** APPLICATION**

 **for Asphalt Price Agreement**

**Summary of Need:** ODOT Maintenance forces purchase asphalt products (Minor Hot Mixed Asphalt Concrete and tack coats) on an as-needed basis for projects performed by maintenance crews. Generally, these purchases are made by ODOT picking up the asphalt products from a contractor’s plant. Occasionally, ODOT may ask that a contractor deliver the products.

**Method of Procurement:** In order to meet this need for asphalt products, ODOT enters into price agreements with multiple contractors around the state. “Price agreement” is defined in ORS 279A.010 and means: a public contract for the procurement of goods or services as a set price with no guarantee of a minimum or maximum purchase. Price agreements for asphalt products are solicited using a special procurement method (SP-662-14) whereby a contractor submits an application and, if the contractor is determined by ODOT to be “responsible” as defined in ORS 279B.110 (See Section 1 for additional information), and their application is determined to be responsive, ODOT awards a price agreement to that contractor which incorporates terms and conditions and specifications for asphalt purchases (see attachments).

For purposes of complying with applicable aspects of ORS 279A and 279B regarding procurement of goods and services, an applicant for an asphalt price agreement is considered a “bidder” when that term is used in the statutes or related administrative rules.

**TO APPLY:**

1. Fill out sections 1, 2, and 3 completely, and include the Bidder Responsibility and TIN forms referenced in Section 1.
2. Be sure to review the Sample Price Agreement, and the two attachments: Terms and Conditions for Asphalt Purchases and Asphalt Specifications, as you must agree to these terms, conditions, and specifications upon submitting your application.
3. Submit your application to: Joanne Robinson, ODOT Procurement Office, 455 Airport Rd SE, Building B, Salem, Oregon 97301. Phone: 503-986-2665, Email: joanne.m.robinson@odot.state.or.us. Applications may be submitted by mail or email. When submitting by email, please send all application documents as one PDF attached to the email.
4. If your application is accepted, ODOT will provide, generally by email, a price agreement document for your signature. Once this document is signed by you and ODOT, your price agreement will be in effect through the date specified.

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**SECTION 1 – APPLICANT INFORMATION AND QUALIFICATIONS**

Business Name: Phone:

Owner(s) Name: Email:

Business Address:

Contact information for purchases:

Name: Phone:

Email:

**RESPONSIBILITY:** ORS 279B.110 requires contracting agencies to determine whether a bidder or proposer (applicant in this case) for a public contract meets the following standards of responsibility:

* Has available the appropriate financial, material, equipment, facility and personnel resources and expertise necessary to meet all contractual responsibilities.
* Completed previous contracts of a similar nature with a satisfactory record of performance.
* Has a satisfactory record of integrity. Is legally qualified to contract with the contracting agency.
* Supplied all necessary information in connection with the inquiry concerning responsibility.

The information requested in this section is intended to assist ODOT in making its evaluation of responsibility. In addition, ODOT reserves the right to further investigate applicant’s responsibility using any available information, and requesting additional information from the applicant if necessary. An applicant’s failure to provide information requested by ODOT in relation to the applicant’s responsibility may result in disqualification for award of a price agreement.

**RESPONSIBILITY INQUIRY FORM**: Applicant must provide with its application a completed, accurate, and signed Responsibility Inquiry form. The Responsibility Inquiry form is available at:

<https://www.oregon.gov/ODOT/Business/Procurement/DocsPSK/ResponsibilityInquiry.docx>

**TIN FORM:** Applicant must complete a Request for Taxpayer ID number form (click the 2nd checkbox at the top):

<https://www.oregon.gov/ODOT/Business/Procurement/DocsPSK/TINreq.docx>. In addition, Applicant *may* be required to submit an IRS form W-9, upon request by ODOT.

