

STANDARD BID CONDITIONS

H-16-209P

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. When a bidder claims and can show clear and convincing evidence that a material mistake was made in the bid and was not the bid intended, the bidder may be permitted to withdraw their bid prior to award without forfeiture of bid bond. 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). These bonds shall not only serve to guarantee the completion of the work, but also to guarantee the excellence of both workmanship and material until the work is finally accepted and the provisions of the Plans, Specifications, and Special Provisions fulfilled. 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-16-209P

BIDDER: _____

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
1.	Small	25	ea.	\$ _____	\$ _____
2.	Medium	25	ea.	\$ _____	\$ _____
3.	Large	25	ea.	\$ _____	\$ _____
4.	X-Large	25	ea.	\$ _____	\$ _____
5.	XX-Large	25	ea.	\$ _____	\$ _____
6.	XXX-Large	25	ea.	\$ _____	\$ _____
7.	XXXX-Large	25	ea.	\$ _____	\$ _____

BID TOTAL: _____

AHTD F.O.B. LOCATIONS

	<u>LOCATION</u>	<u>INVOICING ADDRESS</u>
District 1 Headquarters	2701 Hwy. 64 West Wynne, AR 72396	P.O. Box 278 Wynne, AR 72396
District 2 Headquarters	4900 Hwy. 65 South Pine Bluff, AR 71611	P.O. Box 6836 Pine Bluff, AR 71611
District 3 Headquarters	2911 Hwy. 29 North Hope, AR 71801	P.O. Box 490 Hope, AR 71802-0490
District 4 Headquarters	808 Frontier Rd. Barling, AR 72923	P.O. Box 11170 Ft. Smith, AR 72917
District 5 Headquarters	1673 Batesville Pike Batesville, AR 73501	P.O. Box 2376 Batesville, AR 72503
District 6 Headquarters	8900 Mabelvale Pike Little Rock, AR 72209	P.O. Box 190296 Little Rock, AR 72219
District 7 Headquarters	2245 California Ave. Camden, AR 71701	P.O. Box 897 Camden, AR 71711
District 8 Headquarters	370 Aspen Drive Russellville, AR 72801	P.O. Box 70 Russellville, AR 72811
District 9 Headquarters	4590 Hwy. 65 South Harrison, AR 72601	P.O. Box 610 Harrison, AR 72602
District 10 Headquarters	2510 West Kingshighway Paragould, AR 72450	P.O. Box 98 Paragould, AR 72451
Equipment & Procurement	11302 W. Baseline Rd. Little Rock, AR 72209	P.O. Box 2261 Little Rock, AR 72203

**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 Joanna P. McFadden, 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: Joanna.Mcfadden@ahtd.ar.gov.

Free language assistance for Limited English Proficient individuals is available upon request.

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

**Arkansas Highway & Transportation Department
Specification For Adopt-A-Highway
Fluorescent Orange-Red
ANSI/ISEA 107-2010 Compliant
Class 2 High Visibility Safety Vest**

Scope:

The following specification outlines the high visibility requirements for a garment to be worn by citizens participating in the AHTD Adopt A Highway Program to enhance their visibility while performing duties related to the Adopt A -Highway Program as these duties might require them to work in or adjacent to moving motor vehicle, heavy equipment, work zones or other endangering elements.

Description:

The ANSI/ISEA specifications and or requirements mentioned hereinafter will be specifically referring to the “most current edition” of ANSI/ISEA 107-2010, American National Standard for High Visibility Safety Apparel and Headwear specification and guidelines. This specification is for a finished ANSI/ISEA 107-2010 Class 2 high visibility safety vest that will be worn by citizens participating in the AHTD Adopt A- Highway Program during day, low light and night conditions. The class 2 vest shall be in compliance with the 2009 Edition of the MUTCD Part 6E.02: High-Visibility Safety Apparel and all of the requirements of the Federal Highway Administration 23 CFR, Part 634 – Worker Visibility and all of the requirements of the Federal Highway Administration 23 CFR, Part 634 – Worker Visibility. The garments must be manufactured using ANSI/ISEA certified background and retroreflective component materials and meet all of the ANSI/ISEA design requirements. A competent and qualified independent laboratory must separately certify the component materials identified in this specification.

Materials:

Background Material – ANSI/ISEA 107-2010 certified:

- a. Shall be fluorescent orange-red 3 oz or 3.4 oz polyester mesh.
- b. Shall meet color, performance, care label recommendations and labeled per ANSI/ISEA 107- 2010.

