

**ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
EQUIPMENT AND PROCUREMENT DIVISION
BID INVITATION**

Bid Number: Contract No. H-12-070P

BID OPENING LOCATION:
AHTD Equipment and
Procurement Division
11302 W. Baseline Road
Little Rock, AR 72209

MAIL TO:
AHTD Equipment and
Procurement Division
P.O. Box 2261
Little Rock, AR 72203

DELIVER TO:
AHTD Equipment and
Procurement Division
11302 W. Baseline Road
Little Rock, AR 72209

Bid Opening Date: March 20, 2012 Time: 11:00 a.m.

Sealed bids for furnishing the commodities and/or services described below, subject to the Conditions on page 2 of this Bid Invitation will be received at the above-noted mail and delivery locations until the above-noted bid opening date and time, and then publicly opened at the above-noted bid opening location. **Bids must be submitted on this form, with attachments when appropriate, or bids will be rejected. Late bids and unsigned bids will not be considered.**

In compliance with this Bid Invitation and subject to all the Conditions thereof, the undersigned offers and agrees to furnish any and all items upon which prices are quoted, at the price set opposite each item.

Company Name: _____

Name (Type or Print): _____

Address: _____

Title: _____

Phone: _____ Fax: _____

City: _____ State: _____ Zip: _____

E-mail Address: _____

Federal Tax ID or Social Security No.: _____

Signature: _____

Signature must be legible, original (not photocopied) and in ink.
Unsigned bids will be rejected.

Item No.	Description	Quantity	Unit	Unit Price	Amount
	<p>Supply Contract for furnishing to the Arkansas State Highway and Transportation Department <u>Fast Dry Acrylic Waterborne Traffic Marking Paint</u> according to specifications attached to and made a part of this bid, for the period beginning April 1, 2012 thru September 30, 2012, with an option to renew in six (6) month increments upon mutual agreement by both parties.</p> <p><u>ALL OR NONE BID ONLY WILL BE CONSIDERED.</u></p> <p><u>FOB:</u> AHTD – Maintenance Division, Sign Shop, 11300 W. Baseline Rd., Little Rock, AR 72209</p> <p>The Department is not obligated to purchase any specific quantity or make purchases at any specific time during the contract period. It is estimated that approximately 75,000 gallons of paint will be purchased during the <u>six month periods.</u> A typical order would be a minimum of 13,728 gallons with delivery to be made within 30 days.</p> <p>All deliveries must be made on “flat-bed” trailers for ease of off loading by forklifts.</p> <p>The Bid Invitation, Bid Form and Specifications are parts of the contract and by this reference are incorporated herein as fully and effectively as if set forth in detail herein. It shall be understood that by submission of bid that bidder agrees to the conditions herein specified and, if bid is found acceptable by the Department either in whole or in part, shall consider this bid a contract agreement bound under these conditions. The parties hereto agree that this contract in all things shall be governed by the Laws of the State of Arkansas. Should there be a conflict between conditions printed on page 2 of Invitation to Bid and other conditions stated with Bid Information and Specifications, the latter shall prevail.</p> <p><u>Bid Bond</u> in the amount of \$500.00 required of all bidders at time of bid opening or bid will be rejected. <u>Personal and company checks are not acceptable as Bid Bonds.</u> See Condition 3 on page 2 of bid invitation. <u>Performance Bond</u> an amount to be determined by the Department, not to exceed \$5,000.00, will be required of successful bidder prior to providing goods/services. <u>Personal and company checks are not acceptable as Performance Bonds.</u> See Condition 3 on page 2 of bid invitation.</p> <p>Bids and Specifications are available on-line by going to the AHTD Web Site – www.arkansashighways.com and clicking on “Commodities and Services Bids/Contracts Information”. Tabulations will also be available at this site within 72 hours after bid opening. If you have any questions, call this office at 501-569-2667.</p> <p><i>TWO SIGNED COPIES OF BID INVITATION MUST BE SUBMITTED.</i></p>				

