



**PROPOSAL AND CONTRACT  
( WHEN EXECUTED )**

**THIS PROPOSAL INCLUDES  
INSTRUCTIONS TO BIDDERS**

**A. DEPOSIT OF PROPOSALS.**

All envelopes containing Bid proposals shall be clearly marked "Bid Proposal for letting of June 2, 2020 ."   
DATE

Sealed Proposals will be received on or before 1:00 PM on the above Letting Date.   
TIME

Bids will be opened and read at approximately 7:00 PM , on June 3, 2020.   
TIME

Oakland Township 2nd Class

MUNICIPALITY (NAME & TYPE)

Diana Foehringer

SECRETARY

565 Chicora Road / Butler, PA 16001

ADDRESS

PROPOSALS MUST BE MAILED OR OTHERWISE DELIVERED TO THE ABOVE ADDRESS.

- 1 The contractor proposes to furnish and deliver all materials ( including Form CS-4171, CERTIFICATE OF COMPLIANCE ) and to do and perform all work on the following project as more specifically set forth in the Schedule of Prices (Attachment), in accordance with drawings and specifications on file at Oakland Township as well as the supplements and special requirements contained herein and/ or attached hereto and current PennDOT Specifications (Publication 408), except (a) bidders need not be prequalified by PennDOT (Sec.102.01), and (b) Volumetric testing of bituminous paving materials is not required (Sec. 413).
- 2 If designated as the successful bidder, the contractor will begin work on the date specified in the notice to proceed, or as otherwise provided in the special requirements, and will complete all work within see Attachment 1-A calendar days.
- 3 Accompanying this proposal is a certified check or bid bond in the amount of 10% made payable to the municipality as a proposal guarantee which, it is understood, will be forfeited in case the contractor fails to comply with the requirements of the proposal.

**B. PROPOSAL OF:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NAME / ADDRESS OF CONTRACTOR**

**CONTRACTORS CERTIFICATION**

It is hereby certified as follows:

- 1 The only person interested in the proposal as principal (s) is (are):  
\_\_\_\_\_  
\_\_\_\_\_
- 2 None of the above persons are employees of the municipality.
- 3 This proposal is made without collusion with any other person, firm or corporation.
- 4 All plans and specifications referred to above and the site of the work have been examined by the contractor. The contractor understands that the quantities indicated herein are approximate and are subject to change as may be required; and that all work is payable on the basis of the unit price listed on the Schedule of Prices. (Attachment 1).

- 5 The contractor will comply with all requirements of the laws and implementing regulations of the Commonwealth of Pennsylvania and the United States relating to human relations, equal opportunity and non-discrimination in employment, and will pay to workmen employed in the performance of the contract the wages to which they may be entitled.
- 6 The contractor will provide the municipality with a performance bond, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions thereof, and a payment bond, conditioned on the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work, in accordance with the Public Works Contractors' Bond Law of 1967; and an affidavit accepting the provisions of the Workmen's Compensation Act of 1915, as amended.

\_\_\_\_\_  
**CONTRACTOR**

**WITNESSED OR ATTESTED BY:**

\_\_\_\_\_  
TITLE:

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
SEAL

\_\_\_\_\_  
TITLE:

\_\_\_\_\_  
(SEAL)

=====

**TO BE EXECUTED ONLY IN THE EVENT THE ABOVE PROPOSAL IS ACCEPTED**

=====

**ACCEPTED ON :**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Oakland Township  
MUNICIPALITY

**ATTESTED BY:**

\_\_\_\_\_  
NAME

\_\_\_\_\_  
SEAL

\_\_\_\_\_  
NAME

\_\_\_\_\_  
NAME



**SPECIAL PROVISIONS TO CONTRACT MS-944 ( Attachment 1-A )  
CONTAINS IMPORTANT INFORMATION FOR THE CONTRACTOR**

**The Prime Contractor and subcontractors must comply with all of the following provisions that are marked with an "X".**

