

COUNTY OF ROCKLAND
Department of General Services
Purchasing Division

Contract Award Notification

Title: **Concrete, Bituminous**

Contract Period: April 2, 2023 through April 1, 2024 w/3-1 year options
Ext through April 1, 2025 w/2-1 year options
Ext through April 1, 2026 w/ 1-1 year option

Date of Revision: **February 11, 2025**

BID No: RFB-RC-2023-004

Catalog: Highway

Authorized Users: **County Agencies, All local governments**

Address Inquiries To:

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Description

This contract is to provide bituminous concrete.

Contract #	Vendor Number	Contractor & Address	Telephone No.
BID 23-004	0000000901	Tilcon New York 9 Entin Road Parsippany, NJ 07054 Contact: Don Moore/ Amy Leone dcmoore@tilconny.com/ aleone@tilconny.com/ tnjorders@tilconny.com	(973) 888-7740 (845) 325-7850 CELL: (201) 376-1320 FAX: (973) 366-8501

COUNTY OF ROCKLAND
DGS – PURCHASING DEPARTMENT
BLDG. A, 6TH FLOOR, 50 SANATORIUM ROAD
POMONA, NY 10970
TELEPHONE NO.: 845-364-3820
FAX NO.: 845-364-3809

VENDOR: Tilcon New York Inc.

LINE NO.	DESCRIPTION	NYS DOT ITEM NUMBER	ITEM NUMBER	ESTIMATED USAGE TONS	UNIT PRICE
1	TYPE 1 BASE	403.118902	74521200001	8	\$89.10
2	TYPE 2 BASE	403.128902	74521200002	8	No Bid
3	TYPE 3 BINDER	403.138902	74521200003	150	\$90.12
4	TYPE 5 SHIM	403.158902	74521200004	8	\$102.49
5	TYPE 6F2 TOP	403.178202	74521200011	160	\$94.67
6	TYPE 7F2 TOP	403.198202	74521200012	1300	\$97.25
7	TYPE 8 TOP	No Item Number	74521200007	8	No Bid
8	TYPE 9F TOP	No Item Number	74521200008	8	No Bid
9	Concrete Bituminous Price Adjustment		74521200010		\$1.00

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PURCHASES BY OTHER

LOCAL GOVERNMENTS, SCHOOL DISTRICTS, AND NON-PROFIT AGENCIES

As per the New York State General Municipal Law, all political subdivisions of New York State are allowed to make purchases through the resulting contract(s). As per Rockland County Procurement Policy, Non-Profit Agencies approved to participate in New York State's Contract Extension Program are authorized to make purchases through the resulting contract(s).

1. The County of Rockland shall make all contract award information available to other political subdivisions and non-profit agencies through our website: **www.rcpurchasing.com**
2. Any other political subdivision or Rockland County non-profit agency will issue purchase orders directly to vendors within the specified contract period referencing the County's contract and shall be liable for any payments due on such purchase orders; and shall accept sole responsibility for any payment due.
3. All purchases shall be subject to audit and inspection by the other political subdivisions and Rockland County non-profit agencies for which the purchase was made.
4. No officer, board or agency of a county, town, village, or school district shall make any purchase through the County when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through the County.
5. All Bidders shall be on notice that as a condition of the award of a County contract, the successful bidder shall accept the award of a similar contract with any other political subdivision in New York State and Rockland County non-profit agencies authorized to use New York State's contracts, if called upon to do so. A listing of approved Rockland County non-profit agencies is available on the Purchasing Division's website at www.rcpurchasing.com. The County, however, will not be responsible for any debts incurred by the participants pursuant to this or any other agreement.
6. Necessary deviations from the County's specifications in the award of a participant contract, whether such deviations relate to quantities, or delivery points shall be resolved between the successful bidder and the other political subdivisions and Rockland County non-profit agencies.

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SPECIFICATIONS

1. SCOPE

- 1.1. The purpose of this bid is to provide bituminous concrete for the County of Rockland.

2. MATERIALS

- 2.1. All Bituminous concrete furnished under this contract shall perform to the mix and plant requirements of the New York State Department of Transportation Standard Specifications of May 1, 2008, Section 403 - Hot Mix Asphalt (HNA) Pavements for Municipalities.

- 2.1.1. 401-2.01 General. The requirements of this subsection are deleted. Material will be accepted as indicated under "Basis of Acceptance".

- 2.1.2. 401-2.02 Composition of Mixtures. All requirements of this subsection shall govern except submittal of a job mix formula is not required.

3. HAULING COST

- 3.1. Material furnished shall be loaded onto County of Rockland trucks at vendor's plant. The cost to the County of Rockland for transporting materials will be considered at the time the material is required. Therefore, contracts may be awarded by zone as per the attached map. Material will be ordered from the plant, which in the opinion of the County of Rockland Superintendent of Highways results in the lowest overall cost to the County of Rockland.

4. PRICE ADJUSTMENTS

- 4.1. All price adjustments shall conform to Section 698 of the NYSDOT Standard Specifications dated May 1, 2008 as modified below:

SECTION 698 - PRICE ADJUSTMENTS

698-1 DESCRIPTION. This section will provide for additional compensation to the Contractor for increases, or repayment by the Contractor for decreases, in the price of asphalt products. No adjustment will be provided for any new or additional work paid for by force account. Additional quantities of existing contract pay items at original bid prices will be considered eligible work. Additional work added by agreed price will be considered eligible work. Work performed by the Contractor at its own expense will not be eligible for price adjustment.

