

**SPECIAL CONDITIONS OF BID - CONTRACT
TABLE OF CONTENTS**

<u>SECTION</u>	<u>SUBJECT</u>	<u>PAGE #</u>
1.	SCOPE	3
2.	CONTRACT TERM	3
3.	CONTRACT QUANTITIES/NEW OR DELETED ITEMS	4
4.	CONTRACT REQUIREMENTS AND BIDDER/CONTRACTOR QUALIFICATIONS.....	4
5.	SPECIFICATIONS	4
6.	DELIVERY.....	11
7.	F.O.B. DESTINATION FREIGHT INCLUDED	11
8.	METHOD OF BID.....	11
9.	BID RESPONSE REQUIREMENTS.....	11
10.	SAMPLES.....	12
11.	METHOD OF AWARD	12
12.	MINORITY BUSINESS PARTICIPATION	13
13.	SUBCONTRACTING OR THIRD PARTY PAYMENTS	13
14.	FIRM PRICES	13
15.	ORDERS.....	13
16.	INVOICING REQUIREMENTS	14
17.	ITEM RETURN POLICY	14
18.	SHIPMENTS, DUPLICATES AND OVER SHIPMENTS	14
19.	CONTRACT CANCELLATION.....	14
20.	CERTIFICATION FOR COLLECTION OF SALES AND USE TAX	15

ATTACHMENT A – VENDOR INFORMATION SHEET

ATTACHMENT B – REFERENCES SHEET

ATTACHMENT C – WisDOT MBE PROGRAM AWARENESS, COMPLIANCE & ACTION PLAN FORM

ATTACHMENT D – MINORITY BUSINESS PARTICIPATION REPORT FORM

ATTACHMENT E – BIDDER’S RESPONSE SHEET

ATTACHMENT F – SPARE PARTS/ACCESSORIES PRICING (NON BID DETERMINATION ITEMS)

Page 2 Intentionally Left Blank

1. SCOPE

The Wisconsin Department of Transportation (WisDOT or DOT), through its Purchasing Unit (Purchasing), requests bids to establish a contract for the purchase of traffic data recorders (referred to below as either "recorders" or "units") and related peripheral equipment and software.

WisDOT currently uses TC-3 traffic recorders at many continuous data collection locations. The TC-3 is no longer supported by the vendor, the software is incompatible with newer computers, and the peripheral devices are not plug and play. The need for the replacement of the TC-3s is due to the increasing number of equipment failures and problems polling using this type of unit.

The attached Standard Terms and Conditions shall govern this bid unless specifically modified in the Special Conditions of Bid. Conditions of bid that include the word "must" or "shall," describe a mandatory requirement. All specifications are defined as mandatory minimum requirements unless otherwise stated. If no bidder is able to comply with a given specification or condition of bid, Purchasing reserves the right to delete that specification or condition of bid. Failure to meet a mandatory requirement shall disqualify your bid.

If you have any questions regarding the specifications, or special conditions of bid, please contact the purchasing agent shown on the bid cover sheet as soon as possible, but no later than April 21, 2011. If the answer requires written notification to other bidders, purchasing will issue an official addendum.

Any correspondence, documents, price lists, etc. to support your bid, must include the bid number and be sent to:

U.S. Mail:

Purchasing
WI Department of Transportation
4802 Sheboygan Ave., Room 751
PO Box 7396
Madison, WI 53707-7396

UPS, Fed Ex, etc.:

Purchasing
WI Department of Transportation
4802 Sheboygan Ave., Room 751
Madison, WI 53705

All bids are to be packaged, sealed, and show the following information on the **outside of the package:**

- Vendor's Name and Address
- Request for Bids Title
- Request for Bids Number
- Bid Due Date

Retain a copy of these Special Conditions of Bid for your files. Should you receive an award, these Special Conditions of Bid become your contract terms and conditions.

