

County of Modoc



Request for Bids (RFB)

RFB# 2023-AG NOX HB

Noxious Weed Program Herbicide Bid

Noxious Weed Program Herbicide Bid

Bid Due Date & Time:

Friday, May 26, 2023, 5:00 p.m., PST

Bid Submission:

Mailed

Modoc County Agriculture Department
202 West 4th Street
Alturas, CA 96101

Parcel/Hand Delivered

Modoc County Agriculture Department
202 West 4th Street
Alturas, CA 96101

Email Delivered

agdepartmenthead@co.modoc.ca.us

County Representative (CR):

Rick Gurrola, Agriculture Commissioner/Sealer of Weights and Measures

rickgurrola@co.modoc.ca.us

Overview, Qualifications, Definitions, Bid Fill-out, Post Award

I. Overview

- A. SOLICITATION: The County of Modoc's **Agriculture Department** team is seeking competitive sealed bids for the supply and delivery of **noxious weed program herbicide**.
- B. LATE BIDS: To be considered for this solicitation, all sealed bids must be received via mail in the Agriculture Department at 202 West 4th Street or via email to agdepartmenthead@co.modoc.ca.us by the Bid Due Date and Time stated in the cover page above. It is the bidder's responsibility to ensure his or her bid arrives on time to the bid opening location. Bids received after the bid opening date and time will not be considered under any circumstances. Postmarks are not accepted.
- C. BID REJECTION: County of Modoc reserves the right to reject any and all bids and to waive informalities and immaterial irregularities or technical defects in the bids received. The County reserves the right to reject any and all bids and reserves the right to waive and/or reject a bid for any of the following reasons: informalities, nonconforming, non-responsive or conditional bids, bids showing any alterations of form or erasures or irregularities of any kind, additional information not requested, incomplete bids, or bids not conforming with the instructions in any way.
- D. BID OPENING: all bids received will be publicly opened and read at the **202 West 4th Street location**. Bidders, or their representatives, and other interested persons may be present at the opening and reading of the bids. Following the bid opening, a bid tabulation showing the apparent lowest bid will be presented to the Board of Supervisors.
- E. TIE BIDS: In the case of tied or identical bids, the County of Modoc reserves the right to award the bid based on additional criteria.
- F. BID AWARD: The bidder that meets the specifications and submits the lowest overall bid price will be awarded the bid by the Modoc County Board of Supervisors, assuming the bid is determined to be complete and in compliance with the bid requirements. County of Modoc reserves the right to reject any and all bids and to waive irregularities in said bids. The following is a non-inclusive list of criteria that may be used in the award of the bid:
- a) Unit cost of the product
 - b) Product specifications
 - c) Warranties or standards of quality
 - d) Capabilities to deliver the product
 - e) Bidder's reputation, competency, and previous customer service record
 - f) Third-party hauling company's reputation, competency, and previous customer service record (if applicable)

II. Bidder Qualifications

- A. Bidders must be capable of fulfilling orders by stated delivery times.
- B. **QUALIFICATIONS:** A qualified bidder is one determined by the County of Modoc to meet standards of business competence, reputation, financial ability, and product quality. A responsive bidder is a firm/person who has submitted a bid that conforms in all material respects to the terms and conditions, the specifications of the product, and any other requirement of the bid instructions. A responsible bidder is a firm/person who has the capability in all aspects to perform bid requirements, and who has the integrity and reliability that will assure good faith and specific performance.
- C. **AUTHORITY:** The person signing the submitted bid must be fully authorized to represent and legally bind the bidding company to the terms and conditions described herein. A corporate officer must sign bids by corporations in the corporate name. The State of incorporation must be written below the corporate name. Bids by partnerships must be signed in the partnership's name and signed by a partner with his/her title shown.
- D. **COMPETENCY:** Before any contract is awarded, the bidder may be required to furnish a complete statement of financial ability and experience in performing the proposed services. In accordance with the provisions of the California Business and Professions Code and other regulations, the bidder must have and maintain current any and all necessary licenses or certificates.
- E. **MATERIAL WARRANTY:** Before the bid is awarded, if applicable, the bidder may be required to furnish a complete statement of the origin, composition, and manufacture of any or all products to be supplied, together with samples. The samples may be subjected to tests to determine their quality and fitness for the intended uses.
- F. **DISQUALIFICATION:** More than one bid proposal from an individual, a firm or partnership, a corporation, or an association under the same or different names will not be considered. Reasonable grounds for believing that any bidder is interested in more than one bid for the bid contemplated will cause rejection of all bids in which such bidder is interested. If there is reason for believing that collusion exists among the bidders, any and all bids may be rejected. Bidders must execute and submit with their bid the Non-Collusion Affidavit included in this bid document.

