



**PROPOSAL & CONTRACT
(WHEN EXECUTED)**

(THIS PROPOSAL INCLUDES
INSTRUCTIONS TO BIDDERS)

A. DEPOSIT OF PROPOSALS.

All Enveloped containing Bid proposals shall
Be clearly marked "**2017 Nova-Chip Project**"
Bid Proposal for Letting of April 10, 2017
Date

Sealed Proposals will be received on or before
3:00 p.m., on April 07, 2017
Time and Date

Bids will be opened and read at approximately
6:00 p.m., on April 10, 2017
Time and Date

WEST EASTON **610-252-6651**
Municipality Name and Type Telephone No.

Joan Heebner
Secretary

237 Seventh Street
Address

West Easton, PA 18042
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, TR-465 Daily Bituminous Mixture Certification or other form pre-approved by PennDOT) 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 the **WEST EASTON BOROUGH** Municipal Building at the above address.

As well as the supplements and special requirements contained herein and/or attached hereto and current PennDOT specifications (Publication 408), **bidders need to be prequalified by PennDOT (Sec. 102.01).**

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 on or before **August 31, 2017**. If all work is not completed on time, liquidated damages will be assessed at the rate of **\$877.00** per additional calendar day.

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 requirement of the proposal.

B. PROPOSAL OF: _____
Name of Contractor

Address

CONTRACTOR'S CERTIFICATION

It is hereby certified as follows:

1. The only person(s) interested in this 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 prices 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 contractor 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 Work's Contractors' Bond Law of 1967; and an affidavit accepting the provisions of the Workmen's Compensation Act of 1915, as amended.

7. "The parties agree that the relationship between the Contractor and the Municipality is one of independent contractor and not the employer/employee and that the individual employees of the Contractor who will be performing the work pursuant to this contract are not employees of the Municipality. Contractor hereby certifies, represents and warrants to the Municipality that all persons performing any aspect of the work pursuant to this Contract who are required to have commercial driver's license are subject to a program for drug and alcohol testing in accordance with the Omnibus Transportation Employee Testing Act of 1991 and the federal regulations adopted pursuant thereto."

Contractor

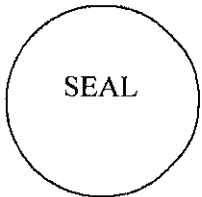
WITNESSED OR ATTESTED BY:

BY: _____

Title

(Seal)

Title



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

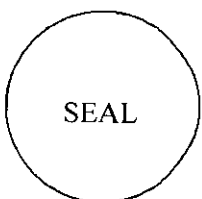
ACCEPTED ON: _____

Date

Municipality

ATTESTED BY:

Title



BY: _____

Title

Title

Title

LOCATION OF WORK:

SEE Attachment 1-B

DESCRIPTION OF WORK:

As indicated below and in attachments 1-A and 1-B

Contractor is to seal cracks in existing pavement surfaces as per PennDOT 408 Specification Section 469 and then immediately apply an application of a polymer-modified emulsified asphalt membrane immediately overlaid with an ultra-thin friction course of hot-mix asphalt concrete in one pass of a single paving machine as per the attached current PennDOT Section 489-Ultra-Thin Bonded Wearing Course. Contractor to apply a single seal coat followed by a type 1 slurry seal on additional roads in Borough.

ESCALATOR CLAUSE: (If adopted by the Municipality)

Contract contains an Escalator Clause for quantities of bituminous material of less than 100 tons of asphalt cement including asphalt cement residue contained in emulsions or cutbacks. PennDOT Pub. 408, Section 110.04 will apply to quantities of bituminous materials greater than 100 tons of asphalt cement including asphalt cement residue contained in emulsions or cutbacks. **(See Attachment 1-A for more information)**

