



## Public Works Service Operations

**DATE:** March 26, 2024

**FROM:** Steven Salwei, Director Public Works Services

**ITEM:** Furnishing Pavement Materials 2024 - Parts A-G Bid Award

**REQUEST:**

Request permission to award the contract for 2024 Furnishing Paving Materials to Northern Improvement Company.

**BACKGROUND INFORMATION:**

The 2024 Furnishing Paving Materials (Parts A-G) bids were opened on March 18, 2024. We had two bidders, however, one was disqualified. We request to award Parts A, B, E, and G of Furnishing Paving Materials to Northern Improvement Company. Funds for these purchases are included in the 2024 Roads and Streets budget. Attached are the bid tab and RFP for Furnishing Paving Materials 2024 (Parts A-G).

**RECOMMENDED CITY COMMISSION ACTION:**

Approve the bid award of Parts A, B, E, and G of Furnishing Paving Materials to Northern Improvement Company.

**STAFF CONTACT INFORMATION:**

Steven Salwei, Director Public Works Services, 701-355-1705, [ssalwei@bismarcknd.gov](mailto:ssalwei@bismarcknd.gov)

**ATTACHMENTS:**

1. Bid Tab 2024 Furnishing Pavement Materials Parts A-G 3.18.2024
2. Furnishing Paving - Maintenance Materials 2024 - Parts A-G

BID TAB - FURNISHING PAVING MATERIALS - PARTS A-G

BIDS RECEIVED: MARCH 18, 2024 AT 10:00 AM **and** OPENED: MARCH 18, 2024 AT 11:00 AM

Vendor			
Meets Specifications			
PART A	Description	Unit	Quantity
401-6.11	AC Leveling Course (FAA 41)	Ton	200
401-6.21	AC Superpave Course (FAA 41)	Ton	7,000
Part A Totals			
PART B	Description	Unit	Quantity
402-4.2	Bituminous Tack Oil	Gal.	4,000
PART C	Description	Unit	Quantity
405-8.1A	Asph. Cement Sealant (PG 58-28)	Ton	42
PART D	Description	Unit	Quantity
405-8.1B	Asph. Cement Sealant (DP-1)	Gal.	1,250
405-8.1C	Asph. Cement Sealant (CRS-2)	Gal.	1,250
Part D Totals			
PART E	Description	Unit	Quantity
SP No. 4	Bituminous Seal Oil (CRS-2P)	Ton	42
PART F	Description	Unit	Quantity
SP No. 6	Crushed Granite	Ton	200
PART G	Description	Unit	Quantity
SP No. 7A	Cold Mix Patch Material	Bag	240
SP No. 7B	Cold Mix Patch Material	Ton	130
Part G Totals			

NORTHERN IMPROVEMENT COMPANY		
Current ND Contractor's License <input checked="" type="checkbox"/> Bid Bond <input checked="" type="checkbox"/>		
Unit Price	Mileage Cost	Total
\$ 81.17		\$ 16,234.00
\$ 81.17		\$ 568,190.00
		\$ 584,424.00
Unit Price		Total
\$ 4.50		\$ 18,000.00
Unit Price		Total
NA		NA
Unit Price		Total
NA		NA
Unit Price		Total
\$ 808.00		\$ 33,936.00
Unit Price		Total
NA		NA
Unit Price		Total
\$ 14.50		\$ 3,480.00
\$ 186.00		\$ 24,180.00
		\$ 27,660.00

STRATA CORPORATION		
Current ND Contractor's License <input checked="" type="checkbox"/> Bid Bond - <input type="checkbox"/> No bid bond		
Unit Price	Mileage Cost	Total
		\$ -
		\$ -
		\$ -
Unit Price		Total
		\$ -
Unit Price		Total
Unit Price		Total
		\$ -
Unit Price		Total
Unit Price		Total
		\$ -
		\$ -
		\$ -

**PROPOSAL  
FOR  
FURNISHING STREET PAVING MATERIALS 2024  
PARTS A-G  
BISMARCK ND**

**BIDS RECEIVED BY 10:00 AM CT  
BIDS OPENED AT 11:00 AM CT  
MONDAY, MARCH 18, 2024**

OFFICE OF THE CITY ADMINISTRATOR  
PO BOX 5503 (221 N 5<sup>TH</sup> ST)  
BISMARCK ND 58506-5503

DEPARTMENT OF PUBLIC WORKS  
SERVICE OPERATIONS  
PO BOX 5503  
BISMARCK ND 58506-5503  
(701) 355-1700, option 3

## ADVERTISEMENT

The City of Bismarck Public Works Service Operations is seeking bids for Furnishing Street Paving Materials - Parts A - G.

