactory performing product, from a single manufacturing source, for County road maintenance.

Material being bid shall be MWS 90, RS-2 or SS1H. All material shall be in accordance with 2008 State of Ohio Department of Transportation specifications and supplemental specifications. Material will be purchased in transport quantities, F.O.B. manufacturer's plant site or supply point and transported to Henry County with County owned equipment. Bidder shall provide laboratory design service and continuing laboratory, technical and professional supervision and assistance during the period of product usage. Additionally, the Engineer reserves the right to test the product via an independent testing laboratory at any time during the period of product usage. The conformance to the test limits for the product shall be continuing and test for same may be requested at any time by the Engineer. Capability of performance, as per laboratory test data, must be furnished prior to any consideration as a source of supply.

Failure of the emulsion to perform satisfactorily when passing through the mixing or spreading equipment in the field, shall be deemed cause for rejecting, notwithstanding its ability to pass laboratory tests. Extreme variation in product uniformity, as evidenced by field usage, shall be deemed cause for termination of contract. The emulsion, after being incorporated into the work shall show no indication or re-emulsifying.

Award of bid shall be to the lowest and best bidder and shall be conditioned upon the Engineer's cost of transporting the material from the manufacturer's plant site or supply point and the maintenance of satisfactory product application temperatures in 6,500 gallon insulated asphalt transport trailers enroute to the construction site. Satisfactory application temperatures will be dependent upon the characteristics of the product (should be in the range of 90 degrees to 130 degrees F).

## PROOF OF INSURANCE

Vendors are required to furnish the County with a certificate of insurance in the minimum amount of \$1,000,000.00 primary and \$1,000,000.00 umbrella coverage. The County, its elected office and employees shall be named as additional insured with respect to all activities under any agreement resulting from this bidding. The certificate of insurance shall provide that such insurance shall not be cancelled without thirty (30) days prior written notice to the County. Vendors will replace certificate for any insurance expiring prior to the effective end date under any agreement resulting from this bidding.

## WORKER'S COMPENSATION

Vendors shall maintain Worker's Compensation coverage as required by Ohio law. A copy of a valid Worker's Compensation certificate shall be submitted with the bid.

## INDEMNIFICATION/HOLD HARMLESS

The vendor shall indemnify and hold harmless the County, its agents and employees from any and all losses, claims, damages, lawsuits, costs, judgments, expenses or any other liabilities which they may incur as a result of bodily injury, sickness, disease or death, or injury to or destruction of tangible property including the loss of use resulting therefrom, caused in whole or part by the negligent act or omission of the vendor or any person directly or indirectly employed by any of them or any person for whose acts any of them may be liable.

## VERIFICATION OF "NO FINDING FOR RECOVERY"

No political subdivision shall award a contract for goods, services, or construction to a person against whom a Finding for Recovery has been issued by the Auditor of State, if the Finding for Recovery is unresolved.

The undersigned, by their signature and title, document that no "Finding for Recovery" is outstanding for the bidder.

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By:

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Title

Prior to award of a contract, Henry County shall verify and report to the Engineer and the Bidder that the Bidder does not appear in the State Auditor's database for "Findings of Recovery".

\*\*\*\*\* FOR INSTRUCTIONAL USE ONLY \*\*\*\*\*

## READ BEFORE COMPLETING YOUR DMA FORM

Forms not conforming to the specifications listed below or not submitted to the appropriate agency or office will not be processed.

- To complete this form, you will need a copy of the Terrorist Exclusion List for reference. The Terrorist Exclusion List can be found on the Ohio Homeland Security Web site at the following address:

<http://www.homelandsecurity.ohio.gov/dma/dma.asp>

- Be sure you have the correct DMA form. If you are applying for a state issued license, permit, certification or registration, the "State Issued License" DMA form must be completed (HLS 0036). If you are applying for employment with a government entity, the "Public Employment" DMA form must be completed (HLS 0037). If you are obtaining a contract to conduct business with or receive funding from a government entity, the "Government Business and Funding Contracts" DMA form must be completed (HLS 0038).
- Your DMA form is to be submitted to the issuing agency or entity. "Issuing agency or entity" means the government agency or office that has requested the form from you or the government agency or office to which you are applying for a license, employment or a business contract. For example, if you are seeking a business contract with the Ohio Department of Commerce's Division of Financial Institutions, then the form needs to be submitted to the Department of Commerce's Division of Financial Institutions. Do NOT send the form to the Ohio Department of Public Safety UNLESS you are seeking a license from or employment or business contract with one of its eight divisions listed below.
- Department of Public Safety Divisions:

Administration	Ohio Homeland Security*
Ohio Bureau of Motor Vehicles	Ohio Investigative Unit
Ohio Emergency Management Agency	Ohio Criminal Justice Services
Ohio Emergency Medical Services	Ohio State Highway Patrol
- \* DO **NOT** SEND THE FORM TO OHIO HOMELAND SECURITY UNLESS OTHERWISE DIRECTED. FORMS SENT TO THE WRONG AGENCY OR ENTITY WILL NOT BE PROCESSED.

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**GOVERNMENT BUSINESS AND FUNDING CONTRACTS**  
In accordance with section 2909.33 of the Ohio Revised Code

**DECLARATION REGARDING MATERIAL ASSISTANCE/NONASSISTANCE TO A TERRORIST ORGANIZATION**

This form serves as a declaration by an applicant for a government contract or funding of material assistance/nonassistance to an organization on the U.S. Department of State Terrorist Exclusion List ("TEL"). Please see the Ohio Homeland Security Division Web site for a copy of the TEL.

