



Public Works Service Operations

DATE: April 9, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Type BL LED Luminaires Bid Award

REQUEST:

Award bid for Type BL LED Luminaires to Border States Industries, Inc.

BACKGROUND INFORMATION:

The Public Works Service Operations Department opened bids on Friday, March 22, 2024, for Type BL LED Luminaires. One bid was received. The recommendation is to award the bid to Border States Industries, Inc. in the amount of \$61,875.00. The bid tabulation and RFB is attached.

RECOMMENDED CITY COMMISSION ACTION:

Award bid for Type BL LED Luminaires to Border States Industries, Inc. in the amount of \$61,875.00.

STAFF CONTACT INFORMATION:

ATTACHMENTS:

1. BID TAB 2024 Type BL LED Luminaires 3.22.2024
2. 2024 Type BL LED Luminaires Request for Bids

**OFFICE OF THE CITY ADMINISTRATOR
PO BOX 5503 (221 N 5TH STREET)
BISMARCK ND 58506-5503**

**TYPE BL LED LUMINAIRES - BID TABULATION
FRIDAY, MARCH 22, 2024
BIDS RECEIVED BY 9:00 AM CT
BIDS OPENED BY 10:00 AM CT**

VENDORS			Border States	
BID BOND & ND CONTRACTOR'S LICENS			Yes	
ITEM	UNIT	QUANTITY	UNIT COST	TOTAL COST
Special Provision 1 Type BL LED Luminaires	Each	55	\$1,125.00	\$61,875.00
Total Sum			Total Sum	\$61,875.00

**REQUEST FOR BIDS
TO
PROVIDE
TYPE BL LED LUMINAIRES**

**BIDS RECEIVED BY 10:00 AM. CT
BIDS OPENED BY 11:00 AM. CT
WEDNESDAY, MARCH 22, 2024**

OFFICE OF THE CITY ADMINISTRATOR
PO BOX 5503 (221 N 5TH STREET)
BISMARCK ND 58506-5503

DEPARTMENT OF PUBLIC WORKS
SERVICE OPERATIONS – ELECTRICAL DIVISION
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 is seeking bids to provide Type BL LED Luminaires.

Sealed bids will be received in the office of the City Administrator, until 10:00 a.m. CT on Friday, March 22, 2024. Bids will be publicly opened and reviewed at 11:00 a.m. CT on Friday, March 22, 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 to provide LED Luminaires”

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 26th St, Bismarck ND 58504, or Gale Nicholson, 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.

CITY OF BISMARCK
Jason Tomanek
City Administrator

Adv 3/5, 3/12

GENERAL SPECIFICATIONS

1. Bids may be accepted or rejected in the best interest of the City of Bismarck.
2. The bid will be awarded on the lowest Total Sum based on the fixture quantities and descriptions listed on the proposal sheet.
3. Bids may be rejected if they show any alteration of form, additions not called for, conditional or alternate bids, incomplete bids, or irregularities of any kind, or if they contain a clause in which the bidder reserves the right to accept or reject a contract awarded to him. Bids in which the prices are obviously unbalanced or bids otherwise regular which are not accompanied by a satisfactory bid bond will be rejected.
4. No bid will be considered unless accompanied by a bidder's bond or certified check in an amount equal to five (5) percent of the gross sum bid, attached to the outside of the bid envelope, which bond or check will be forfeited should the bidder fail to effect a contract within ten (10) days after a notice of award.
5. The total price is to be less federal excise tax for which exemption certificates will be furnished.
6. The bidder must submit Detailed Manufacturer's Specifications along with its bid or they will be rejected.
7. All luminaires shall be delivered to the City of Bismarck no later than **July 30, 2024**, a maximum of 16 weeks after award.
8. Purchases by the City of Bismarck are not subject to the North Dakota State Sales Tax.
9. Bids shall be on the bid forms furnished in the specifications packet.
10. Liquidated Damages. Owner and Contractor recognize that time is of the essence of this Agreement and that the Owner will suffer inconvenience and financial loss if the delivery date is not met. The parties recognize the difficulties of estimating or proving the financial loss and/or inconvenience of the Owner by the failure to meet the delivery date. Both the Owner and Contractor agree that the Owner has made a reasonable estimate of financial loss and inconvenience caused by a delay that the stated damages are reasonable in amount and reasonably related to the actual damages that would be suffered by the Owner as a result of delayed delivery. Accordingly, instead of requiring any actual proof of damages, Owner and Contractor agree to the sum of \$50 per each day of non-delivery beyond the delivery deadline as reasonable liquidated damages (and not as a penalty) and also agree that the recitals in this paragraph are conclusive presumptions pursuant to NDCC Section 31-11-02.
11. The City reserves the right to waive all technicalities or deviations from specifications, if deemed not material, in the City's sole discretion.
12. As a political subdivision, the City of Bismarck will not agree to indemnify or hold harmless any bidder or contractor for any actions or negligence of the bidder or contractor or for any third-party liability. The City of Bismarck will agree to be responsible for its own actions and for the actions