STANDARD BID CONDITIONS

H-12-070P

1. **ACCEPTANCE AND REJECTION:** The Arkansas State Highway and Transportation Department (AHTD) reserves the right to reject any or all bids, to accept bids in whole or in part (unless otherwise indicated by bidder), to waive any informalities in bids received, to accept bids on materials or equipment with variations from specifications where efficiency of operation will not be impaired, and to award bids to best serve the interest of the State.
2. **PRICES:** Unless otherwise stated in the Bid Invitation, the following will apply: (1) unit prices shall be bid, (2) prices should be stated in units of quantity specified (feet, each, lbs., etc.), (3) prices must be F.O.B. destination specified in bid, (4) prices must be firm and not subject to escalation, (5) bid must be firm for acceptance for 30 days from bid opening date. In case of errors in extension, unit prices shall govern. Discounts from bid price will not be considered in making awards.
3. **BID BONDS AND PERFORMANCE BONDS:** If required, a **Bid Bond** in the form of a cashier's check, certified check, or surety bond issued by a surety company, in an amount stated in the Bid Invitation, must accompany bid. **Personal and company checks are not acceptable as Bid Bonds.** Failure to submit a Bid Bond as required will cause a bid to be rejected. The Bid Bond will be forfeited as liquidated damages if the successful bidder fails to provide a required Performance Bond within the period stipulated by AHTD or fails to honor their bid. Cashier's checks and certified checks submitted as Bid Bonds will be returned to unsuccessful bidders; surety bonds will be retained. The successful bidder will be required to furnish a **Performance Bond** in an amount stated in the Bid Invitation and in the form of a cashier's check, certified check, or surety bond issued by a surety company, unless otherwise stated in the Bid Invitation, as a guarantee of delivery of goods/services in accordance with the specifications and within the time established in the bid. **Personal and company checks are not acceptable as Performance Bonds.** In some cases, a cashier's check or certified check submitted as a Bid Bond will be held as the Performance Bond of the successful bidder. Cashier's checks or certified checks submitted as Performance Bonds will be refunded shortly after payment has been made to the successful bidder for completion of all terms of the bid; surety bonds will be retained. Surety bonds must be issued by a surety company authorized to do business in Arkansas, and must be signed by a Resident Local Agent licensed by the Arkansas State Insurance Commissioner to represent that surety company. Resident Agent's Power-of-Attorney must accompany the surety bond. Certain bids involving labor will require Performance Bonds in the form of surety bonds only (no checks of any kind allowed). In such cases, the company issuing the surety bond must comply with all stipulations herein and must be named in the U. S. Treasury listing of companies holding Certificates of Authority as acceptable sureties on Federal Bonds and as acceptable reinsuring companies. Any excess between the face amount of the bond and the underwriting limitation of the bonding company shall be protected by reinsurance provided by an acceptable reinsuring company. Annual Bid and Performance Bonds on file with E & P Division must have sufficient unencumbered funds to meet current bonding requirements, or the bid will be rejected, unless the balance is submitted as set forth above, prior to bid opening.
4. **TAXES:** The AHTD is not exempt from Arkansas State Sales and Use Taxes, or local option city/county sales taxes, when applicable, and bidders are responsible to the State Revenue Department for such taxes. These taxes should not be included in bid prices, but where required by law, will be paid by the AHTD as an addition thereto, and should be added to the billing to the AHTD. The AHTD is exempt from Federal Excise Taxes on all commodities except motor fuels; and excise taxes should not be included in bid prices except for motor fuels. Where applicable, tax exemption certificates will be furnished by the AHTD.
5. **"ALL OR NONE" BIDS:** Bidders who wish to bid "All or None" on two or more items shall so stipulate on the face of bid sheet; otherwise, bid may be awarded on an individual item basis.
6. **SPECIFICATIONS:** Complete specifications should be attached for any substitution or alternate offered, or where amplification is necessary. Bidder's name must be placed on all attachments to the bid.
7. **EXCEPTIONS TO SPECIFICATIONS:** Any exceptions to the bid specifications must be stated in the bid. Any exceptions to manufacturer's published literature must be stated in the bid, or it will be assumed that bidder is bidding exactly as stated in the literature.
8. **BRAND NAME REFERENCES:** All brand name references in bid specifications refer to that commodity or its equivalent, unless otherwise stated in Bid Invitation. Bidder should state brand or trade name of item being bid, if such name exists.
9. **FREIGHT:** All freight charges should be included in bid price. Any change in common carrier rates authorized by the Interstate Commerce Commission will be adjusted if such change occurs after the bid opening date. Receipted common carrier bills that reflect ICC authorized rate changes must be furnished.
10. **SAMPLES, LITERATURE, DEMONSTRATIONS:** Samples and technical literature must be provided free of any charge within 14 days of AHTD request, and free demonstrations within 30 days, unless AHTD extends time. Failure to provide as requested within this period may cause bid to be rejected. Samples, literature and demonstrations must be substantially the same as the item(s) being bid, unless otherwise agreed to by AHTD. Samples that are not destroyed will be returned upon request at bidders expense. Samples from successful bidders may be retained for comparison with items actually furnished.
11. **GUARANTY:** Unless otherwise indicated in Bid Invitation, it is understood and agreed that any item offered or shipped on this bid shall be newly manufactured, latest model and design, and in first class condition; and that all containers shall be new, suitable for storage or shipment and in compliance with all applicable laws relating to construction, packaging, labeling and registration.
12. **BACKORDERS OR DELAY IN DELIVERY:** Backorders or failure to deliver within the time required may constitute default. Vendor must give written notice to the AHTD, as soon as possible, of the reason for any delay and the expected delivery date. The AHTD has the right to extend delivery if reasons appear valid. If reason or delivery date is not acceptable, vendor is in default.
13. **DEFAULT:** All commodities furnished will be subject to inspection and acceptance by AHTD after delivery. Default in promised delivery or failure to meet specifications authorizes the AHTD to cancel award or any portion of same, to reasonably purchase commodities or services elsewhere and to charge full increase, if any, in cost and handling to defaulting vendor. Applicable bonds may be forfeited.
14. **ETHICS:** *"It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a State contract upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies maintained by the contractor for the purpose of securing business."* (Arkansas Code, Annotated, Section 19-11-708).