- X Traffic Control and Safety Devices to be provided by the Contractor.  
( PA. DEPART. Of TRANS. Publication 203, WORK ZONE TRAFFIC CONTROL, CURRENT EDITION.)
- X Delivery tickets for all materials.
- X CS-4171 Certificate of Compliance and/ or TR-465 Daily Bituminous Mixture Certification required for all materials.
- X Notify the Municipality five working days prior to start of project.
- X Work to be completed on or before 8/1/2020 . After 8/1/2020 Liquidated damages apply at the rate of \$ 825.00 per calendar day.
- X Roadway to be power broomed by (contractor ☒ municipality ☐) prior to start of project.
- X Excess material to be removed by (contractor ☒ municipality ☐)
- X Municipality to inspect project.
- X Need Bill of Lading for each shipment of bituminous material per Section 702.1(c) of Specifications 408.
- X Tack Coat required per Section 460, or 413 for superpave, of Specifications 408 and is incidental to paving item unless noted otherwise.  
Prime Coat required per Section 461 of Specifications 408.
- X Bituminous Seal on all abutting pavement and curbs required.
- X Saw cut or Milled Paving Notch required and incidental to paving item unless noted otherwise.  
Scratch/ Leveling Courses to be placed at the discretion of appointed inspector(s).
- X Full width pavement with one pass required.
- X Municipality reserves the right to limit work completed.  
Taper pavement the last 3 feet to curb.  
For FOB Source bids, hauling distance will determine selection of bid award.
- X Municipality reserves the right to procure material which best suits their requirements after all bids and items are reviewed.
- X Completion of NON-COLLUSION AFFIDAVIT required.
- X Incidental Preparation and clean up required. ( Project Construction Materials )
- X All bidders shall comply with all requirements of Act 127 of 2012, Public Works  
Employment Verification Act, prior to award of contract.
- X Provide design, which meets Specifications Form 408 to the municipality 5 days prior to start of work.
- X Contractor responsible for defects that occur within one year of applications.
- X Contractor required to review proposed project with Municipality's Representative prior to bidding.  
Oil Samples required from each distributor truck by contractor (1) one quart : A.M. & P.M. and witnessed by municipality and retained by municipality.(Oil samples must be placed in an approved type container that is compatible with oil sample.)  
At least three random stone samples to be taken by contractor on project site witnessed by municipality and retained by municipality.  
Complete all testing in accordance with Specification Form 408 Section 413 except for superpave volumetric testing.  
Notice to Proceed will be the date of Contract acceptance.  
Final Completion Certificate & Notice of Completion required.  
Future award of Contract will be based on quality of work as determined by the municipality.  
Contractor, notify all residents of pending work to be performed.
- X Contractor shall cut paving notches into all adjacent pavements and roadways as directed by township representatives
- X No cost overruns shall be permitted without prior approval from the Board of Supervisors
- X All roads shall be awarded on a per line item basis based on budgetary considerations. All roads awarded shall be awarded to one bidder based on total amount of roads awarded
- X All work shall conform to current PennDOT Specifications Publication 408

**My signature signifies that I have read and understand the above special provisions to this contract, and by being authorized by this company to act as their authorized representative, and on their behalf hereby agree to adhere to any and all of the provisions pertaining to this contract.**

Contractor's Representative	Date
Company	

Municipality's Representative	Date
Oakland Township	
Municipality	

COUNTY

Butler

MUNICIPALITY

Oakland Township

PROJECT #

20-10224-002

**SUPERPAVE ASPHALT MIXTURE DESIGN**

LOCATION OF WORK	FROM	TO	L E N G T H	W I D T H	D E P T H	SQ. YD.	TONS	MIX in mm	PERF. GRADE	GYRA- TIONS	MATERIAL TYPE	REMARKS
T-504 Boydstown Rd	SR 4002	Tie in Intersection	50	27.5	2.50	153	23	19.0	PG 64S-22	50	BINDER 19.0	
T-504 Boydstown Rd	SR 4002	A Point	2050	15.0	2.50	3,417	513	19.0	PG 64S-22	50	BINDER 19.0	
T-615 Weed Rd	T-504 Boydstown Rd	Tie in Intersection	75	55.5	2.50	463	69	19.0	PG 64S-22	50	BINDER 19.0	
T-615 Weed Rd	T-504 Boydstown Rd	SR 38	495	16.0	2.50	880	132	19.0	PG 64S-22	50	BINDER 19.0	
T-615 Weed Rd	SR 38	Tie in Intersection	50	25.5	2.50	142	21	19.0	PG 64S-22	50	BINDER 19.0	

## ANTI-COLLUSION AFFIDAVIT



County \_\_\_\_\_

Municipality \_\_\_\_\_

Project Number \_\_\_\_\_

Fed. Project No. \_\_\_\_\_  
( If Applicable )

State of \_\_\_\_\_

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

The undersigned deponent deposes and says that he is the \_\_\_\_\_  
of the \_\_\_\_\_ Company; that he is authorized to make this  
affidavit on behalf of said company in compliance with section 102.06 (e) of Department Specifications,  
Publication 408, as amended and that the said company has not, either directly or indirectly, entered  
into any agreement, participated in any collusion, or otherwise taken any action in restraint of free  
competitive bidding in connection with such contract.