Retroreflective Material – ANSI/ISEA 107- 2010 certified:

- a. Shall be 3M™ Scotchlite™ Reflective Material – 8705 Silver Transfer Film or equivalent.
- b. Shall be Level 2 retroreflective material.
- c. Shall be 2 inches wide.
- d. Shall meet care label recommendations and labeled per ANSI/ISEA 107-2010.
- e. The 8705 Silver Transfer Film or equivalent shall be laminated or sewn onto the background material using the guidelines for the lamination or sewing process as set forth by the manufacturer.
- f. Reflective trim shall be ANSI/ISEA 107-2010 certified to 15 washings.

Certificates:

Third party ANSI/ISEA 107-2010 certificates of compliance for both component materials shall be kept on file at the manufacturer, and a copy of all certificates shall be sent to Ken Jordan, AHTD Training & Safety and to Chicita Pate, AHTD Purchasing Agent, 10324 Interstate 30; P.O Box 2261, Little Rock, AR 72203-2261. Failure to submit proper ANSI/ISEA 107-2010 certifications prior to bid opening time will result in bid rejection.

Vest Design and Performance Benefits:

- a. Minimum amount of visible background material is 775 in².
- b. Minimum amount of retroreflective material is 201 in².
- c. Sizing – Smallest vest size shall meet minimum amounts of material as specified above (a and b).
- d. Vest design shall conform to ANSI/ISEA 107-2010 Appendix B4 guideline.
- e. The 8705 Silver Transfer Film or equivalent shall be laminated or sewn onto the background material using guidelines for the lamination or sewing process as set forth by the manufacturer.
- f. Vest trim pattern shall consist of one 2 inch wide horizontal band and one 2 inch wide vertical band over each shoulder. See Diagram A.
- g. Vest front fastener is a 1"x 8" hook and loop material the same color as the background material.
- h. Adjustable vest side fasteners are three areas of 1"x 4" hook and loop material on the vest back panel to be mated to a 1"x 16" area of hook and loop material at each side of the vest
- i. Vest shall have no raw edges.
- j. The safety vest must be a V-neck style and shall be cut from ANSI/ISEA 107-2010 compliant fabric with two (2) shoulder seams to create a jacket style appearance.
- k. Adopt A Highway (1.5 inch bold block letters) shall be screen printed in black ink on the center back of the vest (as shown in illustration on Page 3).

Diagram A



Samples:

All bids must be accompanied by sample vest (smallest ANSI compliant size).
Bids without samples will be rejected.

Recommended Care Guide:

Washing Instructions



Machine wash warm, 40 °C (105 °F)
Max washing for reflective – 15X
Do not bleach
Tumble dry low
Do not iron
Do not dry clean

In addition, the manufacturer shall provide Instructions for Use. This may be provided on a garment label, to include special care instructions and appropriate precautions to observe.


Garment Label:

The vest label must include the following information:

- a. Manufacturer
- b. ANSI/ISEA 107- 2010
- c. Fabric type
- d. Model # (optional)
- e. Size
- f. Pictogram showing garment class and retroreflectivity level
- g. Care guide and maximum number of cycles

Label example:


XYZ Manufacturer
 ANSI/ISEA 107-2010
 100% Polyester
 3M™ Scotchlite™ Reflective Material or
 equivalent
 Model #: abc
 Size: Large



Class 2

Level 2

Washing Instructions



Machine wash warm, 40 °C (105 °F)
 Max washing for reflective – 15X
 Do not bleach
 Tumble dry low
 Do not iron
 Do not dry clean

Sizing:

- a. The vest shall be made to the dimensions of the smallest size of the ANSI/ISEA 107-2010 specification and still meet the minimum square inches for visible background material as specified in ANSI/ISEA 107-2010 for a Class II compliant garment.

Vest Sizing Chart

Vest Size	S	M	L	XL	2XL	3XL	4XL
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Packaging:

Vests shall be packaged in plastic bags with one vest size per bag and one size per shipping carton/container.

Workmanship:

The high visibility safety vest shall be of expert workmanship, comfortable to wear, free of ragged edges, surface blemishes, loose stitches, uneven seams or any defect that would render the garment ineffective for its intended use. Any label that is sewn into the collar of the vest must be of a soft fabric that is not abrasive to the wearer's neck.

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.