LOCAL BIDDER QUALIFICATION: Per Modoc County Code Chapter 3.24 Purchasing Procedure, if the bid submitted by a responsible local vendor is not greater than one hundred five percent of the apparent low bid and all other criteria being equal, preference shall be given to the responsible local vendor. However, in no case shall the amount of the preference exceed one thousand dollars.

III. Definitions

- A. Bid Documents = County of Modoc documents, forms, exhibits, etc. attached to Bid.
- B. Bidder = the prospective or actual bidder, but not awarded.
- C. County = County of Modoc.

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- D. Contractor or Vendor = the awarded bidder.
- E. CR = County Representative.
- F. Bid = bid submitted.
- G. RFB = Request for Bids: County-provided electronic documents/postings.
- H. ARO = After Receipt of Order
- I. Local vendor = "Local vendor" means a firm or individual who regularly maintains a place of business and transacts business in, and maintains an inventory or merchandise for sale in, or is licensed by, or pays business taxes to, the county of Modoc. (Modoc County Code 3.24.020)

IV. Filling out Bid

- A. **SUBMITTAL:** All bid submittals must be enclosed in a **sealed envelope** clearly labeled with the **RFB number and title** as found on the cover page, addressed to the CR, and delivered or mailed to the location noted on page 1 or emailed to the email address listed on page 1 by no later than stated time and date. It is the bidder's responsibility to ensure that any bid that is submitted is received in the proper format, time, and place, and the bidder is responsible for allowing adequate time for delivery of the bid. County will not be responsible for any delays or transmission errors. Bids received after the date and time listed above will not be accepted.

Bids must be submitted only upon the bid form. The bid form may be rejected if they show any omissions, alterations of form, the addition of information not requested, a conditional bid, or irregularities of any kind. A complete bid submittal must include:
 - A filled-out, signed, and dated Bid Form
 - Non-Collusion Affidavit
- B. If your delivery date exceeds the Delivery Date stated in the Bid (when applicable), enter the number of calendar days for delivery in the Bid Form.
- C. **MODIFICATIONS REGARDING ADDENDA:** Any explanation desired by the bidders regarding the meaning or interpretation of this particular bid solicitation must be requested in writing, either by facsimile, regular mail, or e-mail at least five (5) business days prior to the time set for the bid opening. Any and all such interpretations or modifications must be in the form of a written request to the CR. All changes to this particular bid solicitation document including the bid contract documents initiated by the County will be through written addenda and furnished to all bidders via email and posted on the e-bid board portal of the County's website (www.co.modoc.ca.us). Any addendum will be issued no later than 72 hours before the bid opening time. Any written addendum issued 72 hours before the date and time of the bid opening will become part of the bid documents and must be acknowledged by each bidder by submitting a signed and dated copy of it with their bid. Failure to acknowledge any and all of the addenda may be cause for rejection of the bid.
- D. **BID MODIFICATION:** A bidder may modify their bid in writing provided such communication is received by County prior to the date and time of the bid

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opening. Modifications of any bid prices must be submitted to the County in a clearly marked and sealed envelope or via email prior to the time of the bid opening. Proposed modifications of bid terms and conditions other than the bid prices may be sent to County via facsimile, e-mail, regular mail, or courier prior to the time of the bid opening. Except for hand deliveries, it shall be the responsibility of the respective bidder to determine if their written modification was received in time by County. County reserves the right to accept or reject any proposed modifications of the bid terms and conditions.

