

REQUEST FOR QUOTATION  
SUBMIT BID TO  
PURCHASING DIVISION  
SHAWNEE COUNTY COURTHOUSE  
Room 201  
Topeka, Kansas 66603

QUOTATION NO.	004-19	VENDOR_____
DATE MAILED	01-08-19	ADDRESS_____
CLOSING 2:00 P.M.	01-23-19	PHONE_____

---

THIS IS NOT AN ORDER

---

1. In communications always refer to the above quotation number.
2. In order to receive consideration, one copy of this request for quotation with your bid properly filled in must be signed and returned by the specified closing date.
3. All prices and conditions must be shown. Additions or conditions not shown on this bid will not be allowed.
4. Contracts or purchase orders resulting from this quotation may not be assigned without written prior consent of the Purchasing Division.
5. The Purchasing Division reserves the right to accept or reject any part of, or all of, any bid or proposal.
6. All prices quoted are to be less Federal Excise Tax and Kansas Sales Tax.
7. Failure to respond to RFQ may result in termination of future mailings.
8. Price quoted shall remain firm for thirty (30) days after bid closing date.

ITEM AND DESCRIPTION

Shawnee County is soliciting sealed bids for Poly Flex Type 2 Crack Sealant per the following minimum specifications.

**Bid results will not be given over the telephone. Results may be obtained by attending the public bid opening or by sending a self addressed stamped envelope to the Purchasing Division with your request for bid tabulation.**

NOTE: If your company resides in a locale which has a local preference law, please state what that preference is \_\_\_\_\_. If there is no preference in your locale please answer by stating NONE. FAILURE TO RESPOND TO THIS PART OF THE SPECIFICATION MAY RESULT IN REJECTION OF YOUR BID.

QUOTATION NO. 004-19

DATE MAILED 01-08-19

CLOSING 2:00 P.M. 01-23-19

**NONDISCRIMINATION:** Shawnee County is committed to the concept of equal employment opportunity. All bidders and contractors are expected to comply with the provisions of K.S.A. 44-1030 and 44-1031, copies of which are attached and shall be a part of this contract and other applicable Federal and Kansas laws governing equal employment opportunity.

In accordance with K.S.A 44-1030, vendor hereby agrees to the following:

- A. He or she will observe the provision of the Kansas Commission on Human Rights and will not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, national origin, ancestry, or physical disability.
- B. In all solicitations or advertisements for employees, he or she will include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the Kansas Commission on Human Rights
- C. If he or she fails to comply with the manner in which he or she will be deemed to have breached the present contract, and it may be canceled, terminated, or suspended, in whole or in part, by Shawnee County, Kansas
- D. If he or she is found guilty of a violation of the Kansas Act Against Human Rights under a decision, or order of the Kansas Commission on Human Rights which has become final, he or she will be deemed to have breached the present contract, and it may be canceled, terminated, or suspended, in whole or in part, by Shawnee County, Kansas; and,
- E. He or she will include the provisions of subsections (a) through (d) inclusively of this paragraph in every subcontract or purchase order so that such provision will be binding upon such subcontractor of vendor.

**BID FORMS:** Bid forms are to be completed, signed and returned to Shawnee County Purchasing Department, 200 SE 7<sup>th</sup> St., Room 201, Topeka, KS 66603. Bids shall be submitted on or before the date and time set for closing of bids. Bids must be securely sealed in an envelope addressed and marked on the outside with the name and address of bidder, quotation number and closing date in the lower left-hand corner. Bids by telephone or telegraph, or facsimile will not be accepted.

QUOTATION NO. 004-19

DATE MAILED 01-08-19

CLOSING 2:00 P.M. 01-23-19

**SIGNATURE OF BIDS:** Each bid must show in the space provided the complete business or mailing address of the bidder and must be signed by him with his usual signature.

**CLOSING DATE:** Sealed bids will be received until 2:00 p.m. CST, on the scheduled closing date at which time they will be opened and publicly read. The time clock stamp in the Purchasing Department will conclusively determine the time of receipt. Bids received after the scheduled closing time will not be considered. Bids that do not carry proper identification may be rejected. The Purchasing Division will accept no responsibility for the premature opening of a bid not properly identified on the outside of the envelope.

**MODIFICATION OF BIDS:** Bids already submitted may be modified by letter or telegraph provided modification request is received in the Purchasing Division prior to the time set for closing of bids.

**WITHDRAWAL OF BIDS:** Bids already submitted may be withdrawn upon proper identification of bidder and provided request is received prior to time of closing. Negligence on the part of the bidder in preparing the bid confers no right for the withdrawal after the time set for closing of bids.

**NOTICE TO SUCCESSFUL BIDDERS:** The successful bidder will be notified by letter or telephone as soon as possible after bids have been opened, tabulated, and analyzed.