THIS PORTION TO BE COMPLETED BY THE MUNICIPALITY

SCHEDULE OF PRICES

1. Item No.	2. Approximate Quantities	3. Units	4.*Description	5. Unit Price	6. Total
BASE BID ROADS					
1.	4,661	SY	Ultra-Thin Bonded Wearing Course(NOVACHIP), TYPE B, SRL, "H", 55-80 lbs. /SY All work to be performed according to current PennDOT 408 SECTION 489.		
2.	200	GAL	Bituminous Crack Sealing as per current PennDOT 408, Section 469 specifications.		
3.	14,046	SY	Single Bituminous Seal Coat using a Polymer Modified Emulsion and #8 Stone with a 1.0% Loss by Wash, Surface Category Condition "E", ADT <100		
4.	14,046	SY	Type 1 Slurry Seal as per PennDOT 408 Section 482		
*DESCRIPTION Must include ADT on Wearing surfaces. USE OF CUTBACK ASPHALT IS PROHIBITED BETWEEN MAY 1 st and OCTOBER 31 st EXCEPT AS NOTED IN BULLETIN NO. 25.				SUBTOTAL	
				SUBTOTAL(S) FROM OTHER ATTACHMENT(S)	
				TOTAL AMOUNT OF BID	

Attachment 1-A

SPECIFICATIONS AND SPECIAL PROVISIONS TO CONTRACT MS-944 CONTAINS IMPORTANT INFORMATION FOR THE CONTRACTOR

The Prime Contractor and Subcontractors must comply with all of the following provisions:

TRAFFIC CONTROL

- Traffic Control and Safety Devices to be provided by the Contractor. (PA. DEPART. Of TRANS. Publication 212 and 213, WORKZONE TRAFFIC CONTROL, CURRENT EDITION.)
- The Contractor may close roads where practical and must provide all road closed and detour signs as per Pub. 213, any road closures must be pre-approved by the Municipality .

GENERAL

A mandatory Pre-Bid meeting will be held at 11:00am on Friday March 24, 2017 at the Borough Building (237 Seventh Street Easton, PA 1804), all bidders must attend. For further information contact Joan Heebner at 610-252-6651 between the hours of 9:00a.m. to 3:00p.m. Monday through Friday.

- Roadway to be power broomed and remove roadside vegetation by the **Contractor** prior to start of project.
- Full width paving in one pass is required unless otherwise agreed to by the Borough Roadmaster or his Representative.
- Contractor to provide bituminous designs, which meets PennDOT Specifications Form 408 to the municipality 5 days prior to start of work.
- Delivery tickets required for all materials, **Bituminous Delivery tickets must contain the Job Mix Number (CAMMS No.) from the appropriate bituminous design.**
- CS-4171 Certificate of Compliance required for all materials and **Bituminous Material Certifications must contain the Job Mix Number (CAMMS No.) from the appropriate bituminous design.**
- The Contractor shall notify the Municipality 5 calendar days prior to the start of the project.
- Work schedule must be coordinated with the Municipality and all work must be completed by **August 31, 2017.** After **August 31, 2017**, Liquidated damages apply at the rate of **\$877.00** per calendar day.
- Excess construction materials are to be removed by the Contractor.
- Municipality will inspect the project.
- Need Bill of Lading for each shipment of bituminous material per Section 702.1(c) of PENNDOT Specifications Form 408.
- Municipality reserves the right to limit work completed.
- Completion of NON-COLLUSION AFFIDAVIT required.
- Incidental preparation and clean up required. (Project Construction Materials)
- Contractor is responsible for defects that occur within one year of applications.
- **MS-NCP Final Completion Certificate and Notice of Completion is required.**
- Future award of Contracts will be based on quality of work as determined by the Municipality.
- **Contractors need to be PENNDOT prequalified and must supply proof of prequalification.**
- **Bidders and their Sub-Contractors must be pre-qualified for Work Class Code "F" Bituminous Paving and (F4 Bituminous Surface Treatments).**
- Contractor to supply proof of CDL Drug and Alcohol Compliance.
- **Contractor must complete and submit CS-1PA, Price Adjustment of Bituminous Material if applicable.**
- The successful bidder must provide the PUBLIC WORKS EMPLOYMENT VERIFICATION FORM
- The successful bidder must provide a 100% Performance Bond and a 100% Payment Bond within 20 days of the award of the contract.
- The Municipal intends to award the contract to one bidder; bidders need to bid on all items.
- **The Municipality reserves the right to accept or reject any and or all proposals or portions thereof, and to delete projects and or portions of the project depending on budgetary constraints and also to waive any technicalities deemed to be in the best interested of the Borough.**

