



## STANDARD BID CONDITIONS

## M-07-104A

1. **ACCEPTANCE AND REJECTION:** The Arkansas State Highway and Transportation Department (AHTD) reserves the right to reject any or all bids, to accept bids in whole or in part (unless otherwise indicated by bidder), to waive any informalities in bids received, to accept bids on materials or equipment with variations from specifications where efficiency of operation will not be impaired, and to award bids to best serve the interest of the State.
2. **PRICES:** Unless otherwise stated in the Bid Invitation, the following will apply: (1) unit prices shall be bid, (2) prices should be stated in units of quantity specified (feet, each, lbs., etc.), (3) prices must be F.O.B. destination specified in bid, (4) prices must be firm and not subject to escalation, (5) bid must be firm for acceptance for 30 days from bid opening date. In case of errors in extension, unit prices shall govern. Discounts from bid price will not be considered in making awards.
3. **BID BONDS AND PERFORMANCE BONDS:** If required, a **Bid Bond** in the form of a cashier's check, certified check, or surety bond issued by a surety company, in an amount stated in the Bid Invitation, must accompany bid. Personal and company checks are not acceptable as Bid Bonds. Failure to submit a Bid Bond as required will cause a bid to be rejected. The Bid Bond will be forfeited as liquidated damages if the successful bidder fails to provide a required Performance Bond within the period stipulated by AHTD or fails to honor their bid. Cashier's checks and certified checks submitted as Bid Bonds will be returned to unsuccessful bidders; surety bonds will be retained. The successful bidder will be required to furnish a **Performance Bond** in an amount stated in the Bid Invitation and in the form of a cashier's check, certified check, or surety bond issued by a surety company, unless otherwise stated in the Bid Invitation, as a guarantee of delivery of goods/services in accordance with the specifications and within the time established in the bid. Personal and company checks are not acceptable as Performance Bonds. In some cases, a cashier's check or certified check submitted as a Bid Bond will be held as the Performance Bond of the successful bidder. Cashier's checks or certified checks submitted as Performance Bonds will be refunded shortly after payment has been made to the successful bidder for completion of all terms of the bid; surety bonds will be retained. Surety bonds must be issued by a surety company authorized to do business in Arkansas, and must be signed by a Resident Local Agent licensed by the Arkansas State Insurance Commissioner to represent that surety company. Resident Agent's Power-of-Attorney must accompany the surety bond. Certain bids involving labor will require Performance Bonds in the form of surety bonds only (no checks of any kind allowed). In such cases, the company issuing the surety bond must comply with all stipulations herein and must be named in the U. S. Treasury listing of companies holding Certificates of Authority as acceptable sureties on Federal Bonds and as acceptable reinsuring companies. Any excess between the face amount of the bond and the underwriting limitation of the bonding company shall be protected by reinsurance provided by an acceptable reinsuring company. Annual Bid and Performance Bonds on file with E & P Division must have sufficient unencumbered funds to meet current bonding requirements, or the bid will be rejected, unless the balance is submitted as set forth above, prior to bid opening.
4. **TAXES:** The AHTD is not exempt from Arkansas State Sales and Use Taxes, or local option city/county sales taxes, when applicable, and bidders are responsible to the State Revenue Department for such taxes. These taxes should not be included in bid prices, but where required by law, will be paid by the AHTD as an addition thereto, and should be added to the billing to the AHTD. The AHTD is exempt from Federal Excise Taxes on all commodities except motor fuels; and excise taxes should not be included in bid prices except for motor fuels. Where applicable, tax exemption certificates will be furnished by the AHTD.
5. **"ALL OR NONE" BIDS:** Bidders who wish to bid "All or None" on two or more items shall so stipulate on the face of bid sheet; otherwise, bid may be awarded on an individual item basis.
6. **SPECIFICATIONS:** Complete specifications should be attached for any substitution or alternate offered, or where amplification is necessary. Bidder's name must be placed on all attachments to the bid.
7. **EXCEPTIONS TO SPECIFICATIONS:** Any exceptions to the bid specifications must be stated in the bid. Any exceptions to manufacturer's published literature must be stated in the bid, or it will be assumed that bidder is bidding exactly as stated in the literature.
8. **BRAND NAME REFERENCES:** All brand name references in bid specifications refer to that commodity or its equivalent, unless otherwise stated in Bid Invitation. Bidder should state brand or trade name of item being bid, if such name exists.
9. **FREIGHT:** All freight charges should be included in bid price. Any change in common carrier rates authorized by the Interstate Commerce Commission will be adjusted if such change occurs after the bid opening date. Receipted common carrier bills that reflect ICC authorized rate changes must be furnished.
10. **SAMPLES, LITERATURE, DEMONSTRATIONS:** Samples and technical literature must be provided free of any charge within 14 days of AHTD request, and free demonstrations within 30 days, unless AHTD extends time. Failure to provide as requested within this period may cause bid to be rejected. Samples, literature and demonstrations must be substantially the same as the item(s) being bid, unless otherwise agreed to by AHTD. Samples that are not destroyed will be returned upon request at bidders expense. Samples from successful bidders may be retained for comparison with items actually furnished.
11. **GUARANTY:** Unless otherwise indicated in Bid Invitation, it is understood and agreed that any item offered or shipped on this bid shall be newly manufactured, latest model and design, and in first class condition; and that all containers shall be new, suitable for storage or shipment and in compliance with all applicable laws relating to construction, packaging, labeling and registration.
12. **BACKORDERS OR DELAY IN DELIVERY:** Backorders or failure to deliver within the time required may constitute default. Vendor must give written notice to the AHTD, as soon as possible, of the reason for any delay and the expected delivery date. The AHTD has the right to extend delivery if reasons appear valid. If reason or delivery date is not acceptable, vendor is in default.
13. **DEFAULT:** All commodities furnished will be subject to inspection and acceptance by AHTD after delivery. Default in promised delivery or failure to meet specifications authorizes the AHTD to cancel award or any portion of same, to reasonably purchase commodities or services elsewhere and to charge full increase, if any, in cost and handling to defaulting vendor. Applicable bonds may be forfeited.
14. **ETHICS:** *"It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a State contract upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies maintained by the contractor for the purpose of securing business."* (Arkansas Code, Annotated, Section 19-11-708).