Questions regarding this bid must be submitted in writing via email to the following:

Beth Blanchar, e-mail: beth.blanchar@dot.wi.gov

2. CONTRACT TERM

One year after date of award, with four (4) one-year renewal options. WisDOT reserves the right to extend beyond the contract period if deemed to be in the best interest of WisDOT.

This Contract shall automatically be extended into its subsequent years unless Purchasing is notified, in writing, by the Contractor 90 calendar days prior to expiration of the initial and/or succeeding Contract period(s).

3. CONTRACT QUANTITIES/NEW OR DELETED ITEMS

WisDOT intends to purchase approximately 125 traffic data recorders in the first year of the contract and approximately 200 traffic data recorders over the next two (2) years. WisDOT anticipates to purchase the software required to autopoll on 10 or fewer computers and to setup/direct download on 25 or fewer laptop computers during the first year.

WisDOT does not guarantee to purchase any specific quantity or dollar amount. Bids that state WisDOT must guarantee a specific quantity or dollar amount may be disqualified.

NEW OR DELETED ITEMS: WisDOT reserves the right to add new products to this contract based on technology changes or changes to standards unknown at the time of this bid. Contractor(s) prices must be comparable to current contract pricing for like products. Contractor should promptly notify Purchasing of new or discontinued products.

4. CONTRACT REQUIREMENTS AND BIDDER/CONTRACTOR QUALIFICATIONS

To be eligible for a contract award, you must be qualified and able to provide the following. Respond on attached "Vendor Information Sheet" and "References Sheet".

- 4.1 Bidder must be an original manufacturer, or distributor and/or dealer authorized by manufacturer.
- 4.2 Bidder must supply references of three (3) firms to which similar products have been provided. If contacted, all of those references must verify that a high level of satisfaction was provided. Use Attachment B to list references.
- 4.3 Bidder must be in the business of automated traffic data counting and classification equipment for the past three (3) years.
- 4.4 Contractor must provide designated WisDOT personnel with instructions on set-up and operation of the system and/or products.
- 4.5 Bidder must provide a statement of their Warranty Policy on any service or parts they may provide.

5. SPECIFICATIONS

The following specifications are minimum acceptable requirements. Specific manufacturer(s) and/or catalog/model/stock numbers are provided to establish the design, type of construction, quality, functional capability and performance level desired. The bidder may offer an alternate product believed to be an equal.

Any alternate product(s) bid must be clearly identified by manufacturer and catalog, model or stock number. Adequate detailed specifications of the product offered must be included with your bid to establish equivalency.

Failure to provide product specifications and information may disqualify your bid. WisDOT shall be the sole judge of equivalency and acceptability.

Bid specifications may not be revised without an official written addendum issued by Purchasing.

Peek Traffic Corporation ADR 1000Plus Traffic Data Recorder, or Equivalent

The ADR 1000Plus/8L recorder is a self-contained, microprocessor-based data collection recorder that works with one or more inductance loops to detect the presence, speed and length of detected vehicles.

5.1 Recorders

Bids are requested on two (2) models of the ADR 1000+. The models are identical except the second model includes a solar panel on the lid of the unit.

- ADR 1000Plus/8L or equivalent – includes ADR 1000Plus case, display, motherboard, 8 loop module, battery. Does not include lock and key, wiring harness, solar panel on lid.
- ADR 1000Plus/8L with solar lid or equivalent - includes ADR 1000Plus case, display, motherboard, 8 loop module, battery, and solar panel on lid. Does not include lock and key, wiring harness.

Vendor shall supply all necessary cables to connect field units to computers and battery charging devices (if applicable). One charger shall be supplied for each field unit (if applicable). The price for the traffic data recorder shall include the costs for all necessary cables.

5.2 Power Source and Requirements

If the recorder is configured such that it can be used outside of a count station cabinet, a single 6-volt 10 amp-hour sealed gel cell battery, rechargeable with 110-volt adapter and/or solar panel shall provide power. The battery is required to maintain loop counter operations for a minimum of 21 days in the field without recharging. Loss or disconnection of the battery shall not result in loss of data, provided the battery change is accomplished within 1 minute. During extended field operations, it shall be possible to exchange the battery without interrupting the study in process. Each field unit must be equipped, or be capable of being equipped, with a solar panel to extend battery life. The solar panel must be encased and completely environmentally sealed, in a high impact resistant, UV stabilized plastic. The solar panel shall be mounted on top of the classifier and recessed to protect the panel when units are stacked for transportation or storage.