Attachment 1-A Continued

SPECIFICATIONS AND SPECIAL PROVISIONS TO CONTRACT MS-944 CONTAINS IMPORTANT INFORMATION FOR THE CONTRACTOR

Ultra-Thin Bonded Wearing Course (NOVACHIP), TYPE B, SRL, H, 55-80 lbs. /SY

- Complete all testing in accordance with current PENNDOT PENNDOT 408 Specification. SECTION 489.
- Bituminous Seal on all abutting pavement and curbs required.
- Saw cut or Milled Paving Notch required and incidental to paving.
- Milling of driveway notches are to be done as directed and in a fashion that maintains the shoulder slope and provides a smooth transition from the driveways to the shoulder.
- Contractor to provide PennDOT approved bituminous mix design which meets PennDOT Specifications Form 408 to the Municipality 5 days prior to the start of work.
- Bituminous Delivery tickets must contain the Job Mix Number (CAMMS No.) from the appropriate bituminous design.
- Bituminous Material Certifications must contain the Job Mix Number (CAMMS No.) from the appropriate bituminous design.
- The final cross-section for roadways shall have a uniform crown of ¼ inch per foot, subject to the tolerances of PennDOT Specifications Form 408, except where super-elevated or where otherwise directed
- Do not apply if air or surface temperature is 50° or lower.

Bituminous Crack Sealing – General

1. The Contractor is to Bituminous Crack Seal the roadway surface as per Publication 408, Section 469. Work locations will be coordinated by the Borough Road Foreman or his Representative. The Municipality may add streets or delete portions or entire streets depending on usage of materials and cost.
2. Contractor is to supply all necessary documentation to verify payment by the gallon. Vendors product information, material specific gravity, weight of material/count of block or bag material supplied as applicable and calculation to determine quantity of material billed.
3. Need Bill of Lading and/or delivery tickets for each shipment of bituminous material per Section 702.1(c) of PENNDOT Specifications (Publication 408).
4. CS-4171 Certification of Compliance is required for all materials.

SEAL COAT

- The Contractor will provide the Municipality with a PENNDOT Approved Bituminous Seal Coat Design using the methods in Appendix E of Bulletin 27 at least 5 days prior to beginning work. Bituminous Application Range is .20 to .50 gallons per square yard and Stone Application Range is 15 to 25 pounds per square yard; the actual rate will be determined by the seal coat design, **ADT counts** will be provided by the Municipality, **surface category conditions** to be provided by the Municipality.
- The contractor is to place a Single Bituminous Seal Coat in conformance with PENNDOT Pub.408, Section 470. The Contractor will provide a bill of lading and a signed CS-4171 for each load of bituminous material and delivery tickets and a daily signed CS-4171 for each day's placement of stone.
- Use of a rubber tire roller is required.
- Oil samples required from each lot of bituminous material. Samples to be collected by the Contractor. Minimum sample frequency (1) One quart: A.M. and P.M. per day. Collections of the samples are to be witnessed by the Municipality and samples are to be retained by the Municipality. (Oil samples must be placed in an approved type container that is compatible with the oil sample.)
- At least (3) three random stone samples are to be collected by the Contractor on the project site. Collection of the samples are to be witnessed by the Municipality and samples are to be retained by the Municipality.
- The Contractor will provide all sample containers or sample bags.

