



COMMISSION ORDER

STATE OF MISSOURI }
County of Franklin } ss.

Tuesday, October 24, 2023
Bid Award

**IN THE MATTER OF AWARDING THE BID FOR "HOT MIX OVERLAY
-GOOD HOPE ROAD, BIG BRANCH RD. & GERMANTOWN
ROAD" TO N.B. WEST CONTRACTING COMPANY**

WHEREAS, a Public Notice to Bidders asking for sealed bids for "Hot Mix Overlay-Good Hope Road, Big Branch Rd. & Germantown Road." was published in the Washington Missourian September 13, 2023 edition for receipt by October 11, 2023; and

WHEREAS, four (4) bids were received from N.B. West Contracting Company; Keeley Construction Group; Kolb Grading, LLC; and Pace Construction Company, LLC.; and

WHEREAS, after due deliberation and consideration, it is the recommendation of the Franklin County Purchasing Department that the contract for "Hot Mix Overlay-Good Hope Road, Big Brach Rd. & Germantown Road" be awarded to the lowest and most responsive bidder, N.B. West Contracting Company; and

WHEREAS, the Franklin County Commission hereby finds and determines it is in the best interest of Franklin County to award the bid for "Hot Mix Overlay-Good Hope Road, Big Branch Rd. & Germantown Road" to N.B. West Contracting Company.

IT IS THEREFORE ORDERED by the Franklin County Commission that the contract for "Hot Mix Overlay-Good Hope Road, Big Branch Rd. & Germantown Road" be and is hereby awarded to N.B. West Contracting Company.

IT IS FURTHER ORDERED that the Presiding Commissioner, Tim Brinker, is authorized to execute any and all documents as may be necessary or desirable to carry out and comply with the intent of this Order, for and on behalf of the County of Franklin, Missouri.

IT IS FURTHER ORDERED that a copy of this Order be provided to N.B. West Contracting Company; Jim Grutsch, Highway Administrator; Michelle Patke, Highway Department; Shakara Bray, Purchasing Director; Meagan Johnson, Purchasing Agent; Lynne Maloney, Accounts Payable; and to Angela Gibson, Auditor.

Handwritten signature of Tim Brinker in red ink.

Presiding Commissioner

Handwritten signature of Todd Bailey in blue ink.

Commissioner of 1st District

Handwritten signature in red ink, likely J. D. A.

Commissioner of 2nd District

FRANKLIN COUNTY

PURCHASING DEPARTMENT

400 EAST LOCUST STREET, RM 004
UNION, MO 63084
636-584-6274



October 12, 2023

Tim Brinker, Presiding Commissioner
Todd Boland, 1st District Commissioner
Dave Hinson, 2nd District Commissioner

RE: 2023-22 Hot Mix Overlay – Good Hope Road, Big Branch Rd. & Germantown Road

Dear Commissioners,

On October 11, 2023, the Purchasing Department received and opened four bids. The publication date of the solicitation was September 13, 2023. The responses were from NB West, Keeley Construction Group, Kolb Grading, LLC. and Pace Construction Company, LLC. Following review, the Purchasing Department hereby submits a recommendation for awarding NB West as they are the lowest and most responsive.

Respectfully,

A handwritten signature in black ink that reads "Shakara Bray". The signature is written in a cursive, flowing style.

Shakara Bray,
Purchasing Agent, Franklin County Missouri

2023-22 Hot Mix Overlay - Good Hope Road, Big Branch Rd. & Germantown Road Tab Sheet

Bidder	Total Project Cost
NB West	\$732,115.00
Keeley Construction Group	\$913,500.00
Kolb Grading, LLC.	\$770,100.00
Pace Construction Company, LLC.	\$857,577.00

Original



**FRANKLIN COUNTY
PURCHASING DEPARTMENT
REQUEST FOR BID (RFB) COVER PAGE**

RFB NO: 2023-22

TITLE: Hot Mix Overlay-Good Hope Road, Big Branch Rd. & Germantown Road

Solicitation Schedule & Deadlines:

September 13, 2023	Solicitation Release/Advertising Date
September 20, 2023 2:00PM	Deadline for Submitting Questions
September 22, 2023 4:30 pm	Deadline to post Addendum
October 11, 2023 2:00 pm	Deadline to Submit Response
October 11, 2023 2:30 pm	Opening Date I Time

Responses must be received no later than "Deadline to Submit Response"

October 11, 2023 2:00PM

Shakara Bray, Purchasing Agent

Meagan Johnson, Assistant Purchasing Agent

Phone: 636-584-6274 Email: purchasing@franklinmo.gov

Submittal Instructions: Print this Packet in its entirety and complete all pages per instructions. Print the SEALED RESPONSE LABEL found in Attachment 1 of this packet and attach to the front of your envelope.