ARKANSAS STATE HIGHWAY & TRANSPORTATION DEPARTMENT
LITTLE ROCK, ARKANSAS
EQUIPMENT & PROCUREMENT DIVISION

Contract No. H-12-070P

BIDDER: _____

1. White \$ _____ per gallon

2. Yellow \$ _____ per gallon

Acrylic Waterborne proposed to furnish:

Item 1. Brand _____ No. _____

Item 2. Brand _____ No. _____

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

NOTICE OF NONDISCRIMINATION

The Arkansas State Highway and Transportation (Department) complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in Department programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to James B. Moore, Jr., Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: james.moore@arkansashighways.com.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT**SPECIFICATIONS FOR WHITE AND YELLOW FAST DRY
ACRYLIC WATERBORNE TRAFFIC MARKING PAINT
USED WITH DROP-ON-BEADS
H-12-070P**

These specifications cover a ready mixed waterborne, methanol free, lead free, chromium free, acrylic emulsion polymer based white and yellow paint suitable for application on concrete and bituminous pavements.

The volatile content of the finished paint shall be less than 150 grams of volatile organic matter per liter of total non-volatile paint material in accordance with ASTM D3960.

The paint must be capable of being successfully applied by the Arkansas State Highway and Transportation Department's various types of traffic marking equipment at temperatures from 50 to approximately 150 degrees Fahrenheit.

The paint shall be supplied in removable lid steel drums containing within 1% of 52 gallons. The Drums shall be new and conform to Title 49 of the Code of Federal Regulations (49 CFR), parts 107 and 171-179. The drums shall be non-leaking 55 gallon, lined steel drums, non-returnable, with 3 rolling hoops and 12 gauge locking rings with 5/8" locking bolts and nuts. Minimum metal thickness is to be 1.09 mm. Drum bottom is to be embossed with UN1A2/Y1.5/100 so that drums can be recycled. The containers as received shall have enough free space to allow the immersion of pumping equipment without causing the material to spill over the edge. The color of the drums and lids shall match the color of the paint in the drums. There shall be no bugholes in the lids or the drums. The lids shall also have the date the paint was manufactured stenciled on them. All paint must be manufactured after the date of order.

The paint shall be homogeneous, well ground, shall not settle badly or cake in the container, and shall be readily broken up with a paddle to a smooth, uniform consistency. It shall be free from dirt or other foreign matter and shall dry within the specified period to a good, tough, serviceable film. Any paint that has separated or settled after six months storage, to such an extent as to render it unusable, will be returned to the successful bidder for full refund or credit. The paint shall be properly strained during the final filling of containers and not more than one percent (1%) of coarse particles and skins shall be retained on a No. 325 sieve when tested according to Method 4092 of Federal Test Method Standard No. 141B.