**NOTICE TO UNSUCCESSFUL BIDDERS:** Unsuccessful bidders will not be notified.

**NOTE:** In the event that goods or services delivered by the vendor are unsatisfactory and remain unsatisfactory after a notice and an opportunity to correct the deficiencies, the County reserves the right to purchase substitute goods or services from the other bidders.

Shawnee County reserves the right to negotiate separately with any vendor after the opening of this RFQ when such action is considered in its best interest. Subsequent negotiations may be conducted, but such negotiations will not constitute acceptance, rejection or a counteroffer on the part of the County.

Shawnee County interprets the term "lowest responsible and best bidder" as requiring Shawnee county to :

- A. Choose between the kinds of materials, goods, wares, or services subject to the proposal, and

QUOTATION NO. 004-19

DATE MAILED 01-08-19

CLOSING 2:00 P.M. 01-23-19

- B. Determine which proposal is most suitable for its intended use or purpose. Shawnee County can consider among other factors such things as labor cost, service and parts availability and maintenance costs of items upon which proposals are received. Shawnee County can determine any differences or variations in the quality or character of the material, goods, wares or services performed or provided by the respective vendors.

Shawnee County will award the bid, if the successful vendor refuses or fails to make deliveries of the materials/services within the times specified in the RFQ, purchase order or contractual agreement, Shawnee County may be written notice, terminate the contract OR purchase order. The success vendor will certify and warrant that goods, personal property, chattels, and equipment sold and delivered are free and clear of any and all liens, or claims of liens, for materials or services arising under, and by virtue of the provisions of K.S.A. 58-201, et seq., and any other lien, right, or claim of any nature or kind whatsoever.

The vendor hereby certifies that he or she has carefully examined all of the documents for the project, has carefully and thoroughly reviewed this RFQ, understands the nature and scope of the work to be done; and that this proposal is based upon the terms, specifications, requirements and conditions of the RFQ, and documents. The vendor further agrees that the performance time specified is a reasonable time, having carefully considered the nature and scope for the project as aforesaid.

Shawnee County will use discretion with regards to disclosure of proprietary information contained in any response, but cannot guarantee the information will not be made public. As a governmental entity, Shawnee County is subject to making records available for disclosure pursuant to the Kansas Open Records Act. Any confidential or proprietary information should be clearly marked.

Shawnee county reserves the right to enter into agreements subject to the provisions of the Cash Basis Law (K.S.A. 10-1112 and 10-1113), the Budget Law (K.S.A.79-2935). Agreements shall be construed and interpreted so as to ensure that the County shall at all times stay in conformity with such laws, and as a condition of agreements the County reserves the right to unilaterally sever, modify, or terminate agreement at any time if, in the opinion of its legal counsel, the Agreement may be deemed to violate the terms of such law.

The vendor certifies that this proposal is submitted without collusion fraud, or misrepresentation as to other vendors, so that all proposals for the project will result from free, open, and competitive proposing among all vendors.

QUOTATION NO. 004-19

DATE MAILED 01-08-19

CLOSING 2:00 P.M. 01-23-19

This Request for Quotation, responses thereto and any contract documents will be governed by the law of the State of Kansas. Any dispute arising out of the same will be litigated only within the courts of the State of Kansas.

Vendor agrees that all data, documents, and information, regardless of form that is generated as a result of this Request for Quotation are the property of Shawnee County. The County shall not be liable to reimburse any vendor for the costs of creating, compiling or delivering the same to the County.

The County is exempt from the payment of Federal and excise taxes and from Kansas sales tax.

#### TECHNICAL SPECIFICATIONS

Product shall be Poly Flex Type 2 Crack Sealant material as manufactured by Crafc0 Preservation Products, Chandler, Arizona.

#### **Packaging and Delivery:**

##### Packaging

Crack sealant material shall be packaged in cardboard boxes. **Cardboard Box Packing** shall consist of 30 Lb blocks or product with 75 boxes per pallet weighing approximately 2,250 Lbs. **No Staples.**

##### Delivery:

First load shall be delivered to the following address:

- FOB SHAWNEE COUNTY TRAFFIC DIVISION  
135 NE 46<sup>TH</sup> Street; Topeka, KS 66617

Second load shall be delivered to the following address:

- FOB SHAWNEE COUNTY DISTRICT #1 ROAD MAINTENANCE FACILITY  
2727 SE 77<sup>th</sup> Street; Berryton, KS 66409

QUOTATION NO. 004-19  
DATE MAILED 01-08-19  
CLOSING 2:00 P.M. 01-23-19

All bids received on or before the specified bid closing time and date shall be publicly opened, read aloud and properly recorded on the bid tabulation sheet. Subsequent to the bid opening, all bids shall be thoroughly evaluated and a determination made as to their compliance with applicable specifications. The appropriate County department heads and the architect or engineer as applicable shall make this determination jointly. Upon completion of the above determination, an analysis of all bids submitted shall be prepared and formally presented to the Board of County Commissioners for acceptance and approval of the lowest and/or best bid. The Board of County Commissioners reserves the right to accept or reject any and/or all bids and to waive any irregularities or informalities therein.