Company Name: NB West Contracting

SUBMISSION CHECKLIST

_____ I have reviewed the bid schedule and deadlines, located on the solicitation cover page

_____ I have read ALL Terms and Conditions and Bid documents closely

(Located at www.franklinmo.org)

THE ITEMS LISTED BELOW ARE THE REQUIRED DOCUMENTATION FOR SUBMITTING A RESPONSE

USE THESE FORMS ONLY

_____ Solicitation Cover page

_____ Contractual Terms and Conditions Acknowledgement

_____ Pricing Form completed and signed.

_____ Bid Bond or Cashier's check-5% of total bid

_____ I have reviewed Annual Wage Order No. 30

_____ Affidavit for Work Authorization is completed and Notarized.

_____ I have one original and two copies that are labeled accordingly.

_____ I have included contact information.

_____ Envelope is sealed and label attached

PROJECT OVERVIEW

Franklin County is seeking a qualified contractor to provide hot mix overlay for Good Hope Road, Big Branch Road & Germantown Road. **The work shall consist of a bituminous overlay on an existing asphalt surface. NOTE: Good Hope Road is a rock surface. Prime will need to be applied & a 2" compacted thickness surface.** The completion date of the project is no later than November 15, 2023.

The bid is to include all labor, materials, equipment, services, etc. required for the performance and completion of the project. Items listed with respective quantities on the price sheet are tack coat, bituminous pavement, milling, pavement marking, traffic control, and mobilization.

SPECIFIC REQUIREMENTS

1. The awarded Contractor must be able to provide hot mix overlay as specified in this solicitation.
2. The project shall be defined by the road the work is located on.
3. The Contractor will be responsible for obtaining all permits required to complete the work as described in the bid documents.
4. All hand-held equipment and materials will be considered incidental to the work.
5. If dumping waste, a waste disposal agreement between the property owner and Franklin County Highway Department will need to be filled out and on file at the Franklin County Highway Department Office before removing any waste from the site. Using a known dump or recycler is exempt from this requirement.
6. One (1) week prior to beginning work, the Contractor shall notify the Highway Administrator of the tentative schedule.
7. Each day the Contractor will be responsible for informing the Highway Administrator or his duly appointed representative of the next day's work.
8. A written Notice to Proceed shall be issued prior to the start of work.
9. Mobilization is defined, for the purpose of this contract, as the cost to move in, setup, teardown, and leave the site. Mobilization will be paid in one (1) lump sum as noted on the pricing sheet.
10. No work shall be performed between 3:30 pm on Fridays and 7:00 am on Mondays. No work shall be performed between 3:30 pm the day prior to a holiday and 7:00 am the day following a holiday. A list of County observed holidays may be provided upon request.
11. In accordance with the 2009 Manual of Uniform Traffic Control Devices, Section 6D.03 Worker Safety Considerations shall apply. Paragraph 04 contains the standard.
12. Specifications, with MoDOT Sections listed, are from the Missouri Department of Transportation (MoDOT) Standard Specifications for Highway Construction 2018 and all supplemental specifications and will govern the work performed (including testing) where applicable. In all MoDOT Sections, the Franklin County Highway Administrator or his duly appointed representative will be substituted for Construction and Materials and the Commission.
13. Asphalt Cement Price Index MoDOT Section 109.15
The Contractor is responsible for adjusting asphalt prices according to MoDOT's Asphalt Cement Price Index prior to submitting invoice. The Bidder may request to not use MoDOT's Asphalt Cement Price Index using a letter with the bid documents. MoDOT's Asphalt Cement Price Index can be found posted on the MoDOT website, www.modot.org, go to Business, then Contractor Resources, the Bid Opening Info, under the heading Documents click on Asphalt Price Index. Viewing the month of the letting will show the Asphalt Price Index for the month. The Asphalt Cement Price Index is posted the Monday prior to the third Friday of each month. Please use the most current Asphalt Cement Price Index.