Attachment 1-A Continued

**SPECIFICATIONS AND SPECIAL PROVISIONS TO CONTRACT MS-944
CONTAINS IMPORTANT INFORMATION FOR THE CONTRACTOR**

Price Adjustment of Bituminous Materials (Escalator Clause)

This contract contains an escalator clause for the Price Adjustment of Bituminous Materials for small quantities. See the attached Resolution **to be adopted at the March 13, 2017 meeting**. A small quantity is a contract that uses or indicates for placement 100 tons or less of asphalt cement based on the actual mix designs or material specifications for the materials incorporated into the project. If the bituminous materials incorporated into this project exceed the 100 ton threshold then a bituminous price adjustment will be allowed as per PennDOT Specifications Form 408, Current Edition, Section 110.04 Price Adjustment of Bituminous Materials. If the bituminous material incorporates RAP in the mix design the 100 ton limit and the bituminous price adjustment will only be calculated on the virgin asphalt. The Base Bid Price Index (IB) will be calculated using the month in which the project is first advertised and the work is in the applicable Zone. The Bidder will be responsible for completing a CS-IPA Price Adjustment of Bituminous Materials calculation form if applicable. The bidder will provide this form with the invoices and the invoices will show the per ton or per SY price in the bid and the lump sum price increase or decrease supported with CS-IPA calculation form. The bidder shall also supply the Municipality with a copy of the bituminous mix design for each material supplied with the initial CS-IPA form or if the bituminous mix design changes. Prior to the start of the work the bidder shall provide the Municipality with the per ton or per SY calculation of the bituminous price adjustment. The Contractor shall not be able to pass on any additional cost for any material placed beyond the **August 31, 2017** cutoff date. Any material placed after **August 31, 2017** shall only be subject to the bituminous price adjustment for **August of 2017** unless the bituminous price adjustment falls then the bituminous price adjustment applicable at that time shall be calculated for material placed after **August 31, 2017**.

PA PREVAILING WAGES

Pennsylvania Prevailing Wages will NOT Apply to this contract.

Insurance Requirements

The awarded contractor shall purchase and maintain, at its expense, during the term of this contract and any renewals or extensions thereof, insurance issued by companies acceptable to the Municipality. See the "Insurance Requirement" Attachment

My signature signifies that I have read and understand the above conditions and 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	Municipality's Representative	Date
Company		Municipality	

Attachment 1-A

**WEST EASTON BOROUGH
2017 Ultra-Thin Wearing Course Program
List of Roads**

BASE BID ROADS**Ultra-Thin Bonded Wearing Course (NOVACHIP), TYPE B, 55-80 lbs. /SY**

<u>Road</u>	<u>From -</u>	<u>To</u>	<u>Length/Width</u>	<u>S.Y.</u>
SEVENTH ST	EAST STREET	CENTER	329' x 34'	1,243
SPRING ST	CENTER ST	IRON	380' x 44'	1,858
SPRING ST	CENTER ST	IRON	413' x 34'	1,560
Total SY				<u>4,661</u>

Single Bituminous Seal Coat followed by a Type 1 Slurry Seal.

<u>Road</u>	<u>From - To</u>	<u>Length/Width</u>	<u>S.Y.</u>	<u>Surface Category Conditions</u>	<u>ADT</u>
Ridge Rd	Marys Alley/Spring	1,031'/30'	3,437	E	<100
Sterlingworth	Avona Ave/Marys Alley	742/30'	2,473	E	<100
Upper Center	Marys Alley/Ninth Street	481/24'	1,283	E	<100
Ninth Street	Center Street/CUL-DE-SAC	675'/34'	2,606	E	<100
Tenth Street	Dead End/Low Street	700/34'	2,644	E	<100
Low Street	Marys Alley/Ninth Street	481/30'	1,603	E	<100
Total SY				<u>14,046</u>	

My signature signifies that I have read and understand the above conditions and 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	_____ Municipality's Representative	Date
_____ Company		_____ Municipality	