ARKANSAS STATE HIGHWAY & TRANSPORTATION DEPARTMENT  
LITTLE ROCK, ARKANSAS  
EQUIPMENT & PROCUREMENT DIVISION

Bid No. M-07-104A

BIDDER: \_\_\_\_\_

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	EXTENDED AMOUNT
1.	Dist. 1 Hdqtrs., Hwy. 64 West, Wynne, AR 72396 (31-1663)	450 gls.	{A} \$ _____	\$ _____
		108 gls.	{B} \$ _____	\$ _____
		0 gls.	{C} \$ _____	\$ _____
2.	Dist. 2 Hdqtrs., 4900 Hwy. 65 South Pine Bluff, AR 71601 (32-2393)	300 gls.	{A} \$ _____	\$ _____
		0 gls.	{B} \$ _____	\$ _____
		0 gls.	{C} \$ _____	\$ _____
3.	Dist. 3 Hdqtrs., 2911 Hwy. 29 N. Hope, AR 71801 (33-2346)	400 gls.	{A} \$ _____	\$ _____
		50 gls.	{B} \$ _____	\$ _____
		0 gls.	{C} \$ _____	\$ _____
4.	Dist. 4 Hdqtrs., 4019 Towson Ave. Ft. Smith, AR 72091 (34-2531)	512 gls.	{A} \$ _____	\$ _____
		48 gls.	{B} \$ _____	\$ _____
		0 gls.	{C} \$ _____	\$ _____
5.	Dist. 5 Hdqtrs., 1673 Batesville Blvd. Batesville, AR 72501 (35-1857)	300 gls.	{A} \$ _____	\$ _____
		0 gls.	{B} \$ _____	\$ _____
		0 gls.	{C} \$ _____	\$ _____
6.	Dist. 6 Hdqtrs., 8900 Mabelvale Pike, Little Rock, AR 72209 (36-3047)	420 gls.	(A) \$ _____	\$ _____
		76 gls.	(B) \$ _____	\$ _____
		16 gls.	(C) \$ _____	\$ _____
7.	Dist. 7 Hdqtrs., 2245 California Camden, AR 71701 (37-2045)	258 gls.	{A} \$ _____	\$ _____
		78 gls.	{B} \$ _____	\$ _____
		0 gls.	{C} \$ _____	\$ _____
8.	Dist. 8 Hdqtrs., 372 Aspen Lane, Russellville, AR 72801 (38-1910)	240 gls.	{A} \$ _____	\$ _____
		30 gls.	{B} \$ _____	\$ _____
		0 gls.	{C} \$ _____	\$ _____
9.	Dist. 10 Hdqtrs., 2510 Kingshighway Paragould, AR 72450 (40-2245)	216 gls.	{A} \$ _____	\$ _____
		48 gls.	{B} \$ _____	\$ _____
		0 gls.	{C} \$ _____	\$ _____