Adjustments will be made to the payments due the bidder for any plant mix bituminous base, plant mix bituminous pavement, plant mix bituminous surface leveling, asphaltic concrete pavement and ultrathin bonded asphalt wearing surface that contains PG64-22, PG70-22 or PG76-22 when it has been determined that the monthly average price for the midpoint of the published prices of PG64-22 for St. Louis, Missouri area and Kansas City area has fluctuated from the monthly average price of the month

the project was bid. The St. Louis, Missouri area and Kansas City area prices will be obtained from the Asphalt Weekly published by Poten & Partners Inc. The monthly base price will be the price from the last published Asphalt Weekly Monitor prior to the bid opening. The monthly base price, established prior to the monthly bid opening, shall apply to payment estimates for the following month.

The adjusted contract unit price will be applied to the actual amount of asphalt binder. The percentage of virgin asphalt, as shown in the job mix formula, will be the basis for adjustments for any asphalt mix purchased during the monthly index period. The effective asphalt obtained from the use of Recycled Asphalt Pavement (RAP) and/or Recycled Asphalt Shingles (RAS) will not be eligible for adjustment. The base price index for PG64-22 will be applied to the asphalt mix for mixed using PG64-22.

To determine the adjustment for any material specified in this provision the following formula will be used.

$$A = (B \times C) \times (D - E)$$

Where:

- A = Adjustment for mix placed during monthly average index period
- B = Tons of Mix Placed during the monthly average index period
- C = % of virgin asphalt binder as listed in the job mix formula in use
- D = monthly average price at time of mix placement
- E = monthly average price at time of bid

14. The awarded Contractor agrees that the work will not begin before the authorization date in the notice to proceed and that the work will be completed by the September 1, 2023 deadline. If the Contractor fails to complete the work in the time specified or such additional time as may be allowed by Franklin County, under an amendment to the contract, liquidated damages in the amount of \$500 per working day, after the contract specified deadline will apply.
15. If additional equipment is required, an hourly price will be negotiated and agreed to. If no agreement is reached, the Federal Emergency Management Agency (FEMA) established hourly rates will be used. If the piece of equipment is not listed, the next closest piece of equipment will be used.
16. A Payment and Performance bonds are required for the full amount of the contract price with a surety company authorized to do business in the State of Missouri and satisfactory to the County, conditioned for the faithful performance of this contract and the guarantee of the work. Both contract and bonds shall be executed in a form acceptable to the County. The cost of the bonds shall be included in the price of the bid. The bonds shall be executed and delivered to Franklin County within 15 calendar days of award.
17. A bid bond or Cashier's check in the amount of 5% of the total bid amount shall be included with the submitted bid.
18. A 5% retainage will be held for each project, until all work is satisfactorily completed, this includes final paperwork. Prior to issuance of final payment, the Affidavit of Compliance with Prevailing Wage Law will be signed and submitted to the Franklin County Purchasing Agent. Final paperwork shall be submitted within one (1) month of final written acceptance of each project site.
19. All invoices must show purchase order numbers, provided by Franklin County, and the total for each purchase order number listed on each project and the total amount for that project.
20. If additional services are necessary for the completion of this bid project, a change order is required.

21. Prevailing Wage

- a.) Not less than the prevailing hourly rate of wages, as set out in the wage order attached to and made part of the specification for work under the contract, shall be paid to all workers performing work under the contract. (Section 290.250, RSMo.)
- b.) The contractor will forfeit a penalty to the contracting public body of \$100 per day (or portion of a day) for each worker that is paid less than the prevailing rate for any work done under the contract by the contractor or by any subcontractor. (Section 290.250, RSMo).
- c.) The contractor and all subcontractors to the contract must require all on-site employees to complete the ten-hour construction safety training program required under Section 292.675, RSMo, unless they have previously completed the program and have documentation of having done so.
- d.) The contractor will forfeit a penalty to the contracting public body of \$2500 plus an additional \$100 for each employee employed by the contractor or subcontractor, for each calendar day, or portion thereof, such employee is employed without the required training. (Section 292.675, RSMo).