Any answer of "yes" to any question, or the failure to answer "no" to any question on this declaration shall serve as a disclosure that material assistance to an organization identified on the U.S. Department of State Terrorist Exclusion List has been provided. Failure to disclose the provision of material assistance to such an organization or knowingly making false statements regarding material assistance to such an organization is a felony of the fifth degree.

For the purposes of this declaration, "material support or resources" means currency, payment instruments, other financial securities, funds, transfer of funds, and financial services that are in excess of one hundred dollars, as well as communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

**COMPLETE THIS SECTION ONLY IF YOU ARE AN INDEPENDENT CONTRACTOR**

LAST NAME		FIRST NAME		MI
HOME ADDRESS				
CITY	STATE	ZIP	COUNTY	
HOME PHONE (     )		WORK PHONE (     )		

**COMPLETE THIS SECTION ONLY IF YOU ARE A COMPANY, BUSINESS OR ORGANIZATION**

BUSINESS/ORGANIZATION NAME			PHONE (     )	
BUSINESS ADDRESS				
CITY	STATE	ZIP	COUNTY	
BUSINESS/ORGANIZATION REPRESENTATIVE NAME			TITLE	

**DECLARATION**

**In accordance with section 2909.32 (A)(2)(b) of the Ohio Revised Code**

For each question, indicate either "yes," or "no" in the space provided. Responses must be truthful to the best of your knowledge.

- Are you a member of an organization on the U.S. Department of State Terrorist Exclusion List?  Yes  No
- Have you used any position of prominence you have with any country to persuade others to support an organization on the U.S. Department of State Terrorist Exclusion List?  Yes  No
- Have you knowingly solicited funds or other things of value for an organization on the U.S. Department of State Terrorist Exclusion List?  Yes  No
- Have you solicited any individual for membership in an organization on the U.S. Department of State Terrorist Exclusion List?  Yes  No
- Have you committed an act that you know, or reasonably should have known, affords "material support or resources" to an organization on the U.S. Department of State Terrorist Exclusion List?  Yes  No
- Have you hired or compensated a person you knew to be a member of an organization on the U.S. Department of State Terrorist Exclusion List, or a person you knew to be engaged in planning, assisting, or carrying out an act of terrorism?  Yes  No

If an applicant is prohibited from receiving a government contract or funding due to a positive indication on this form, the applicant may request the Ohio Department of Public Safety to review the prohibition. Please see the Ohio Homeland Security Web site for information on how to file a request for review.

**CERTIFICATION**

I hereby certify that the answers I have made to all of the questions on this declaration are true to the best of my knowledge. I understand that if this declaration is not completed in its entirety, it will not be processed and I will be automatically disqualified. I understand that I am responsible for the correctness of this declaration. I understand that failure to disclose the provision of material assistance to an organization identified on the U.S. Department of State Terrorist Exclusion List, or knowingly making false statements regarding material assistance to such an organization is a felony of the fifth degree. I understand that any answer of "yes" to any question, or the failure to answer "no" to any question on this declaration shall serve as a disclosure that material assistance to an organization identified on the U.S. Department of State Terrorist Exclusion List has been provided by myself or my organization. If I am signing this on behalf of a company, business or organization, I hereby acknowledge that I have the authority to make this certification on behalf of the company, business or organization referenced on page 1 of this declaration.

APPLICANT SIGNATURE <b>X</b>	DATE
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**AFFIDAVIT IN COMPLIANCE WITH SECTION 3517.13  
OF THE OHIO REVISED CODE**

STATE OF OHIO

HENRY COUNTY

The undersigned personally appeared before me, as an individual or as a representative of

\_\_\_\_\_ for a contract for \_\_\_\_\_  
(Name of Entity) (Type of Product or Service)

to be let by the County of Henry, who, being duly cautioned and sworn, makes the following statement with respect to prohibited activities constituting a conflict of interest or other violations under Ohio Revised Code Section 3517.13, and further states that the undersigned has the authority to make the following representation on behalf of himself or herself or of the business entity:

1. That none of ***the*** following has **individually** made since April 4, 2007 and that, if awarded a contract for the purchase of goods or services in excess of \$10,000, none of the following **individually** will make, beginning on the date the contract is awarded and extending until one year following the conclusion of the contract, as an individual, one or more campaign contributions totaling in excess of \$10,000, to any elected official of the County of Henry or their individual campaign committees:
  - a. Myself;
  - b. Any partner or owner or shareholder of the partnership (if applicable);
  - c. Any owner of more than 20% of the corporation or business trust (if applicable);
  - d. Each spouse of any person identified in (a) through (c) of this section;
  - e. Each child seven years of age to seventeen years of age of any person identified in divisions (a) through (c) of this section (only applicable to contributions made on or after April 4, 2007)
  
2. That none of the following have **collectively** made since April 4, 2007, and that, if awarded a contract for the purchase of goods or services in excess of \$10,000, none of the following **collectively** will make, beginning on the date the contract is awarded and extending until one year following the conclusion of the contract, one or more campaign contributions totaling in excess of \$10,000, to any elected official of the County of Henry or their individual campaign committees:
  - a. Myself;
  - b. Any partner or owner or shareholder of the partnership (if applicable);
  - c. Any owner of more than 20% of the corporation or business trust (if applicable);
  - d. Each spouse of any person identified in (a) through (c) of this section;
  - e. Each child seven years of age to seventeen years of age of any person identified in divisions (a) through (c) of this section (only applicable to contributions made on or after April 4, 2007)

Signature \_\_\_\_\_

Title \_\_\_\_\_

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

My Commission expires \_\_\_\_\_