Sealed bids will be received in the office of the City Administrator, until 10:00 a.m. CT on Monday, March 18, 2024. Bids will be publicly opened and reviewed at 11:00 a.m. CT on Monday, March 18, 2024.

The sealed bid must be mailed to the City Administrator (PO Box 5503, Bismarck ND 58506-5503) or otherwise deposited with the City Administrator (221 North Fifth Street, Bismarck ND 58501) and shall be sealed and endorsed:

**“Bid for Furnishing Street Paving Materials 2024 – Part A-G”  
Name of the person, firm or corporation submitting the bid.**

If a bid is to be faxed, the bid must be sent to a bidder’s agent independent of the City of Bismarck, placed in a sealed envelope, labeled according to this specification, and delivered to the office of the City Administrator prior to the bid deadline.

Bids must be submitted on blanks furnished by the City of Bismarck and in accordance with specifications and conditions contained therein. Copies of proposal blanks and specifications may be downloaded from the website or obtained from the Public Works Service Operation, 601 S 26<sup>th</sup> St, Bismarck ND 58504, or Gale Nicholson, [publicworksservice@bismarcknd.gov](mailto:publicworksservice@bismarcknd.gov) or 701-355-1707. All bidders are invited to be present at the opening of the proposal. Contractor may bid on any or all proposals.

In accordance with North Dakota state law, a **separate envelope** containing a **current North Dakota contractor’s license** and a **bid bond or certified check** in the amount of five (5) percent of the total amount bid must be attached to the proposal/bid envelope and labeled “Bid Bond.” An application for a North Dakota contractor’s license is not sufficient to fulfill this requirement. Checks or bonds of the unsuccessful bidders will be returned to them after making the award.

The City, in its sole discretion, may extend the work completion deadline due to unforeseen circumstances, if it is determined to be in the best interest of the City to do so. The City shall reserve the right to hold all bids for a period of forty-five (45) days, to reject any and all bids, to waive irregularities or to accept such as may be determined to be for the best interest of the City of Bismarck. However, bids which do not comply with mandatory requirements imposed by law or late bids must be rejected.

The City of Bismarck is committed to providing non-discriminatory service. No person shall, on the basis of a person’s nation origin, race, color, disability, sex, age and/or income status, be excluded from participation or be subjected to discrimination or harassment by the City of Bismarck or any of its locations. The City of Bismarck will consider every request for reasonable accommodation to provide:

- an accessible meeting facility or other accommodation for people with disabilities,
- language interpretation for people with limited English proficiency (LEP), and
- translations of written material necessary to access City of Bismarck programs and information.

**Appropriate provisions will be considered when the City of Bismarck is notified at least 10 days prior to the meeting date or the date the written material translation is needed.**

**To request accommodations, contact the City of Bismarck Title VI and ADA Coordinator, at 701-355-1332. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.**

*City of Bismarck*  
Jason Tomanek  
City Administrator

Adv 3/1 & 3/8

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## GENERAL CONDITIONS

The work shall be performed in accordance with the City of Bismarck Construction Specifications for Municipal Public Works Improvements dated February 1969 and revised **January 2024** as supplemented or modified with the enclosed special provisions. The Standard Specifications can be found at: [bismarcknd.gov/Engineering](http://bismarcknd.gov/Engineering)

The enclosed special provisions and special conditions, if any, the Standard Specifications described above, the plans and all supplemental documents are essential parts of the contract, and a requirement occurring in one is as binding as though occurring in all. They are intended to be complementary and to describe and provide for a complete work.

In case of discrepancy between contract documents, the following hierarchy of precedence will govern (i.e. addenda will take precedence over all other contract documents):

1. Addenda,
2. Special Provisions,
3. Project Plans,
4. Supplemental Specifications,
5. Standard Drawings,
6. Standard Specifications.

For dimensions shown on standard drawings or project plans, calculated dimensions will govern over scaled dimensions.

The CONTRACTOR shall take no advantage of any apparent error or omission in the plans or specifications. In the event the CONTRACTOR discovers such an error or omission, the CONTRACTOR shall immediately notify the ENGINEER. The ENGINEER will then make such correction and interpretations as may be necessary for fulfilling the intent of the plans and specifications.