22. Insurance Requirements:

- Worker's Compensation: Equal to or in excess of limits of Worker's Compensation Law's in the State of Missouri.
- Liability Insurance: The contractor shall indemnify and save harmless the County from all suits or action of every name and description brought against the County for or on account of any personal injuries, including accidental or resulting death, or property damages, received or claimed to be received or sustained by any persons due to the construction of the work, or by, or in consequence or assigns in safeguarding it, or by, or on account of any act or omission of the Contractor, his employees, agents, or assigns.
- The Contractor shall carry adequate public liability and property damage insurance for the joint and several benefits of the contractor and the County with a company licensed to do business in the State of Missouri and satisfactory to the County and in the amount not less than those specified below. The amounts of coverage required are for public liability of the Contractor in protecting the County from damage or injury claims. The County shall have the right to require the contractor to increase any or all such insurance policy limits while the contract work is in progress in the event the County Highway Administrator determines that unusual or special risks revealed by the work so required and in such amounts as the County Highway Administrator may determine to be adequate, and without hereby limits the liability of the Contractor in protecting the County from damage or claim. Franklin County shall be named as an additional insured under General Liability.
- The coverage shall insure the County and its officers and employees while acting within the scope of their duties against all claims arising out of or in connection with the work to be performed.
- The cost of the insurance shall be included in the prices for the various items of work and no additional payment will be made therefore.
- The minimum acceptable coverage in U.S. dollars is tabulated below:

Coverage Item	Public Liability	Property Damage
Each Person Each Occurrence	\$400,000	\$3,000,000

Each Accident Each Occurrence	\$3,000,000	\$3,000,000
Aggregate Each Occurrence	\$3,000,000	\$3,000,000

- Certificate of Insurance sent to the County as evidence of insurance shall contain the following statements; and in their absence, the Certificate will not be satisfactory to the County.

a) The insurance evidenced by this certificate cancelled or altered thirty (30) days from date of receipt by the County will require written notice thereof.

b) The insurance evidenced by this certificate expressly includes blanket underground coverage including, but not limited to, injury or destruction of wire, conduit pipes, mains, sewers or other similar property, or any apparatus in connection therewith below the surface of the ground, whether or not such injury is caused by and occurs during the use of mechanical equipment, for the purpose of grading of land, paving, backfilling, excavating or drilling, or to injury to destruction of property at any time resulting therefrom.

c) The insurance evidenced by this certificate expressly includes personal injury or death by injury to or destruction of any property arising out of blasting or explosion, or the collapse of a structural injury to any buildings or structures due to grading of land, excavation, burrowing filling, backfilling or tunneling.

23. E-Verify

Completion of Affidavit of Work Authorization and provide acceptable documentation of enrollment in the program.

The contents of this section include mandatory requirements that will be required of the successful bidder and subsequent contractor. The offeror is requested to provide responses to the requirements/desired attributes in this section pursuant to the directions identified herein. The offeror's response, whether responding to a mandatory requirement or a desired attribute, shall be binding in the event the bid is accepted by Franklin County. The offeror must provide all costs necessary to meet the mandatory requirements and the fulfillment of any desirable attributes in the appropriate section titled Pricing.

