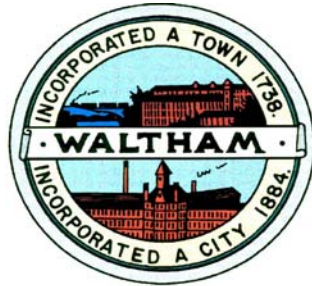


# The City of Waltham



**Invites  
Interested Parties  
To propose the best offer and or bid  
For the service or product herewith described:**

**Bituminous Concrete (Asphalt), Picked up by the City**

**The bid opening will be held: Tuesday July 9, 2013 at 2:00 PM**

*Phone: 781-314-3244, Fax: 781-314-3245*

**AGREEMENT**

**CITY OF WALTHAM**

**ARTICLE 1.** This agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by and between the CITY OF WALTHAM, party of the first part, hereinafter called the CITY, by its MAYOR, and

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\_\_\_\_\_ hereinafter called the CONTRACTOR.

**ARTICLE 2.** Witnesseth, that the parties to this agreement, each in consideration of the agreement on the part of the others herein contained, do hereby agree, the CITY OF WALTHAM for itself, and said contractor for his heirs, executors, administrators and assigns as follows:

To furnish all equipment, machinery, tools and labor, to furnish and deliver all materials required to be furnished (except as otherwise specified) and deliver in and about the project and to do and perform all work in strict conformity with the provisions of this Contract and of the Notice to Bidders, bid, Project Manual, and Drawings hereto annexed. The said Notice to Bidders, bid, Project Manual, and Drawings are hereby made a part of this contract as fully and to the same effect as if the same had been set forth at length and incorporated in the contracts.

**ARTICLE 3.** In consideration of the foregoing premises the CITY agrees to pay and the CONTRACTOR agrees to receive as full compensation for everything furnished and done by the CONTRACTOR under this contract, including all work required by not included in the items herein mentioned, and also for all loss or damage arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen obstruction or difficulty encountered in the prosecution of the work, and for all expenses incurred by or in consequence of the suspension or discontinuance of the work specified, and for well and faithfully completing the work, and the whole thereof, as herein provided, such prices as are set forth in the accompanying bid.

This Agreement entered into as of the day and year first written above.

**CITY OF WALTHAM, MASSACHUSETTS**

**FOR THE COMPANY**

**FOR THE CITY**

\_\_\_\_\_  
Jeannette A. McCarthy, MAYOR,  
City of Waltham  
Date: \_\_\_\_\_

\_\_\_\_\_  
John B. Cervone, City Solicitor  
Date: \_\_\_\_\_  
APPROVED AS TO FORM ONLY

\_\_\_\_\_  
Michael Chiasson, CPW Director  
Date: \_\_\_\_\_

\_\_\_\_\_  
Joseph Pedulla, Purchasing Agent  
Date: \_\_\_\_\_

\_\_\_\_\_  
Paul Centofanti, Auditor  
Date: \_\_\_\_\_

I CERTIFY THAT SUFFICIENT FUNDS  
ARE AVAILABLE FOR THIS CONTRACT

\_\_\_\_\_  
CONTRACTOR (Signature),  
\_\_\_\_\_  
Company

\_\_\_\_\_  
Address  
Date: \_\_\_\_\_

INVITATION TO BID

BITUMINOUS CONCRETE

Sealed bids for furnishing BITUMINOUS CONCRETE to the City of Waltham will be received at the Office of the Purchasing Agent, City Hall, 610 Main Street, Waltham, MA, 02452, until **2:00 PM on Tuesday July 9, 2013** at which time they will be publicly opened and read.

Bids shall be submitted on the form furnished and in a sealed envelope marked on the outside with the bid title and the bidder's name.

Bid prices shall include street pick up by the various Waltham Departments as may be required between the period of July 15, 2013 through June 30 2014. Sworn-weight slips shall be provided to the City with every pick up.

The bid quantity is an estimate only and the City reserves the right to increase or decrease the quantity in accordance with its actual requirements.

The City may require samples of the Product offered prior to contract.

Purchases by the City are exempt from federal, state and municipal sales and excise taxes.

The City will award the primary contract to the lowest responsive and responsible bidder within forty five (45) business days of the bid opening. A secondary contract may be awarded to the next lowest responsible and responsive bidder.

The successful bidder will be required to provide a certificate of General Liability and Vehicle Liability Insurance in the amount of \$500,000 per occurrence and \$ 1,000,000 in the aggregate and workers compensation insurance.

The City reserves the right to reject any and all bids, in whole or in part, and to make awards as it determines to be in the best interest of the City.

**Joseph Pedulla, MCPPO, Chief Procurement Officer**

Tel: 781 -314-3244,

Email: [jp pedulla@city.waltham.ma.us](mailto:jp pedulla@city.waltham.ma.us)

City of Waltham, Massachusetts

BITUMINOUS CONCRETE

SPECIFICATIONS

**Specifications:**

Class 1 Type I-I Bituminous Concrete must conform in all respects with Section 460.00 of the “standard Specifications for Highway and Bridges, Massachusetts Department of Public Works”

**Estimated Quantity:**

- Three Thousand (3000) Tons of Summer Mix
- One Thousand (1000) Tons of Winter Mix

BID FORM/ PRICE SHEET

BITUMINOUS CONCRETE

The undersigned bids to furnish Bituminous Concrete to the City of Waltham, in accordance with the terms, conditions and specifications contained in the bid document, as follows:

In accordance with MGL Chapter 149 and Ch 30B the undersigned certifies that the bidder has filed and paid all state taxes as required by law. In accordance with MGL Chapter 149 and Ch 30B the undersigned certifies that the bid is in all respect Bona Fide, fair and made without collusion or fraud with any other person or company. As used in this form the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