The CONTRACTOR will be supplied with a minimum of two sets of approved plans and contract assemblies including special provisions, one set of which the CONTRACTOR shall keep available on the work site at all times.

The CONTRACTOR shall give the work the constant attention necessary to facilitate the progress thereof, and shall cooperate with the ENGINEER, inspectors, and other contractors in every way possible.

## GENERAL SPECIFICATIONS

The CITY OF BISMARCK has estimated the need for a supply of materials required from April 15, 2024, to April 14, 2025, for street maintenance and construction. The probable quantities will be listed on the proposal form.

The contract shall be divided into seven parts, A, B, C, D, E, F, and G with a separate contract awarded for each part.

**Part A** includes asphalt paving materials.

**Part B** includes bituminous tack oil.

**Part C** includes asphalt cement sealant (PG 58-28).

**Part D** includes asphalt cement sealant (DP-1 and CRS-2).

**Part E** includes bituminous seal oil.

**Part F** includes crushed granite.

**Part G** includes cold mix patch material.

There will be no guarantee as to the quantity of material required as such material shall be on the basis of need.

A CONTRACTOR bidding on either Part A, B, C, D, E, F, or G is not required to bid on the other part to have a valid bid but may do so at their discretion. A fax, scan, or email of the bid is acceptable if sent to a third party and not directly to the City of Bismarck. The third party is then responsible for delivery of the bid to the City of Bismarck prior to the date and time listed for the receipt of bids. Label the bid envelope "Furnishing Street Maintenance Materials 2024 - Parts A-G."

Delivery of the materials shall take place within ten (10) days of receipt of written notice to deliver the following materials: AC Leveling Course (FAA 41), AC Superpave (FAA 41), and Cold Mix Patch Materials, and twenty-one (21) days of receipt of written notice to deliver the Crushed Granite. Notice to deliver may include the call for various quantities of materials to be received at the Department of Public Works storage yard located at 601 South 26<sup>th</sup> Street for asphalt cement sealant and bituminous seal oil to the Solid Waste Facility (Landfill) at 2111 North 52<sup>nd</sup> Street or as directed by the CITY.

The CITY will pick up AC Superpave (FAA 41) and AC Leveling Course (FAA 41) at the CONTRACTOR's plant site. The CITY will make an adjustment to the base bids received for the AC Superpave (FAA 41) and the AC Leveling Course (FAA 41), based upon the distance and time to travel from the geographic center of Bismarck (1820 East Boulevard Avenue) to the CONTRACTOR's plant. This adjustment will be made to determine best and lowest bid. A trip add-on of \$2.83 per ton of hot mix asphalt for Northern Improvement Company (NIC) shall be calculated and applied based on the 20-minute round trip travel time to NIC's hot mix plant located at 1721 Burlington Drive, Bismarck; and a trip add-on of \$5.04 per ton of hot mix asphalt for Mariner Construction d/b/a Strata Corporation shall be calculated and applied based on the 35-minute round trip travel time to Mariner Construction d/b/a Strata Corporation's hot mix plant located at 16163 Industrial Park Drive, Menoken. The CITY calculated that this haul time costs the CITY \$85.38 per hour for labor, equipment, and fuel. Haul time costs are calculated using a 9.74-ton asphalt load, determined by averaging CITY truck asphalt load weight over a ten-year period from 2012 to 2022. Payment for AC Superpave (FAA 41) and AC Leveling Course (FAA 41) shall be made at the asphalt base price bid.

AC Leveling Course (FAA 41) and AC Superpave (FAA 41) shall be available at the CONTRACTOR'S plant site at any time the CONTRACTOR is normally producing the materials. The CITY reserves the right to purchase AC Superpave (FAA 41) or AC Leveling Course (FAA 41) from another supplier when it is deemed in the best interests of the City of Bismarck (for example, when the CONTRACTOR'S plant is not in production, or when the quantity of asphalt material to be obtained would make it uneconomical to haul from a greater distance).

## **SPECIAL PROVISIONS**

### **SPECIAL PROVISION NO. 1**

#### **(Part A)**

#### **AC Leveling Course (FAA 41) and AC Superpave (FAA 41)**

AC Leveling Course (FAA 41) and AC Superpave (FAA 41) shall conform to Section 401 of said Construction Specifications and shall have minimum superpave mix properties that meets FAA 41 requirements.

### **SPECIAL PROVISION NO. 2**

#### **(Parts A & B)**

#### **Frequency of Tests**

Asphalt frequency of testing shall conform to Section 401-5.11(c) with the following exception:

One dry belt sample and one bituminous mix sample shall be taken and tested per 250 tons of AC Superpave (FAA 41) material produced.