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 any individual, firm or partnership, corporation or association under the same names, only one lowest proposal will be considered.
3. Description of work-----
 - A. If additional space is needed insert appropriately numbered attachment and note "Continued on Attachment No. _____."
 - B. Where Wearing Surfaces are a part of this Contract, Average Daily Traffic (ADT) Count or SRL determination must be included in the description.
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 feet, etc.) and #4 (Description, i.e., bituminous materials – ID-2, FJ1, FB1, BCBC, etc.) must be filled in by the municipality to insure equitable bidding. Column #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.
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 \$ _____ per additional working day." (OR "...as set forth in the attached schedule.")
6. Payment and Performance bonds are provided only by the successful bidder. Contracts under \$5,000 – bonds must be in 50% of the contract amount. Contracts in excess of \$5,000 – bonds must be in 100% of the contract amount. Bond Form MS-944 Attachments 2 and 3 and Workmen's Compensation Affidavit Attachment 4 must be submitted by the successful bidder within 20 days of the contract award. Failure to submit the bonds shall constitute grounds to cancel the contract.
7. *Construction projects, where the estimated cost of the total project exceeds \$100,000, are subject to the provisions of the Pennsylvania Prevailing Wage Act 442 and amended by Act 89 of 2013. It is the responsibility of the municipality to obtain the Prevailing Wage Scale for the area and include it in the proposal. IF the Prevailing Wage Act applies, this fact shall be noted in the advertisement.

On projects utilizing Federal revenue Sharing Funds, if the project cost exceeds \$2,000 and is financed with 25% or more Federal Revenue Sharing Funds, the Davis Bacon Act applies. Again it is the responsibility of the municipality to obtain the Davis Bacon Wage Rates, include them in the proposal and note the fact in the advertisement. If both Acts are applicable, the Davis Bacon Act has preference over the Pennsylvania Prevailing Wage Act.
8. An ESCALATOR CLAUSE is optional; however, if used, it must be included in the proposal prepared by the municipality. An escalator clause may not be inserted by the contractor.

*(1961, Aug. 15, P.L. 987; 43 P.S. 165)

PERFORMANCE BOND
(With Corporate Surety)

KNOW ALL MEN BY THESE PRESENTS, that we, _____
(NAME AND ADDRESS OF CONTRACTOR)

as Principal and _____
(SURETY COMPANY)

a corporation incorporated under the laws of the State of _____ as Surety
(NAME OF STATE)

are held and firmly bound unto _____. In the full and just sum
of _____ (\$ _____) dollars

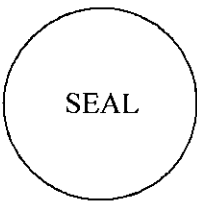
lawful money of the United States of America, to be paid to the above Municipality or its assigns, to which payment well
and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and
severally, firmly by these presents.

WHEREAS, the above bonded Principal has entered into a contract with the above Municipality, bearing even
date herewith, for the undertaking of certain obligations as therein set forth.

NOW, THEREFORE, the condition of this obligations such that if the bounden Principal, as Contractor, shall in
all respects comply with and faithfully perform the terms and conditions of said Contract, including the Specifications
and conditions referred to and made a part thereof, and such alterations as may be made in said Specifications as therein
provided, and shall well and truly, and in a manner satisfactory to the Municipality fulfill all obligations as therein set
forth, then this Obligation shall be void, but otherwise the same shall be and remain in full force, virtue and effect.

It is further provided that any alteration which may be made in the terms of the contract or its specifications with
the express approval of the Municipality or the Principal to the other, shall not in any way release the Principal and Surety
or either or any of them, their heirs, executors, administrators, successors or assigns from their liability hereunder, notice
to the Surety of any such alteration or forbearance being hereby waived.

IN WITNESS WHEREOF, the said Principal and Surety have duly executed this Bond under Seal, pursuant to
due and legal action authorizing the same to be done on _____
(DATE OF BOND)



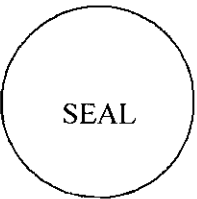
Attest / Witness

CONTRACTOR

BY:

TITLE

TITLE



Attest / Witness

SURETY COMPANY

BY:

TITLE

TITLE

KNOW ALL MEN BY THESE PRESENTS, that we, _____

of _____, as PRINCIPAL and _____

corporation incorporated under the laws of the State of _____ as SURETY, are

held and firmly bond unto the _____, in the full and just sum of

_____ (\$ _____) dollars, lawful money of the United

States of America, to be paid to the said _____ or its assigns, to which payment well and true to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bounden Principal has entered into a contract with the above municipality, hereinafter called Obligee, bearing even date herewith, for the improvement of a certain section of highway or bridge in said Municipality consisting of: _____

for approximately the sum of _____ (\$ _____) dollars.