**EXPERIENCE:** Provide a description of your company’s experience providing the products and/or services described in the Terms and Conditions and specifications. Include number of years and the types of products/services you provide. (Attach additional sheets if necessary):

**REFERENCES:** Provide below a list of three different customer references that can be contacted regarding the quality of products and services your company has provided within the past five years:

***Reference #1***

Customer Name (company name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Products and/or services and dates provided:

Contact Person Name and Phone:

***Reference #2***

Customer Name (company name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Products and/or services and dates provided:

Contact Person Name and Phone:

***Reference #3***

Customer Name (company name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Products and/or services and dates provided:

Contact Person Name and Phone:

**SECTION 2 – PRICING**

Provide prices below for all products that your company offers. An applicant does not have to provide prices for all items in order to be considered for price agreement award. If there will be charges for minimum orders, starting up a plant in winter, etc., be sure to include those charges in the “Comments” section.

If you have more than one plant, submit a separate pricing page for each plant (make copies as needed). For each plant’s pricing, you must select the ODOT Maintenance District in which the plant is located. A map of ODOT districts is available online at: <https://www.oregon.gov/ODOT/Data/Documents/DistrictMaintMap.pdf>

Identification of the ODOT Maintenance District is for use in listing prices on the Pricing Spreadsheet. Any contractor under price agreement may sell products on the price agreement to any ODOT Maintenance District.

|  |
| --- |
| District (See District Map): Plant Location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| **PAY ITEM** | **Description** | **In Plant Per Ton** | **Winter Price Per Ton****(Oct 1 – Mar 14)** |
| A1 | Level 2, 3/4 in. dense |  |  |
| A2 | Level 2, 1/2 in. dense |  |  |
| A3 | Level 2, 3/8 in. dense |  |  |
| \*A4 | Level 3, 3/4 in. dense |  |  |
| \*A5 | Level 3, 1/2 in. dense |  |  |
| \*A6 | Level 3, 3/8 in. dense |  |  |
| B | Hot Oil Tack Coat |  |  |
| C | Cold (emulsion) Tack Coat |  |  |

\*Currently only District 3 has been purchasing Level 3 mix. If you are in District 3 it is highly recommended that you provide a price for Level 3 mix. For other districts, you may provide a price for Level 3 but may find that there are few, if any, purchases of that particular product.

Comments:

**SECTION 3 – CERTIFICATIONS AND SIGNATURE OF APPLICANT’S DULY AUTHORIZED REPRESENTATIVE**

The undersigned acknowledges, attests and certifies individually and on behalf of the applicant that:

(1) He/she is a duly authorized representative of the applicant, and has been authorized by the applicant to make all representations, attestations, and certifications contained in this application, and to execute a contract;

(2) The applicant, acting through its authorized representatives, has read and understands all instructions, specifications, and terms and conditions contained or incorporated by reference herein;

(3) The contract pricing has been arrived at independently and has been submitted without any collusion designed to limit independent bidding or competition;

(4) The applicant is bound by and will comply with all requirements, specifications, and terms and conditions or incorporated by reference contained herein;

(5) Applicant will furnish the designated item(s) and/or service(s) in accordance with the price agreement requirements, and will comply in all respects with the terms of an awarded price agreement.

**Business Name:**

**Authorized Representative (Type or Print):**

**Authorized Representative’s Signature:**

**Authorized Representative’s Title:**

**Contact Person (Type or Print):**

**Telephone Number: (\_\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Email Address:**

**Section 4 – Sample Price Agreement**

(Do not submit this Sample Price Agreement with your application. This is a sample of the price agreement you will be asked to sign if your application is accepted. By submitting your application, you agree to all certifications included in this document.)