- E. **BID WITHDRAWAL:** Any bid may be withdrawn any time prior to the stated bid opening date and time (closing time) only by a written request that is filed with the County requesting withdrawal of their bid. The withdrawal request must be executed by the bidder or a duly authorized representative. The withdrawal of the bid does not prejudice the right of the bidder to file a new bid prior to the bid closing time. No bids may be withdrawn after the bid opening date and time.
- F. **DEVIATIONS:** Any deviation from the specifications described herein or in a written addendum that is proposed by a bidder must be noted in detail and a copy of the proposed specification must be attached to the Bid Form at the time of submission. The absence of a proposed change in the specifications will hold the bidder strictly accountable to the specifications as described herein. If proposed deviations from the specifications are submitted, the bidder's name should be clearly shown on each document. The County reserves the right to accept or reject any proposed deviations from the described specifications.
- G. **NOTE:** Failure to provide the required documentation and adhere to all the above specifications may cause the bid to be deemed non-responsive.

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Specifications, Bid Form, Special Instructions

I. General Specifications

- A. All items must meet or better all applicable Federal, State, and local requirements and all applicable requirements.
- B. If the manufacturer or bidder has any exceptions (variations, deviations, deletions, additions, and the like) from these specifications, they must state exactly what those exceptions are and any impact on form, fit, or function in its bid. County reserves the exclusive right to either accept or reject those exceptions and County's decision is final. Bidder, in submitting its bid, understands and acknowledges these requirements and conditions.

II. Detailed Specifications

- A. Product to be supplied is **various herbicides used in agriculture**.
- B. Estimated quantity will be as found in the Bid Form. Nothing in these estimated quantities must be construed as obligating the County to purchase specific quantities, as these quantities may vary depending on actual operating conditions. The County reserves the right to purchase any volume of the product listed, at the contract price, regardless of stated estimates of quantities. No price adjustments will be allowed as a result of an increase or a decrease in the quantity purchased.
- C. All bids submitted must include a base unit price, and destination to County at the specified delivery location in Section III, C below. Bidders shall provide bid prices on the Bid Form including all costs associated with providing and delivering the product to the agency's facility, including materials, labor, equipment, transportation, insurance, overhead, profit, and all applicable taxes except sales tax in effect at the time of delivery. Bids qualified by additional or conditional charges such as CPI, escalators, fuel surcharges, or transportation charges between the supplier and the final delivery points will not be allowed.
- D. Bid Form will be incorporated as part of any resulting purchase order or contract as a pricing reference.
- E. All Bids must be signed.

III. Special Instructions for Deliveries

- A. Packaging
 - 1. Pack all items to ensure that each item can be handled and transported safely from the shipping point, during transit, arrival at the destination point, offloading, and storage. Packing materials and packaging must be appropriate to the items.
- B. Delivery Schedule
 - 1. Contractor shall deliver the product within thirty (30) calendar days after receipt of order (A.R.O.).
 - 2. Order deliveries will be made to the County of Modoc in full for each order unless otherwise specified by County staff.

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C. Delivery Location

1. County of Modoc Agriculture Department Shop, 1610 Oak Street, Alturas CA 96101
2. Notification: Call (530) 640-0809 at least 24 hours prior to deliveries.
3. Delivery hours: Mon–Fri; 7:00 a.m. to 4:00 p.m., closed for lunch 12-12:30 p.m.

CI. Rejections and Pickups

1. Note that County reserves the right to reject product that fails to comply with specifications, are damaged, or are in excess of ordered quantities.
2. Pick up product to be returned to vendor within five business days of notification and process credit for the returned product within ten business days of receipt.