One dry belt sample and one bituminous mix sample shall be taken and tested per 100 tons of AC Leveling Course (FAA 41) material produced.

### **SPECIAL PROVISION NO. 3**

#### **(Parts C & D)**

#### **Asphalt Cement Sealant**

Asphalt cement sealant bitumen shall be PG 58-28 or PG 58S-28 and shall be paid for at the unit price bid per ton (TON) supplied and delivered for 405-8.1A "Asphalt Cement Sealant (PG58-28)." DP-1 and CRS-2 will be paid for at the unit price bid per gallon (GAL) supplied and delivered in 250-gallon containers for 405-8.1B "Asphalt Cement Sealant (DP-1)" and 405-8.1C "Asphalt Cement Sealant (CRS-2)."

### **SPECIAL PROVISION NO. 4**

#### **(Part E)**

#### **Bituminous Seal Oil**

Bituminous seal oil shall be CRS-2P as set forth in Section 403-2.3 in said Construction Specifications and shall be paid for at the unit price bid per ton (TON) for "SP No. 4 Bituminous Seal Oil (CRS-2p)".

**SPECIAL PROVISION NO. 5  
Oil Price Adjustment**

The invoices for asphalt cement and bituminous seal oil shall be provided with the executed city agreement for 2024 construction. The contract unit price shall be firm for the first one (1) month of the contract period. Thereafter, successful bidders may request a price adjustment (increase or decrease) at a minimum frequency of one (1) month. A written request for a price adjustment must be submitted to the Public Works Department and must include justification for the proposed change. The provision will remain in effect throughout the duration of the contract. Enactment of the asphalt cement and seal oil price adjustment clause will only be considered when the increase or decrease in the price of asphalt cement or seal oil as defined herein exceeds ten (10) percent.

The justification should establish a base line at the time of bidding or last approved price adjustment and current pricing. For example: a copy of an invoice for seal oil at the time of bidding would establish the base line and an invoice at the time of the request would indicate the increase or decrease.

The CITY will respond as follows:

- (1) The request may be granted.
- (2) More justification may be requested.
- (3) The price paid may continue without change.

If a price adjustment is approved by the CITY, the date the adjustment will be effective along with the new unit prices will be included in the written response to the requestor. Approval of any price adjustments renews the one (1) month firm price period.

The CITY shall also be advised of and receive the benefit of any price decrease. The same notification and review process will apply to a decrease in cost.

**SPECIAL PROVISION NO. 6  
(Part F)  
Crushed Granite**

Crushed Granite shall be washed, have a negative charge, and shall meet the following gradation of percent passing square mesh sieve sizes:

Sieve	% Passing
3/8"	100
#4	28
#8	1.7
#16	1.1
#50	0.5
#200	0.2

The CONTRACTOR shall provide test results of electrical charge, gradation, and shale content upon pick up of material by CITY at the plant site. Material shall also be tested for gradation at the rate of 1 test per 100 tons of material prior to pick up by the CITY at the plant site. All cost of testing shall be included in the price bid for SP No 6 Crushed Granite.

The CITY will take delivery of the crushed granite at the supplier's plant site or warehouse within 20 miles of 601 South 26<sup>th</sup> Street, Bismarck, North Dakota. Crushed Granite shall be paid for at the unit price bid per ton (TON) for "SP No. 6 Crushed Granite".

**SPECIAL PROVISION NO. 7  
(Part G)  
High Performance Cold Mix Patch Material**

High performance cold mix patch materials shall be obtainable in either 50-lb. bags or in bulk by the ton. Smaller or larger bags will be accepted, however, the price per bag shall reflect the cost of a 50-lb. bag. The CITY will take delivery of the High-Performance Cold Mix Patch Material at the supplier's plant site or warehouse within 20 miles of 601 South 26th Street, Bismarck, North Dakota.

The specified aggregate shall be combined with a High-Performance Cold Mix Oil in accordance with manufacturer's recommendations to produce a "High Performance Cold Mix Patch Material" acceptable to the CITY. The finished product shall be equal to OmegamiX as produced by Northern Improvement Company or EX Street Mix as produced by Mariner Construction d/b/a Strata Corporation. Standard cold mix utilizing SC and/or MC oils combined with NDDOT Class 25, 27, 29, or other aggregates will not be accepted. Special Provision No. 5 "Oil Price Adjustment" shall also apply to this item.