If additional information is required, please contact Jerry King, Public Works Road & Bridge Superintendent @ 785-251-6071.

\_\_\_\_\_  
Michele Hanshaw, Purchasing Specialist

SHOW TERMS \_\_\_\_\_

DELIVERY WILL BE MADE \_\_\_\_\_

F.O.B. \_\_\_\_\_

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

PHONE NO. \_\_\_\_\_ FAX \_\_\_\_\_

E MAIL \_\_\_\_\_

QUOTATION NO. 004-19  
DATE MAILED 01-08-19  
CLOSING 2:00 P.M. 01-23-19

## GENERAL SPECIFICATIONS

**BID RESPONSE:** The bid response shall include complete warranty/product support information, including printed manufacturing specifications, published literature, and photos or illustrations of units that the bidder proposes to furnish.

**EXCEPTIONS:** Any exceptions or variances to the exact bid specifications stated herein shall be listed on a separate page clearly marked "Exceptions:" Failure to do so may result in rejection of the bid.

**BID EVALUATION:** The County reserves the right to reject any bid. Bid evaluation criteria will include, but not be limited to the following:

1. Compliance to bid specifications
2. Purchase price
3. Warranty terms, if applicable
4. References on performance of vendor
5. Financial stability of vendor

**DELIVERY:** Prices quoted shall be F.O.B. County of Shawnee, Kansas at the specific locations stated above, if any. Seller agrees to contact designated County personnel one week before delivery of first load. Bidder shall state, as a condition of the bid, the period of time required between issuance of purchase order, and the start of delivery. Also state time required to complete contract once delivery begins.

**Warranty information is to be furnished in detail with your bid.** State specific terms of product warranty, if pertinent.

QUOTATION NO. 004-19

DATE MAILED 01-08-19

CLOSING 2:00 P.M. 01-23-19

<u>Bidding Item</u>	<u>Quantity</u>	<u>Unit Price*</u>	<u>Total</u>
Poly Flex Type 2 Crack Sealant	96,000 lbs.	\$_____/lb.	\$_____

\*Unit Price shall include all applicable delivery costs.

TOTAL BID PRICE \_\_\_\_\_ DOLLARS

Best and Firm Delivery Date: \_\_\_\_\_

\_\_\_\_\_  
COMPANY or FIRM NAME

BY: \_\_\_\_\_

**Please submit the original and a copy of your bid.**

**PLEASE SUBMIT THIS AS THE FIRST PAGE OF YOUR BID**

QUOTATION NO. 004-19  
DATE MAILED 01-08-19  
CLOSING 2:00 P.M. 01-23-19

44-1030

Mandatory provisions applicable to contracts of the state and other political subdivisions; cancellation, when; application to subcontract; non-application to certain contract. (a) Except as provided by subsection (c) of this session, every contract for or on behalf of the state or any county or municipality or other political subdivision of the state or any agency of or authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that:

1. The contractor shall observe the provisions of the Kansas act against discrimination and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex physical handicap unrelated to such person's ability to engage in the particular work, national origin or ancestry.
2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "equal opportunity employer," or a similar phrase to be approved by the commission.
3. If the contractor fails to comply with the manner in which the contractor reports to the commission in accordance with the provisions of K.S.A. 44-1032, the contractor shall be deemed to have breached the present contract and it may be cancelled, terminated or suspended, whole or in part, by the contracting agency
4. If the contractor is found guilty of a violation of the Kansas act against discrimination under a decision or order of the commission which has become final, the contractor shall be deemed to have breached the present contract and it may be cancelled, terminated or suspended, in whole or in part, by the contracting agency.
5. The contractor shall include the provisions of paragraphs one (1) through four (4) inclusively o this sub-section (a) in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor. (b) The Kansas commission on civil rights shall not be prevented hereby from requiring reports of contractors found to be not in compliance with the Kansas act against discrimination. (c) The provisions of this section shall not apply to a contract entered into by a contractor: (1) Who employs fewer than four (4) employees during the term of such contract; or (2) Whose contracts with the governmental entity letting such contract cumulatively total five thousand dollars (\$5,000) or less during the fiscal year of such governmental entity.

44-1031. Same; personnel to be used in performing contracts; reports; non-application to certain contractors. Every person, as defined in subsection (a) of K.S.A. 44-1002, who wishes to enter into a contract which is covered by the provisions of K.S.A. 44-1030 shall upon request of the commission, inform the commission in writing of the manner in which such person shall recruit and screen personnel to be used in performing the contract. The report shall be made on forms to be supplied by the commission. The provisions of K.S.A. 44-1030 and of this section shall not apply to any contractor who has already complied with the provisions of such sections by reason of holding a contract with the federal government or a contract involving federal funds.

History: L.1972, ch.184, & 15; L. 1975, ch. 264, & 8; L. 1977, ch. 183, & 2; July 1.