CII. Material Handling

1. **SAFETY REQUIREMENTS:** The bidder, their employees, subcontractors, and/or agents must conform to the rules and regulations pertaining to safety established by the California Division of Industrial Safety, and they must adhere to all State, Federal, and Occupational Safety and Health Act (OSHA) safety standards while they are on the premises of the County. Furnished equipment, materials, and/or services must comply with all OSHA standards and regulations, and all applicable governmental laws and orders. County reserves the right to individually refuse any shipment, at its sole discretion, which cannot be unloaded using safe and proper techniques. Any such refusal must result in the return of the product at the successful bidder's sole expense.
2. **SPILLAGE:** The successful bidder must be prepared to provide safety training on the safe handling and use of the product and emergency procedures in the event of a leak or spill. Should a product spill or leak result due to negligence, faulty equipment, or inferior packaging on the part of the bidder or their agents, the bidder and their agents must be responsible for cleaning the spill or leakage and for bearing any cost incurred due to spill or leakage clean-up. It must be the successful bidder's responsibility to effect immediate containment, clean-up, disposal, and restoration activities in accordance with the individual facility's requirements and any and all applicable laws and regulations. All material associated with such clean-up operations must be hauled away and lawfully disposed of at no charge to the County. The property of the County where the delivery is being made must not be used for such disposal. If the spill is NOT cleaned up, the County will hire a certified hazardous material handling company (as applicable) to clean up the spill, and the costs incurred, including any fines or penalties which may be imposed by regulating authorities, will be charged to the bidder or deducted from amounts owed. The product must stay in the possession of the bidder and must not be unloaded until accepted by the County. All products must be delivered in accordance with Department of Transportation regulations.

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F. Product Orders

1. A purchase order will be issued to the successful bidder by the County as part of the resulting agreement.
2. All product sales must be invoiced to the County within thirty (30) calendar days.
3. The contracted unit cost of the product is the awarded bid price.

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Quantity, Pricing, Contract Documents

I. Quantities

- A. Quantities are firm fixed amounts and are not subject to the manufacturer's standard packaged quantities.
- B. County reserves the right to order additional quantities than stated as approximate amounts after the initial award based on Vendor's willingness to hold their bid price and mutually agreed-upon quantities and delivery dates.

II. Pricing

- A. **Unit Price:** includes everything but sales tax.
- B. **Delivery Costs:** include delivery costs in the unit price.
- C. **Sales Tax:** Include California sales tax at 7.25%
- D. **California Mill Assessment:** A "mill" is equal to one-tenth of a cent. This assessment is 21 mills, or 2.1 cents per dollar of sales.
- E. **Additional Charges:** none; do not charge restocking or returned items; minimum orders; deliveries; disposals; deposits; environmental fees; fuel surcharges; etc.
- F. **Fixed Prices:** applies to all items ordered

III. Bid Results Price Sheet

- A. Awarded bidder's Bid Form (price sheet), as accepted by County, will be incorporated as part of the purchase order agreement or contract.

IV. Bid Contract Documents

- A. Bid Form
- B. Non-Collusion Affidavit

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Non-Collusion Affidavit

Note: To be executed by Offeror and submitted with Offer.

State of _____
(the State of the place of business)

County of _____
(the County of the place of business)

_____, being first duly sworn, deposes and
(name of the person signing this form)

says that he/she is _____ of
(title of the person signing this form)

_____, the party making the foregoing offer
(name of offering company)

that the offer is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the offer is genuine and not collusive or sham; that the OFFEROR has not directly or indirectly induced or solicited any other offeror to put in a false or sham offer; that the OFFEROR has not directly or indirectly colluded, conspired, connived, or agreed with any offeror or anyone else to put in a sham offer, or to refrain from offering; that the OFFEROR has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the offer price of the OFFEROR or any other offeror, or to fix any overhead, profit, or cost element of the offer price, or of that of any other offeror; that all statements contained in the offer are true; and, the OFFEROR has not, directly or indirectly, submitted his or her offer price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, depository, or to any member or agent thereof, to effectuate a collusive or sham offer, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of an OFFEROR that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the OFFEROR.

I declare under penalty of perjury under the Laws of the State of California that the foregoing is true and correct, and that this declaration is executed as set forth.

Signed: _____
(Signature)

Printed Name: _____
(name of the person signing this form)

Title: _____
(title of the person signing this form)

Date: _____
(date signed)

Notary is not required for this offer.