NOW, THEREFORE, the condition of this obligation is such that if the above bounden PRINCIPAL shall and will promptly pay or cause to be paid in full all sums of money which may be due to contract or otherwise, to any individual, firm, partnership, association or corporation, for all material furnished or labor supplied or performed in the prosecution of the work, whether or not the said material or labor entered into and became component parts of the work and for rental of the equipment used and services rendered by public utilities in, or in connection with the prosecution of such work, then this obligation to be void, otherwise to remain in full force and effect.

The PRINCIPAL and SURETY, hereby, jointly and severally, agree with the Obligee herein that any individual firm, partnership, association or corporation, which has performed labor or furnished material in the prosecution of the work as provided, and any public utility which has not been paid in full therefore, may sue in assumpsit's on this Payment bond in his, their, or it own name and may prosecute the same to final for such sum or sums as may be justly due him, them or it, and have execution thereon. Provided, however, that the Obligee shall not be liable for the payment of any costs of expenses of such suit.

RECOVERY by any individual, firm, partnership, association or corporation hereunder shall be subject to the provisions of the "Public Works Contractors' Bond Law of 1967", Act No. 385, approved December 20, 1967, P.L. 869, which Act shall be incorporated herein and made a part hereof, as fully and completely as though its provisions were fully and at length herein recited.

It is further provided that any alterations which may be made in the terms of the contract or in the work to be done or materials to be furnished or labor to be supplied or performed under it or the giving by the Obligee of any extension or forbearance being hereby waived.

IN WITNESS WHEREOF, the said PRINCIPAL and SURETY have duly executed this Bond under seal this

_____ Day of _____, 20 _____.

WITNESS:

CONTRACTOR

BY: _____

TITLE

TITLE

WITNESS:

SURETY COMPANY

BY: _____

TITLE

TITLE

**AFFIDAVIT RE
ACCEPTING PROVISIONS OF THE WORKMEN'S COMPENSATION ACT**

State of)
)
)SS:
County of)
)

Being duly sworn according to law deposes and says that they have he has
it

accepted the provisions of the Workmen's Compensation Act of 1915 of the Commonwealth of Pennsylvania,
with its supplements and amendments, and have insured their liability hereunder in it accordance with the terms of said
Act with _____
(SURETY COMPANY)

(TYPE OR PRINT) CONTRACTOR

BY: _____
SIGNATURE

Sworn to and subscribed before me this _____ day of
_____ A.D. 20 _____

My Commission Expires _____
(DATE)

ANTI-COLLUSION AFFIDAVIT

County Northampton

Municipality WEST EASTON BOROUGH

Project Number 2017 NOVA CHIP

Fed. Project No. N/A
(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 _____

**PRICE ADJUSTMENT OF BITUMINOUS MATERIAL
(ENGLISH)**

Project. NO. _____
PAGE NO. _____
ATTACH _____
SR / SEC. _____

ITEM NO.: _____ MONTH PLACED: _____

GALLON _____ TON _____ SQ. YARD _____

IP = PRICE INDEX FOR MONTH MATERIAL WAS PLACED = _____

IB = PRICE INDEX IN THE BID PROPOSAL = _____

IP / IB = _____

**WHEN THE RATIO IP/IB FALLS WITHIN THE RANGE OF 0.90 TO 1.10 NO PRICE
ADJUSTMENT IS NEEDED**

WHEN THE RATIO IP/IB IS CALCULATED TO BE LESS THAN 0.90 , THE DEPT. WILL RECEIVE A PRICE REBATE

WHEN THE RATIO IP/IB IS CALCULATED TO BE GREATER THAN 1.10 , THE CONTRACTOR WILL RECEIVE A PRICE INCREASE

MATERIAL PLACED:

DATE	GALLON
TOTAL	

DATE	TON
TOTAL	

DATE	SQ. YARD
TOTAL	

GALLON BASIS:

BITUMINOUS TONNAGE (Q) = 0.004164 x SPEC.GRAV. OF BIT. MAT. x % ASPHALT IN EMULSION x NO. OF GALLONS

SPECIFIC GRAVITY OF BIT. MAT. = _____

NO. OF GALLONS = _____

% ASPHALT IN EMULSION = _____

Q = _____

GALLONS PER SQUARE YARD BASIS:

BITUMINOUS TONNAGE (Q) = 0.004164 x AREA (SY) x APPL. RATE (Gallons / SY) x SPEC.GRAV. OF BIT.MAT.

ACTUAL RESIDUE APPL. RATE = _____

SURFACE AREA = _____

SPECIFIC GRAVITY OF BIT. MAT. = _____

Q = _____

SQUARE YARD BASIS:

BIT. MIX. TONNAGE PLACED = 0.000375 x AREA (SY) x DESIGN DEPTH (inches) x DESIGN DENSITY (lb / ft3)

DESIGN DEPTH = _____

SURFACE AREA = _____

DESIGN DENSITY* = _____

BIT. MIX. TONNAGE PLACED = _____

BITUMEN TONNAGE (Q) = BIT. MIXTURE TONNAGE PLACED x % BITUMEN BY WEIGHT

% BITUMEN BY WEIGHT* = _____

Q = _____

*DESIGN DENSITY AND % BITUMEN TO BE OBTAINED FROM FORM TR-448A. DENSITY OF WATER = 62.4 lb / ft3.

TONNAGE BASIS:

BITUMEN TONNAGE (Q) = BIT. MIXTURE TONNAGE PLACED x % BITUMEN BY WEIGHT

% BITUMEN BY WEIGHT* = _____

BIT. MIXTURE TONNAGE = _____

Q = _____

*% BITUMEN TO BE OBTAINED FROM FORM TR-448A.

PRICE INCREASE = (IP / IB - 1.10) x BITUMEN TONNAGE (Q) x IB

= (_____ - 1.10) x (_____) x (_____) = _____

PRICE REBATE = (0.90 - IP / IB) x BITUMEN TONNAGE (Q) x IB

= (0.90 - _____) x (_____) x (_____) = _____

MUNICIPALITY WEST EASTON BOROUGH, Northampton County

NOTICE OF COMPLETION

IN REFERENCE TO PROJECT NO.: 2017 NOVA CHIP

Name of Contractor _____

Performance of work as specified on the above numbered contract is completed and final pavement inspection has been made by the contractor and municipality in accordance with the terms of the contract awarded.

DATE OF AWARD: _____

Signature of Municipality

Signature of Contractor

Both copies of this form to be filled by the Contractor-Municipality on completion of final pavement restoration.

THIS PORTION TO BE COMPLETED BY MUNICIPALITY

FINAL COMPLETION CERTIFICATE

By the affixing of my signature I hereby certify that final inspection has been made and all work has been performed in accordance with the above contract # and is hereby accepted by the municipality as completed.

Authorized Agent for the Municipality

***DATE: _____**

*** The Bidder is responsible for maintenance of permanent pavement repairs for a period of one year from this date.**

INSURANCE REQUIREMENTS

The awarded Contractor shall purchase and maintain, at its expense, during the term of this contract and any renewals or extensions thereof, the following types of insurance issued by companies acceptable to the Municipality.

1. Workmen's compensation insurance sufficient to cover all of the employees of the contractor working to perform this contract, as required by the laws of the Commonwealth.

2. Comprehensive general liability insurance, property damage insurance, and where appropriate automobile liability insurance. The minimum amount of coverage shall be \$250,000.00 per person and \$1,000,000.00 per occurrence for bodily injury, including death and \$250,000.00 per person and \$1,000,000.00 per occurrence for property damage.