**SAMPLE PRICE AGREEMENT**

**For MINOR HOT MIXED ASPHALT CONCRETE (MHMAC) AND HOT OIL/COLD (EMULSION) TACK COATS**

**Between the Oregon Department of Transportation (“ODOT”)**

**and**

**Company Name (“Contractor”)**

**Contractor (Company) name:**

**Address:**

**Contact:**  Name, phone, email

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Pursuant to Special Procurement #SP-662-14, ODOT hereby awards a Price Agreement to the above-named Contractor under the following terms, conditions, and certifications:

**Term of Price Agreement: upon ODOT’s authorized signature through December 31, 2024**

The latest edition of the following documents are incorporated into this Price Agreement, and all Contracts entered into thereunder, by this reference. Documents are available from ODOT’s Price Agreement Administrator or on the ODOT Procurement Office website at: <https://www.oregon.gov/ODOT/Business/Procurement/Pages/GTS.aspx>

* Terms and Conditions for Minor Hot Mixed Asphalt Concrete and Hot Oil/Cold (Emulsion) Tack Coats
* Specifications for Minor Hot Mixed Asphalt concrete and Hot Oil/Cold (Emulsion) Tack Coats
* Sample Purchase Order
* Asphalt Pricing Spreadsheet

**Contractor agrees to abide by all referenced Terms and Conditions, Specifications, and Pricing, and the following certifications:**

**A. Any individual signing on behalf of Contractor hereby certifies under penalty of perjury:**

1. Contractor has provided its correct TIN to ODOT.
2. Contractor is not subject to backup withholding because (**a**) Contractor is exempt from backup withholding, (**b**) Contractor has not been notified by the IRS that Contractor is subject to backup withholding as a result of a failure to report all interest or dividends, or (**c**) the IRS has notified Contractor that Contractor is no longer subject to backup withholding.
3. S/he is authorized to act on behalf of Contractor, s/he has authority and knowledge regarding Contractor’s payment of taxes, and to the best of her/his knowledge, Contractor is not in violation of any Oregon Tax Laws or any applicable tax laws of political subdivisions of this State. For purposes of this certification, “Oregon Tax Laws” means a State tax imposed by ORS 320.005 to 320.150 and 403.200 to 403.250, ORS Chapters 118, 314, 316, 317, 318, 321, and 323; and local taxes administered by the Department of Revenue under ORS 305.620.

**B.** **Any individual signing on behalf of Contractor hereby certifies they are authorized to sign this Price Agreement and that:**

1. Contractor has read this Price Agreement, understands it, and agrees to be bound by its terms and conditions.
2. Contractor understands and agrees that various attachments to the Price Agreement are not physically attached, but are incorporated and have the same force and effect as if fully set forth herein.
3. Contractor represents and warrants and attests that Contractor has for the six years preceding the effective date of this Price Agreement complied with, and agrees that during the term of this Price Agreement shall comply with Oregon Tax Laws and applicable tax laws of political subdivisions of this State as provided in subsection A.(3) above. Contractor’s false attestation or failure to comply with Oregon Tax Laws or the applicable tax laws of political subdivisions of this State for the six years before the Contractor executed the Price Agreement or during the term of the Price Agreement is a default for which ODOT may terminate the Price Agreement, exercise of the right of setoff, or garnishment if applicable, and seek damages and other relief available under the terms of the Price Agreement or under applicable law.
4. Contractor has a written policy and practice that meets the requirements described in ORS 279A.112, of preventing sexual harassment, sexual assault and discrimination against employees who are members of a protected class. Contractor agrees, as a material term of the Price Agreement, to maintain the policy and practice in force during the entire Price Agreement term (see [additional information and sample policy template](https://www.oregon.gov/DAS/Procurement/Pages/hb3060.aspx)).
5. Contractor is an independent contractor as defined in ORS 670.600 and as described in [IRS Publication 1779](https://www.irs.gov/pub/irs-pdf/p1779.pdf).
6. In the event that Contractor is a general partnership or joint venture, Contractor signature(s) on this Price Agreement constitutes certifications to the above statements pertaining to the partnership or joint venture, as well as certifications of the above statements as to any general partner or joint venturer signing this Price Agreement.

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**Contractor representative Signature Title Date**

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**Authorized Signature (ODOT Procurement Authority) Title Date**