698-1.01 Asphalt Price Adjustment. This item will enable the Department (County) to make price adjustments to account for changes in asphalt prices. Price adjustments will be made for eligible work listed in the proposal.

698-1.02 Fuel Price Adjustment. Not applicable.

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698-1.03 Steel/Iron Price Adjustment. Not applicable.

698-2 MATERIALS. None specified.

698-3 CONSTRUCTION DETAILS.

698-3.01 Asphalt Price Adjustment. The asphalt price adjustment will be based solely on the price changes for asphalt as determined by the formulas below. No consideration will be given to the situation where an individual supplier's price exceeds the monthly average posted price, nor will any adjustment be made if the monthly average posted price is within \$10.00 of the Performance Graded Binder (PGB) index price.

- A. *Quantity.*** The quantity of asphalt (tons) considered for adjustment will be determined by multiplying the quantity of eligible work completed by the conversion factors which are listed in the proposal note entitled *Asphalt Price Adjustment*.
- B. *Prices.*** The PGB index price and the monthly average posted price are defined as follows:

1. *Asphalt Index Price.* A fixed price per ton of PGB used solely as a basis from which to compute asphalt price adjustments. The PGB index price will be the monthly average posted price for the month of the bid letting, as listed in the Engineering Bulletin entitled *Fuel, Asphalt and Steel Price Adjustments*. The PGB index price for extra work at the original contract bid price will be the monthly average posted price for the month of the bid letting. The PGB index price for extra work at agreed price will be the monthly average posted price for the month the agreed price was submitted to the Engineer.

2. *Monthly Average Posted Price.* The average FOB terminal price for unmodified PG 64-22 binder, without anti stripping agent, will be determined by the Department, based on prices from approved primary sources of PGB. Prices will be posted in a monthly Engineering Bulletin entitled *Fuel, Asphalt and Steel Price Adjustments*.

- C. *Adjustment.*** Asphalt price adjustment will be based on the following formulas:

1. *When price increases:*

Price Adjustment = (Quantity of Asphalt) x (Average Posted Price - PGB Index Price - \$10.00)

2. *When price decreases:*

Price Adjustment = (Quantity of Asphalt) x (Average Posted Price - PGB Index Price + \$10.00)

698-3.02 Fuel Price Adjustment. Not applicable.

698-3.03 Steel/Iron Price Adjustment. Not applicable.

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- 4.2. The unit prices per ton of asphalt purchased from this contract will be subject to adjustments based on the following formula:

BASE AVERAGE F.O.B TERMINAL PRICE MINUS BASE AVERAGE TERMINAL PRICE
 X OF ASPHALT = PRICE ADJUSTMENT X QUANTITY OF TONS = TOTAL
 ADJUSTED AMOUNT DUE

4.2.1 PERCENT OF ASPHALT

- Type 1 Base 5.0%
- Type 3 Binder 5.5%
- Type 5 Shim 8.25%
- Type 6 Top 6.2%
- Type 7 Top 6.85%

5. METHOD OF MEASUREMENT

5.1. Asphalt concrete will be measured for payment by the English ton.

5.2. All price adjustments will be calculated in U.S. Dollars and cents.

6. BASIS OF ACCEPTANCE

6.1. The Bidder shall submit, with his bid, an affidavit stating the following:

6.1.1. "All asphalt concrete furnished under this contract conforms to the material and mix requirements of the New York State Department of Transportation Standard Specifications Construction and Materials, May 1, 2008, including any addenda, as modified by the specific requirements of the County of Rockland."

6.2. The County of Rockland may elect to conduct tests of samples taken at the plant. Acceptance will depend on the results of such tests if conducted.

7. BASIS OF AWARD

7.1. Costs incurred by the County of Rockland for hauling material from the vendor's plant to the work site will be considered in the award process. For this reason, the County of Rockland (see attached map) has been divided into three (3) zones for the purpose of awarding the bid by zone. Materials will be drawn from the plant, which will, in the opinion of the County of Rockland, give the lowest overall cost in relation to the location of the work site.

7.2. This bid shall be awarded by zone to the lowest responsible bidder who meets the stated requirements. The decision to extend or not extend the contract shall be mutually agreed upon by the vendor and County of Rockland.

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7.3. The County of Rockland has determined that it costs \$7.50 per mile to haul asphalt. To determine the low bidder for each zone, the County of Rockland will multiply \$7.50 by the distance in miles, round trip, from a central location in each zone to each plant that has submitted a bid. After the County of Rockland has multiplied the Round-Trip Mileage by the \$7.50 Hauling Cost per mile, the amount will be divided by 8 (representing an average load of 8 tons), which will establish a cost per ton. This amount (Cost Per Ton) will be added to the bid amount (Cost Per Ton) to determine the low bidder for each zone.

7.4. The central locations to be used to determine the low bid for each zone are as follows:

Zone 1 – Hammond Road and Suffern Lane

Zone 2 – Route 304 and Route 59

Zone 3 – Viola Road and Forshay Road

8. **EXAMPLE**

8.1. Vendor bids \$28.90 per ton for item 6F2 and is located 12 miles round trip from the central location in Zone 1.

$$2 \times \$7.50 = \$90.00 / 8 = \$11.25$$

$$\$11.25 + \$28.90 = \$40.15 \text{ a ton for item 6F2}$$

9. **VENDOR NOTE**

9.1. Estimated annual purchases for this contract are \$250,000.00.

9.2. There shall be no minimum order required nor shall there be a small order charge assessed to the County of Rockland, price per ton will be inclusive.

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