Pint samples of ALL raw materials used in the paint shall be furnished to the Highway Department Laboratory. These raw materials shall be accompanied by a list of the trade name, manufacturer, and/or supplier and Manufacturer's Safety Data Sheets. Also, the paint manufacturer shall forward two one-quart reference samples of material representative of that which he proposes to produce. If, during manufacturing, a raw material(s) supply changes, a pint sample of the new raw material(s) and two new reference samples shall be sent to the Highway Department Laboratory. Final acceptance will be based on samples taken at the destination by a representative of the Arkansas State Highway and Transportation Department. A minimum of one sample will be taken from each batch or shipment.

All materials used in the manufacture of these paints shall meet the requirements herein specified. Minor ingredients not specifically covered will be left to the discretion of the Manufacturer except that the finished product shall not be adversely affected. The suitability of raw materials from different sources for use in these paints will be the responsibility of the Manufacturer. Reactive or unstable products causing excessive viscosity or container instability will be cause for rejection of the paint.

The paint shall conform, on a weight basis, to the composition requirements of the formulation as closely as accepted good paint practice will permit. No intentional variation will be permitted except for replacement of volatiles lost in processing. Recognized test procedures will be used by the Department to determine the composition of the finished paint.

SPECIFICATIONS FOR RAW MATERIALS FOR PIGMENTS

1. **Rutile Titanium Dioxide.** This material shall comply with the latest revision of ASTM-D-476, Type II.
2. **Calcium Carbonate.** This material shall comply with the latest revision of the specification for Calcium Carbonate Pigments, ASTM D 1199, Type GC, Grade I, with minimum of 95% Calcium Carbonate and Type PC, minimum 98% Calcium Carbonate.
3. **Yellow Iron Oxide.** This material shall comply with the latest revision of ASTM D768 and will only be allowed from Harcors (YLO 2288D) or OSO Iron Oxide (OSO 440).
4. **Pigment Yellow 65.** This material will only be allowed from Hoechst Celanese, Engelhard, or Sun Chemical.

SPECIFICATIONS FOR RAW MATERIALS FOR VEHICLES

1. **Acrylic Emulsion Polymer.** The non-volatile portion of the vehicle shall be composed of a 100% acrylic polymer or 100% styrene acrylic polymer and shall not be less than 44.0% by weight. Acrylic emulsion polymer shall be Rohm and Haas E-3427, Dow DT 250NA, or equal as determined by the Division Engineer, Materials.
2. **Propylene Glycol.** ASTM D5164 or **Ethylene Glycol** ASTM D2693.
3. **Water.** Potable.
4. **Miscellaneous Materials:**
 1. Dispersant - Tamol 850, Colloids 226-35.
 2. Surfactant - Triton X405, Igepal CA 407.
 3. Defoamer - Foamaster 111, Drew 493, Colloids 654.

4. Hydroxy Ethyl Cellulose - Natrasol 250 HBR, Bermocoil E431FQ.
5. Coalescent - Texanol.
6. Preservative - Troy 192, Dowicil 75, Nuosept 101.

PHYSICAL REQUIREMENTS OF THE FINISHED PAINT

1. **Pigment Composition.** Analysis of the extracted pigment shall conform to the following requirements:

	Percent by Weight	
	White	Yellow
Organic Yellow 65	---	Min. 7.5 *
Titanium Dioxide	Min. 13.4	Min. 6
Calcium Carbonate	Max. 86	Max. 87
Yellow Iron Oxide	---	Min. 0.3

* To be determined by x-ray fluorescence, color spectrophotometry, or any other method the Department may choose. This may be sent to an outside agency or organic pigment manufacturer. It also may include audit of the manufacturer's invoices, batch tickets, inventory or any other means determined by the Department.

2. **Physical Properties.**

% Total Solids by weight, minimum	73
% Volume Solids, minimum	58
% Pigment by weight	49-54
% Vehicle by weight	46-51
% Non-volatile in Vehicle by weight, minimum	44
Weight per Gallon, lbs.	$\pm .30$ Theo $\pm .10$
Viscosity, 77 F, Krebs Units	83-98
Grind (Hegman Gage), minimum	3
Laboratory Dry Time, ASTM D 711, minutes, maximum	10
pH, minimum	9.6
Dry Through	130 minutes, maximum. No more than 15 minutes longer than the specifier's reference paint film.