Scope of Work Requirements

1. Bituminous Pavement MoDOT Section 401 – All Bituminous Pavement is to be 1.5 inches thick unless otherwise noted. The edges past the required paving width shall be tapered down at a rate of 4 horizontal to 1 vertical on the edges if a surface exists to place the taper on. All taper shall be compacted by rolling. No density will be required on tapers.
2. Section 401.2.1 The grade of asphalt binder to be used is PG64-22.
3. Section 401.4 Job Mix Formula. The mix used shall be BP-1 pavement mix. In addition to the MoDOT Specification, the mix used shall be a mix previously used by MoDOT within the time limit requirements of Section 401.4.6.
4. Section 401.7.3 Subgrade Preparation. The existing roadway shall be considered the subgrade. The subgrade shall be cleaned and tacked according to Section 407. **Any rutting or damage to the subgrade shall be fixed at the contractor's expense.**
5. A certified testing agency shall be contracted by the Contractor to perform Quality Assurance (QA) Testing. QA testing shall address depth and compaction. Reports will be submitted to the Franklin County Highway Administrator in a timely manner. Payment will be incidental to the cost for bituminous material.
6. Tack Coat MoDOT Section 407 – Tack coat shall be applied at the rate of 0.07 Gallon/square yard or as directed by the inspector.
7. Traffic Control MoDOT Section 616 – Traffic control will be paid one (1) lump sum as noted on the pricing sheet.
Each road will require one (1) Road Work Ahead and one (1) Flagger Ahead sign be placed at the beginning and end of each road. A minimum of two (2) flaggers will be provided to direct traffic around the work zone.
Cost to relocate signs and flaggers shall be included in the bid.
Construction signs and flagger will meet MUTCD standards.
Please note Section 616.4.2
8. Pavement Marking MoDOT Section 620.50 – Section 620.2.2.1 Permanent pavement marking shall be in place not later than 30 days after final paving operations. Payment shall be made in lineal feet in place.
Pavement marking shall be a 4-inch-wide yellow centerline paint mark. Centerline pavement marking shall be 10 feet long with 30 feet spacing. Edge lines shall be 4-inch-wide white paint mark along the entire length of the improved roadway.
Note: No pavement Markings in Gray Summit Hills Subd.
9. Traffic Flow – One lane of traffic is required to be open at all times. Exposed oil shall not be open to traffic.
10. Milling – Milling will be required along the edge of the roadway where it abuts improved entrances, other than rock surfaces. Milling shall be a minimum of six (6) feet in width, minimum one and one-half (1 ½) inches thick at the entrance tapering to nothing in six (6) feet and shall be paid based on surface square yard milled. No extra payment will be made for width of any milling greater than six (6) feet in width. The length of each mill for an improved surface shall be extended 25 feet on either side of the end of the entrance radii. Butt joints shall be placed at roadways intersecting the road being overlaid.

Milling shall be a minimum of one and one half (1 ½) inches at the intersecting road edge and tapering to nothing in twenty-five (25) feet. Payment shall be based on surface square yard milled.

11. Rollers – Contractor shall provide adequately sized breakdown and finish roller to meet compaction requirements.

12. FCHD Information – Good Hope Road Road: 31, 000 sy 2”

Big Branch Road: 13,000 sy 1.5”

Germantown Road.: 27,000 sy 1.5”

Contractor site visit is strongly encouraged.

Claims for conditions not acknowledged and addressed by addendum will not be considered.

The contents of this section include mandatory requirements that will be required of the successful bidder and subsequent contractor. The offeror is requested to provide responses to the requirements/desired attributes in this section pursuant to the directions identified herein. The offeror's response, whether responding to a mandatory requirement or a desired attribute, shall be binding in the event the bid is accepted by Franklin County. The offeror must provide all costs necessary to meet the mandatory requirements and the fulfillment of any desirable attributes in the appropriate section titled Pricing.

CONTRACTUAL TERMS AND CONDITIONS ACKNOWLEDGEMENT

The undersigned Vendor/Contractor has read, understood, and accepted the Terms and Conditions as published on the Franklin County Official Website located at:

<http://www.franklinmo.org>

All terms and conditions as stated shall be adhered to by Vendor/Contractor upon acceptance of contract. Vendor/Contractor enters into this agreement voluntarily, with full knowledge of its effect.

Dave Laramore

10-11-13

Vendor/Contractor Signature

Date

Dave Laramore

Project Manager

Vendor/Contractor Name and Title

AFFIDAVIT OF WORK AUTHORIZATION

The grantee, sub grantee, contractor or subcontractor who meets the section 285.525, RSMo definition of a business entity must complete and return the following Affidavit of Work Authorization.

Comes now Dave Larson (Name of Business Entity Authorized Representative)
as Project Manager (Position/Title)

first being duly sworn on my oath, affirm NB West (Business Entity Name) is enrolled and will continue to participate in the E-Verify Federal Work Authorization program with respect to employees hired after enrollment in the program who are proposed to work in connection with the services related to RFB 2023-22 (Bid/Grant/Subgrant/Contract/Subcontract) for the duration of the grant, subgrant, contractor, or subcontractor, if awarded in accordance with subsection 2 of section 285.530, RSMo. I also affirm that NB West (Business Entity Name)

does not and will not knowingly employ a person who is an unauthorized alien in connection with the contracted services related to RFB 2023-22 (Bid/Grant/Subgrant/Contract/Subcontract) for the duration of the grant, subgrant, contract, or subcontract, if awarded.