The aggregate shall be crushed rock with a minimum 90% fractured faces for the OmegamiX or a minimum 35% fractured faces for the EZ Street Mix and meet the following gradation:

OmegamiX		EZ Street Mix	
Sieve	% Passing	Sieve	% Passing
3/8"	100	3/4"	100
#4	60-85	1/2"	93-100
#8	8-20	3/8"	89-99
#16	0-10	#4	32-40
#50	0-10	#8	11-19
#200	0-5	#200	0.7-3.7

High perform and cold mix patch material shall be paid for at the unit price bid per 50 lb. bag (BAG) for "SP No. 7A Cold Mix Patch Material (Bag)" and at the unit price bid per ton (TON) for "SP No. 7B Cold Mix Patch Material (Ton)".

**MATERIALS HAULED BY CONTRACTOR**

At the request of the CITY, any of the materials except AC Superpave (FAA 41), AC Leveling Course (FAA 41), Crushed Granite, High Performance Cold Mix Patch Material shall be hauled to the Department of Public Works storage yard located at 601 South 26<sup>th</sup> Street in accordance with the following special provisions:

1. The haul route shall be along a designated truck route whenever feasible.
2. The material shall be weighed at the loading site. The weigh ticket shall contain location and destinations of load. At the unloading site the ticket shall be verified as to destination and given to an authorized representative of the CITY.
3. The unit price shall include furnishing truck, and all operational costs, such as operator, fuel, oil, repairs, etc., including liability insurance. The unit price must include the materials hauled.
4. The CONTRACTOR shall provide results of tests from an approved testing facility of an adequately sized sample of aggregate and bituminous material before any material may be delivered.

**MATERIALS HAULED BY OWNER**

1. Plant location will be verified by a representative of the CITY prior to bidding date.

The CONTRACTOR shall provide results of tests from an approved testing facility of an adequately sized sample of aggregate and bituminous material before any material may be delivered.

PROPOSAL

Bidder: \_\_\_\_\_ Date: \_\_\_\_\_

Commissioners:

The undersigned proposes to furnish street maintenance materials to the CITY OF BISMARCK until April 14, 2025, at the unit prices listed below:

**PART A**

Item No.	Item	Quantity	Unit	Unit Price	Total
401-6.11	AC Leveling Course (FAA 41)	200	Ton		
401-6.21	AC Superpave (FAA 41)	7,000	Ton		
<b>TOTAL SUM BID PART A</b>					

**PART B**

Item No.	Item	Quantity	Unit	Unit Price	Total
402-4.2	Bituminous Tack Oil	4,000	Gal		
<b>TOTAL SUM BID PART B</b>					

**PART C**

Item No.	Item	Quantity	Unit	Unit Price	Total
405-8.1A	Asph. Cement Sealant (PG 58-28)	42	Ton		
<b>TOTAL SUM BID PART C</b>					

**PART D**

Item No.	Item	Quantity	Unit	Unit Price	Total
405-8.1B	Asph. Cement Sealant (DP-1)	1,250	Gal		
405-8.1C	Asph. Cement Sealant (CRS-2)	1,250	Gal		
<b>TOTAL SUM BID PART D</b>					

**PART E**

Item No.	Item	Quantity	Unit	Unit Price	Total
SP No. 4	Bituminous Seal Oil (CRS-2P)	42	Ton		
<b>TOTAL SUM BID PART E</b>					

**PART F**

Item No.	Item	Quantity	Unit	Unit Price	Total
SP No. 6	Crushed Granite	200	Ton		
<b>TOTAL SUM BID PART F</b>					

**PART G**

Item No.	Item	Quantity	Unit	Unit Price	Total
SP No. 7A	Cold Mix Patch Material (Bag)	240	Bag		
SP No. 7B	Cold Mix Patch Material (Ton)	130	Ton		
<b>TOTAL SUM BID PART G</b>					

The foregoing proposal is in accordance with the advertisement and the specifications, and the Bidder agrees on acceptance of this proposal to enter into contract and complete said work in accordance with the advertisement and specifications and this proposal, all of which shall be made a part hereof.

Firm (Legal Name) \_\_\_\_\_

Signature (Authorized) \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

City State Zip

Email Address \_\_\_\_\_

Telephone ( ) \_\_\_\_\_

Cell Phone ( ) \_\_\_\_\_

Contractor's License Type \_\_\_\_\_

Number \_\_\_\_\_