\_\_\_\_\_  
(Contractor)

**BY**

\_\_\_\_\_

**Sworn to and subscribed before me the undersigned notary public this**

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

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



COMMONWEALTH OF PENNSYLVANIA

**PUBLIC WORKS EMPLOYMENT VERIFICATION FORM**

Date \_\_\_\_\_

Business or Organization Name (Employer) \_\_\_\_\_

Address \_\_\_\_\_

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

☐ Contractor ☐ Subcontractor (check one)

Contracting Public Body \_\_\_\_\_

Contract/Project No \_\_\_\_\_

Project Description \_\_\_\_\_

Project Location \_\_\_\_\_

As a contractor/subcontractor for the above referenced public works contract, I hereby affirm that as of the above date, our company is in compliance with the Public Works Employment Verification Act ('the Act') through utilization of the federal E-Verify Program (EVP) operated by the United States Department of Homeland Security. To the best of my/our knowledge, all employees hired post January 1, 2013 are authorized to work in the United States.

It is also agreed to that all public works contractors/subcontractors will utilize the federal EVP to verify the employment eligibility of each new hire within five (5) business days of the employee start date throughout the duration of the public works contract. Documentation confirming the use of the federal EVP upon each new hire shall be maintained in the event of an investigation or audit.

I, \_\_\_\_\_, authorized representative of the company above, attest that the information contained in this verification form is true and correct and understand that the submission of false or misleading information in connection with the above verification shall be subject to sanctions provided by law.

\_\_\_\_\_  
Authorized Representative Signature

## PROPOSAL AND CONTRACT INSTRUCTIONS- FORM 944

- 1 The proposal must be typewritten or printed.
- 2 If more than one proposal on any project is submitted by an individual, firm or partnership, corporation or association under the same or different names, only one proposal, the lowest, will be considered.
- 3 Description of work -
  - A. If additional space is needed, insert appropriately numbered attachment and note "Continued on attached work sheets"
- 4 Part A of Page 1 to be completed by municipality. Part B of Page 1 to be completed by contractor. Schedule of Prices - Column #1 (Item), #2 (Approximate Quantities), #3 (Unit, i.e., ton, square yard, linear foot, etc.) and #4 (Description, i.e., bituminous materials - 9.5 mm S & L, 12.5 mm Wearing, 25.0 mm Base Course, etc.) must be filled in by the municipality to insure equitable bidding. Columns #5 (Unit Price), #6 (Total) and total amount of bid, must be filled in by the contractor. If more space is needed, add note at bottom of the page, "Continued on Attachment No. 1-A"; and add additional sheet designated as Attachment No. 1-A, 1-B, etc. Repeat for each additional sheet required. As required by Publication 408 (current edition), Section 102.06(e), each bidder must submit a completed Form D-7126, Anti-Collusion Affidavit (included in this Form MS-944), with its bid proposal.
- 5 If liquidated damages are to be assessed, add the following sentence to Part A #2: "If all work is not completed on time, liquidated damages will be assessed at the rate of \$825.00 per additional working day." (OR ". . . as set forth in the attached schedule").
- 6 Only the successful bidder is obligated to provide payment and performance bonds. These bonds shall conform to the requirements of the relevant municipal code or charter and the Public Works Contractors' Bond Law of 1967, Act of December 20, 1967, P.L. 869, No.385, 8 P.S. §§ 191—202. Bond forms are included in this Form MS-944 as Attachments 2 (performance bond) and 3 (payment bond). The successful bidder must submit the bonds and Workman's Compensation Act Affidavit, Attachment 4, within 20 days of the contract award. Failure to submit the bonds shall constitute grounds to cancel the contract.
- 7 If the estimated cost of a contract for "public works," as this term is defined in the Pennsylvania Prevailing Wage Act, Act of August 15, 1961, P.L. 987, No. 442, as amended, 43 P.S. §§ 165-1—165-17, exceeds \$100,000.00 and the contract is paid for in whole or part out of the funds of the municipality, the municipality shall take the following actions: (1) Determine the prevailing minimum wage rates from the Department of Labor and Industry, Bureau of Labor Law Compliance. (2) Indicate in the advertisement issued for the purpose of securing bids for the contract that prevailing wage rates shall be paid on the project. (3) Specify the prevailing minimum wage rates in the bid proposals for the contract.

On projects financed partly with federal funds, if the project cost exceeds \$2,000.00 and 25% or more of the funding comes from federal funds, the Davis-Bacon Act, 40 U.S.C. §§ 3141—3145, applies. Here again, it is the responsibility of the municipality to obtain the Davis-Bacon wage rates from the United States Department of Labor, Wage and Hour Division, which has offices in Philadelphia, Pittsburgh and Wilkes-Barre; include them in the proposal; and note the fact in the advertisement. If both acts are applicable, the Davis-Bacon Act preempts the Pennsylvania Prevailing Wage Act and applies to the entire project, not just the federally-funded components.
- 8 An ESCALATOR CLAUSE is optional; if used, it must be included in the proposal prepared by the municipality. An escalator clause may not be inserted by the contractor.