**THE FOLLOWING ITEMS SHALL BE COMPLETED BY THE BIDDER:**

<u>APPROXIMATE QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
3000 TONS SUMMER MIX*	\$ _____	\$ _____
1000 TONS WINTER MIX **	\$ _____	\$ _____
		<b>Total bid \$ _____</b>

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

AUTHORIZED SIGNATURE: \_\_\_\_\_, DATE \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

FEDERAL ID # OR SS# \_\_\_\_\_

BIDDER ACKNOWLEDGES RECEIPT OF ADDENDA #: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\* = April through November; \*\* = December through March

## **COMPLIANCE FORMS**

**(PLEASE COMPLETE AND SUBMIT THESE FORMS WITH YOUR PRICE RESPONSE)**

**NON-COLLUSION FORM AND TAX COMPLIANCE FORM**

**CERTIFICATE OF NON-COLLUSION**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity or group of individuals. The undersigned certifies that no representations made by any City officials, employees, entity, or group of individuals other than the Purchasing Agent of the City of Waltham was relied upon in the making of this bid

\_\_\_\_\_, \_\_\_\_\_  
(Signature of person signing bid or proposal)      Date

\_\_\_\_\_  
(Name of business)

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**TAX COMPLIANCE CERTIFICATION**

Pursuant to M.G.L. c. 62C, & 49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

\_\_\_\_\_, \_\_\_\_\_  
Signature of person submitting bid or proposal      Date

\_\_\_\_\_  
Name of business

**NOTE**

Failure to submit any of the required documents, in this or in other sections, with your bid response package may cause the disqualification of your proposal.



**CERTIFICATE OF VOTE OF AUTHORIZATION**

Date:

I \_\_\_\_\_, Clerk of \_\_\_\_\_ hereby certify that at a meeting of the Board of Directors of said Corporation duly held on the \_\_\_\_\_ day of \_\_\_\_\_ at which time a quorum was present and voting throughout, the following vote was duly passed and is now in full force and effect:

VOTED: That \_\_\_\_\_ (*name*) is hereby authorized, directed and empowered for the name and on behalf of this Corporation to sign, seal with the corporate seal, execute, acknowledge and deliver all contracts and other obligations of this Corporation; the execution of any such contract to be valid and binding upon this Corporation for all purposes, and that this vote shall remain in full force and effect unless and until the same has been altered, amended or revoked by a subsequent vote of such directors and a certificate of such later vote attested by the Clerk of this Corporation.

I further certify that \_\_\_\_\_ is duly elected/appointed \_\_\_\_\_  
\_\_\_\_\_ of said corporation

SIGNED:

(Corporate Seal)

\_\_\_\_\_  
Clerk of the Corporation:

Print Name: \_\_\_\_\_

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COMMONWEALTH OF MASSACHUSETTS

County of \_\_\_\_\_

Date:

Then personally appeared the above named and acknowledged the foregoing instrument to be their free act and deed before me, \_\_\_\_\_

Notary Public;

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

**CORPORATION IDENTIFICATION**

The bidder for the information of the Awarding Authority furnishes the following information.

**If a Corporation:**

Incorporated in what state \_\_\_\_\_  
President \_\_\_\_\_  
Treasurer \_\_\_\_\_  
Secretary \_\_\_\_\_  
Federal ID Number \_\_\_\_\_

**If a Foreign (out of State) Corporation** – Are you registered to do business in Massachusetts?

Yes \_\_\_\_\_, No \_\_\_\_\_

If you are selected for this work you are required under M.G.L.ch. 30S, 39L to obtain from the Secretary of State, Foreign Corp. Section, State House, Boston, a certificate stating that you Corporation is registered, and furnish said certificate to the Awarding Authority prior to the award.

**If a Partnership: (Name all partners)**

Name of partner \_\_\_\_\_  
Residence \_\_\_\_\_  
Name of partner \_\_\_\_\_  
Residence \_\_\_\_\_

**If an Individual:**

Name \_\_\_\_\_  
Residence \_\_\_\_\_

**If an Individual doing business under a firm's name:**

Name of Firm \_\_\_\_\_  
Name of Individual \_\_\_\_\_  
Business Address \_\_\_\_\_  
Residence \_\_\_\_\_  
Date \_\_\_\_\_  
Name of Bidder \_\_\_\_\_  
By \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Business Address \_\_\_\_\_ (POST OFFICE BOX NUMBER NOT ACCEPTABLE)

City \_\_\_\_\_ State \_\_\_\_\_ Telephone Number \_\_\_\_\_ Today's Date \_\_\_\_\_

**DEBARMENT CERTIFICATION**

In connection with this bid and all procurement transactions, by signature thereon, the respondent certifies that neither the company nor its principals are suspended, debarred, proposed for debarment, declared ineligible, or voluntarily excluded from the award of contracts, procurement or non procurement programs from the Commonwealth of Massachusetts, the US Federal Government and /or the City of Waltham. "Principals" means officers, directors, owners, partners and persons having primary interest, management or supervisory responsibilities with the business entity. Vendors shall provide immediate written notification to the Purchasing Agent of the City of Waltham at any time during the period of the contract of prior to the contract award if the vendor learns of any changed condition with regards to the debarment of the company or its officers. This certification is a material representation of fact upon which reliance will be placed when making the business award. If at any time it is determined that the vendor knowingly misrepresented this certification, in addition to other legal remedies available to the City of Waltham, the contract will be cancelled and the award revoked.

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Company Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_, State \_\_\_\_\_, Zip Code \_\_\_\_\_

Phone Number (\_\_\_\_) \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Signed by Authorized Company Representative: \_\_\_\_\_

Print name: \_\_\_\_\_ . Date \_\_\_\_\_