**BID TOTAL:** \_\_\_\_\_

**ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT**

**SPECIFICATIONS FOR ANTI-FREEZE**

**Bid No. M-07-104A**

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1. Price quoted shall be F.O.B. Destination.
2. Item A must be green in color and shall consist of Ethylene Glycol Conventional and must meet or exceed the following specifications: GM 1825, GM1899M, Ford ESE-M97B44-A, Chrysler MS 7170, ASTM D3306, D4985, SAE J1034, J814C, J1941, Detroit Diesel 7SE298, Cummins 90T8-4, TMC of ATA RP-302B, Federal Specification A-A-870A, Clarke approved. Anti-freeze must have a 5 year/100,000 mile guarantee, low silicate.
3. Item B must be orange in color and shall consist of Ethylene Glycol, OAT (organic acid technology) and must meet or exceed the following specifications: ASTM D3306, D4985, SAE J1034, J814C, J1941, TMC of ATA RP-302B, Federal Specification A-A-870A. 5 Year/150,000 mile guarantee, DEX-COOL compatible, silicate and phosphate free.
4. Item C must be yellow in color and shall consist of Ethylene Glycol, HOAT (hybrid organic acid technology) and must meet or exceed the following specifications: Chrysler MS7170, MS9769, Detroit Diesel 7SE2987, Federal Specification A-A-870-A, Case MS1710, Ford WSS-M97B51-A1, ASTM D3306, SAE J1034, J814, GM 1825M, 1899M, Daimler Chrysler, MTU, John Deere approved. Anti-freeze must have a 5 Year/150,000 mile guarantee. Factory fill and approved for Ford and Daimler Chrysler vehicles, phosphate free and reduced silicate, fully formulated.
5. Product must contain foam suppressors and suitable additives to prevent corrosion in all engines, including those using aluminum components; must not adversely affect non-metals, hoses, gaskets and vehicle finishes; must be colored so as to be readily distinguishable; must not have an offensive odor; and must be compatible with all other major brands of antifreeze.
6. Product shall perform as specified for the following minimum periods in a properly maintained cooling system in normal service when installed in accordance with the vehicle manufacturers recommendations and those on the product label: If there is sufficient reason to believe that the Department may have suffered damages, or may suffer damage in the future to any of its equipment due to use of the successful bidder's product, the Department reserves the right to have detailed testing performed and to recover testing costs and damages, if any, from bidder.
7. Container must be furnished with a screw cap and a leak-proof inner seal to prevent leakage of the contents from the container. Product shall not affect or be affected by its container for a minimum of one year storage exposed to nominal temperature variations from 0 degrees F (-17.8 degrees C) to 120 degrees F (48.9 degrees C).
8. A test report from an independent laboratory certifying production sample compliance with AHTD specifications for green, orange and yellow anti-freeze **must** be submitted with bid. If the sample meets all specifications as outlined herein, the bid will be qualified.