3. **Color.** The color after drying shall (for white) be a flat white, free from tint, furnishing good opacity and visibility under both daylight and artificial light. For yellow, the color shall closely match Color Chip 33538 of Federal Standard 595 and be $\pm 6\%$ from the PR 1 chart central color when read over the black portion of a 2A Leneta Chart.
4. **Flexibility and Adhesion.** The paint shall adhere firmly and shall not show any evidence of cracking or flaking when a 15 mil wet thickness is tested in accordance with AHTD Test Method 701.

5. **Water Resistance.** The paint shall show no adhesion loss or blistering when a 15 mil wet film thickness is tested in accordance with AHTD Test Method 701
6. **Heat Stability.** The paint shall show no coagulation, discoloration or change in consistency greater than 10 Krieb Units, when tested in accordance with Federal Specification TT-P-1952B.
7. **Dilution Test.** The paint shall be capable of dilution with water at all levels without curdling or precipitation such that the wet paint can be readily cleaned up with water only.
8. **Storage Stability.** After 30 days storage in three-quarters filled, closed container, the paint shall show no caking that cannot be readily remixed to a smooth, homogeneous state, no skinning, livering, curdling, or hard settling. The viscosity shall not change more than 5 Krieb Units from the viscosity of the original sample.
9. **Contrast Ratio.** The minimum contrast ratio shall be 0.96 when drawn down with a 0.005 mil film applicator on a 2A Leneta Chart or equal and air dried for 24 hours. Contrast Ratio = Black/White.
10. **Reflectance.** The daylight directional reflectance of the white paint shall not be less than 84% and not less than 50% for yellow paint of a 15 mil wet film applied to a 2A Leneta Chart or equal. After drying 24 hours, measure the reflectance of the paint over the black portion of the chart using a HunterLab D25-9 Colorimeter. ASTM E 97.
11. **Bleeding Ratio.** The paint shall have a minimum bleeding ratio of 0.97 when tested in accordance with Federal Specification TT-P-85e, except the asphalt saturated felt shall be Standard 15# roofing felt. The paint shall not check or crack on asphalt saturated 15# felt indicating unsuitability for use on fresh asphalt overlays. Any checking or cracking on the felt or on fresh asphalt cores will be cause for rejection.
12. **Dry Through Time.** The paint shall be applied to a non-absorbent substrate at a wet film thickness of 15 ± 1 mils and placed in a humidity chamber controlled at $90 \pm 5\%$ R.H. and 72.5 ± 2.5 F. The dry through time shall be determined according to ASTM D 1640, except that the pressure exerted shall be the minimum needed to maintain contact with the thumb and film.

PAINT FORMULATIONS
Pounds Per 100 Gallons

	White	Yellow
C.I. Pigment Yellow 65	---	50
Titanium Dioxide, Rutile, Type II	100	40
Yellow Iron Oxide	---	2
Calcium Carbonate, Type PC	150	125
Calcium Carbonate, Type GC	430	450
Hydroxy Ethyl Cellulose	0.5 *	0.3 *
Acrylic Emulsion, 50% Solids	541	540
Texanol	23	23
Defoamer	5	6
Dispersant	8	10
Surfactant	2	2
Preservative	1.5	1.5
Water	20	20
Ethylene Glycol or Propylene Glycol	<u>25</u>	<u>25</u>
Total Pounds	1306	1294.8

* Hydroxy Ethyl Cellulose amount may be varied by up to 0.1 pound to adjust viscosity to desired range.

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

SPECIFICATIONS FOR WHITE AND YELLOW FAST DRY ACRYLIC WATERBORNE TRAFFIC MARKING PAINT USED WITH DROP-ON-BEADS H-12-070P

Cooperative Purchasing. Other tax-supported entities* in Arkansas (cities, counties, state agencies, school districts, etc.) may purchase commodities covered in this Contract on an individual basis under the same specifications and conditions, and at the pricing set forth by each vendor, all at the discretion of each vendor in each case. Prices could be reduced by a vendor for minor alterations in conditions (changing minimum order quantities, etc.) as agreed by both parties, but could not be raised above the contract bid price under any circumstances. Vendors would not be required to sell to any such entity under this Contract, and those entities would not be obligated to purchase from the Contract.

Each entity wishing to purchase from the Contract would make contact directly with the appropriate vendor(s). The Highway Department would remain “out of the loop” for such transactions: all contact, orders, invoices, payments, etc. regarding such transactions must take place exclusively between the tax-supported entity and the vendor. The Department would be held harmless of any and all liability arising from such transactions.

*Tax-supported entities are defined as those receiving more than half of total funding from appropriated tax funds.