These coverages shall be occurrence-based. The policy shall name the Municipality as an additional insured and shall contain a provision that the coverages afforded thereunder shall not be cancelled or changed unless at least thirty (30) days prior written notice has been given to the Municipality.

Prior to the commencement of work, the Contractor shall provide the Municipality with a current certificate(s) of insurance showing the required coverages and provisions.

3. Your attention is directed to the hold harmless and indemnification provision:
"The Contractor shall hold the Municipality harmless from any indemnify the Municipality against any and all claims, demands, and actions based upon or arising out of any activities performed by the Contractor and its employees and agents under this Contract and shall, at the request of the Municipality, defend any and all actions brought against the Municipality based upon any such claims or demands."

PUBLIC WORK EMPLOYMENT VERIFICATION ACT

Provision Body

PUBLIC WORK EMPLOYMENT VERIFICATION ACT

General. In accordance with Act 127 of 2012, known as the Public Works Employment Verification Act (“the Act”), effective January 1, 2013, 43 P.S. §§167.1-167.11, the Contractor shall use the Federal Government’s E-Verify system to ensure that all employees performing work on the project, including subcontractor’s employees, are authorized to work in the United States.

Verification Form. The Contractor shall verify the employment eligibility of each new employee hired after January 1, 2013 and submit the Commonwealth Public Works Employment Verification Form (“Form”) included in the bid package attachments to the Municipality.

Contractor. Mail the Form, signed by an authorized representative of the Contractor to the Municipality along with the Performance and Payment Bonds as specified by the contract documents. Failure or refusal to provide the Form will be considered a refusal to comply with bidding requirements, will result in rejection of the bid, and may subject the Contractor to the enforcement activities, sanctions and civil penalties specified in the Act.

Subcontractor. The Prime Contractor will obtain a Form signed by an authorized representative of any subcontractor performing work on the project, possessing sufficient knowledge to make the representations and certifications on the Form. The Prime Contractor shall submit the Form to the Municipality prior to requesting subcontractor approval and before the subcontractor performs any work. Failure or refusal to provide the Form will be considered a refusal to comply with subcontractor approval requirements, will result in rejection of the subcontractor request, and may subject the subcontractor to the enforcement activities, sanctions and civil penalties specified in the Act.

The Prime Contractor shall include information about the requirements of the Act in all subcontracts.

Department of General Services. The Department of General Services is the Commonwealth agency responsible for enforcement and administration of the Act. Please direct questions about the Act to:

Department of General Services Public Works

Employment Verification Compliance Office

Room 105 Tent Building

18th and Herr Streets

Harrisburg, PA 17125

Fax: 717-214-3669



**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

Duly Adopted

PRICE ADJUSTMENT OF BITUMINOUS MATERIALS FOR SMALL QUANTITIES

Whereas, the Borough of West Easton, Northampton County
(Name of Governing Body)

Will allow an escalator clause for bituminous material to be included as part of the Proposal. The escalator clause will follow Pennsylvania Department of Transportation Publication 408 current edition Section 110.04 with the following exceptions:

1. Section 110.04(a): Delete "100 tons of asphalt cement". Price adjustment of bituminous material will be applicable to all quantities of asphalt cement, including asphalt cement residue contained in emulsions or cutbacks, will be used in the bituminous materials specified or indicated for placement.
2. Section 110.04(b) 7: Delete "Cumulative price adjustment amounting to less than \$500.00 will be disregarded. Bituminous price adjustment will be calculated for any payment or rebate."

NOW THEREFORE, it is resolved by the Borough of West Easton
(Name of Governing Body).

ATTEST:

Joan L Heebner
Secretary

Borough of West Easton
(Name of Municipality)

BY: [Signature]

(SEAL)

Council president Title:

_____ Title:

I certify that the foregoing is a true and correct copy of the Resolution adopted at a meeting of the

West Easton Borough
(Name of Governing Body)

Held on:
Date: 3-13-17

[Signature]
Secretary