In Affirmation thereof, the facts stated above are true and correct. (The undersigned understands that false statements made in this filing are subject to the penalties provided under section 575.040, RSMo.)

Dave Larson _____
Authorized Representative's Signature Printed Name

Project Manager _____
Title Date

Subscribed and sworn to before me this 11 of Oct 2023. I am
Day Month, Year

commissioned as a notary public within the County of St. Louis, State of
Mo and my commission expires on Date

[Signature] _____
Signature of Notary Date

DIANA J. HAUSER
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: May 03, 2027
Commission Number: 15635188

AFFIDAVIT OF WORK AUTHORIZATION

(Continued)

CURRENT BUSINESS ENTITY STATUS

I certify that NB West (Business Entity Name) **MEETS** the definition of a business entity as defined in section 285.525, RSMo pertaining to section 285.530, RSMo as stated above.

<u>Dave Larson</u> Authorized Business Entity Representative's Name (Please Print)	<u>Dave Larson</u> Authorized Business Entity Representative's Signature
<u>NB West</u> Business Entity Name	<u>10-11-23</u> Date

As a business entity, the grantee, sub grantee, contractor, or subcontractor must perform/provide the following. The grantee, sub grantee, contractor, or subcontractor shall check each to verify completion/submission:

- Enroll and participate in the E-Verify Federal Work Authorization Program (Website: <http://www.dhs.gov/e-verify>; Phone: 888-464-4218 Email: e-verify@dhs.gov) with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services required herein;

AND

- Provide documentation affirming said company's/individual's enrollment and participation in the E-Verify Federal Work Authorization Program. Documentation shall include a page from the E-Verify Memorandum of Understanding (MOU) listing the grantee's, subgrantee's, contractors, or subcontractor's name and the MOU signature page completed and signed, at minimum, by the grantee, subgrantee, contractor, or subcontractor and the Department of Homeland Security – Verification Division; (if the signature page of the MOU lists the grantee's, subgrantee's, contractor's, or subcontractor's name, then no additional pages of the MOU must be submitted).

PRICING FORM

2023-22 Hot Mix Overlay – Good Hope Road, Big Branch Rd. & Germantown Road

REQUIRED PRICING

The bidder shall complete the following pricing table and provide firm, fixed pricing necessary to meet the mandatory requirements of the IFB.

Company: NB West

Item	Description	Quantity	Units	Unit Price	Item Total
1	Tack Coat	2,400	GA	<u>3.35</u>	<u>8040.00</u>
2	Prime Coat	4,500	GA	<u>5.40</u>	<u>24300.00</u>
3	Bituminous Pavement	7,000	TN	<u>95.50</u>	<u>668500.00</u>
4	Pavement Marking	26,000	LF	<u>0.31</u>	<u>8060.00</u>
5	Traffic Control	1.0	LS	<u>9775.00</u>	<u>9775.00</u>
6	Mobilization	1.0	LS	<u>13440.00</u>	<u>13440.00</u>

Base Project Total:

\$ 732,115.00

Signature: _____

Dave Laramore

Printed Name: _____

DAVE LARAMORE

Printed Title: _____

PROJECT MANAGER

Address: _____

18637 OLD Hwy 66, Pacific, Mo 63069

Business Phone: _____

314-962-3145

Cell Phone: _____

314-863-7229

Fax: 1

Email: _____

DLARAMORE@NBWest.com

Franklin County reserves the right to request supporting documentation for the proposed pricing. In addition, it may be necessary to evaluate the bidder's expertise and experience in order to award a bid. Franklin County reserves the right to request reference information and/or proof of expertise if necessary. *Franklin County reserves the right to request supporting documentation for the proposed pricing. In addition, it may be necessary to evaluate the bidder's expertise and experience in order to award a bid. Franklin County reserves the right to request reference information and/or proof of expertise if necessary.*