of its officials, officers, employees, or agents. By submitting a response to this RFP, the bidder or contractor agrees that it will not ask the City of Bismarck to indemnify or hold harmless the bidder or contractor.

13. It is the policy of the City of Bismarck to comply with all laws, rules, regulations, and orders with respect to local preference, non-discrimination, wages and hours and all other applicable laws, rules, regulations, and orders. All suppliers, contractors, and service providers doing business with the City of Bismarck must certify that they are in compliance with all federal, state and local laws, regulations and orders including but not limited to those regarding non-discrimination, wages and hours, workers' compensation and immigration. Failure of compliance may result in the cancellation of any City of Bismarck contract and exclusion from consideration for future contracts.

**SPECIAL PROVISION NO. 1
PROVIDE
TYPE BL LED LUMINAIRES**

Prices provided shall include shipping to the City of Bismarck Public Works Department.

The luminaires shall be furnished per City of Bismarck Standard Specification with the following provisions:

- a. Type BL Luminaire, post top fixture having the following features:
 - 1. Type and style of fixture to equal to Holophane, model PTUE3 series.
 - 2. Heavy grade cast aluminum, non-photocell type housing with tool-less access to electrical components, integral slip-fitter for 3-inch OD tenon for mounting to the pole having a total of 6 tenon set screws, black polyester powder coat finish to meet a 5000 hours salt spray test.
 - 3. High CRI LEDs with IES Type III photometrics with a semi cutoff distribution glass refractor, BUG rating not to exceed B3-U3-G3
 - 4. Luminaire to operate LED's at 4000K with minimum lumen output of 7000 lumens, a maximum rated power of 60W, and a maximum driver current of 1075 mA.
 - 5. The fixture shall be L70 rated, have a full 10-year manufacturer's warranty, and UL Listed or CSA Certified to UL Standards.
 - 6. Surge protection shall protect against a 22kA 8/20 microSec wave with clamping voltage of 320V and surge rating of 273J per ANSI C.62.
 - 7. Manufacturer:
Holophane, PTUE3-P40-40K-MVOLT-GL3-BK-BL.

Submission for preapprove equals shall be per Section 1004 of the Standard Specifications.

PROPOSAL

Bidder: _____

Date _____, 2024

To The Honorable Board of City Commissioners
Bismarck, North Dakota

We the undersigned agree to furnish to the City of Bismarck the following: Provide Luminaires conforming to the General Specifications and the Special Provisions at bid prices listed below.

ITEM	UNIT	UNIT COST	QTY	TOTAL COST
Special Provision 1				
Type BL LED Luminaires	EA	\$ _____	55	\$ _____
		Total Sum	55	\$ _____

Firm (Legal Name) _____

Signature (Authorized) _____

Printed Name _____

Title _____

Mailing Address _____

City _____ State _____ Zip _____

Email Address _____

Telephone () _____

Cell Phone () _____

Contractor's License Type _____

Number _____