Each recorder must be capable of being installed into a permanent count station cabinet. When configured to be used in a cabinet, the battery shall be capable of being recharged from either a 110 volt power source or external solar panels.

Each recorder shall operate at temperatures between -40°F to +165°F (-40°C to +74°C).

The unit shall not be damaged by temperatures from -40°F to +165°F (-40°C to +74°C).

Surge panels shall be installed to protect hardware from power surges and transients.

5.3 Firmware

Any firmware upgrades required by the recorder manufacturer or due to units malfunctioning shall be included at no additional cost. Firmware updates must be readily accomplished at the field level (via local serial connection or remotely via modem), must be able to be performed without disassembling or changing any hardware or chips in the field units, and must not require that units be returned to the manufacturer.

The firmware shall allow the use of any optional sensors without needing to be changed.

Modifications to the class tables must be able to be performed by a field employee without any firmware or hardware changes. The modified class table must be able to be saved to disk or PC-card for downloading to additional recorders.

5.4 Field Setup, Monitoring, & Display

Each recorder shall have a keypad and an LCD display screen with a minimum of 4 lines by 20 characters per line wide with full alphanumerical capability for setup and monitoring traffic being recorded. Recorder setup and traffic monitoring shall also be allowed using a direct or remote connection to a computer with the proper software installed.

Each recorder must be capable of using preprogrammed setup files that will allow for quick setup of standard studies. Additionally, each user must have the ability to create and store their own custom setup files for their own use. Setup files must have the ability to be copied from recorder to recorder.

Information such as sensor activation, vehicle classification, and count, must be available on the unit's display in real-time.

5.5 Communications

A serial port on the recorder will be used to transmit data remotely or locally to and from Windows-based computers.

There shall be an RS232 serial port on the recorder to allow for downloading setup parameters and firmware updates and uploading data at 300 baud to 19,200 baud via weatherproof UL and CSA approved female socket connector.

Each recorder shall have at least one (1) serial port capable of communicating at up to 19,200 baud remotely.

The recorder shall be compatible with one or more modems installed at data collection sites including, but not limited to, the Multi Tech MT5634IND, Peek LPM 14, and Data Remote CDS-9060.

Units supporting separate historical and real-time connections must be configured with two (2) ports. At least one (1) serial port shall be capable of transmitting data of up to 115k baud locally and one (1) serial port must be capable of communicating at up to 19,200 baud remotely.

5.6 Memory

Recorders shall have a minimum internal memory of 1 megabyte. Any memory expansion must be accessible from the front-panel. Recorder must use a Windows compatible filing system.

This memory shall have a battery backup so no data is lost when main power is removed.

The memory shall be wrap-around so that erasing data is not necessary.

5.7 Inputs

Each recorder must be provided with eight (8) loop inputs. Optionally, recorders shall also have the ability to accept a road tube sensor module, a loop detector sensor module, a piezoelectric sensor module, or a contact-closure module.

Recorders must be capable of supporting alternate sensor configurations through the use of optional plug-in sensor modules listed above without requiring any firmware changes.

Each sensor module must be able to have its firmware upgraded by the user.

All loop, piezoelectric, and external contact inputs must use AMP Circular Plastic Connectors size series 11 chassis connector part number 206486-1.

The serial communications input must use AMP Circular Plastic Connectors size series 11 chassis connector part number 205841-1.

The Wisconsin Department of Transportation has invested considerable time and resources in our existing data collection facilities which contain thousands of detectors and will not accept other connectors or adapters for the connection of the sensors to the recorder.

5.8 Count Rate:

Two hundred counts per second.

5.9 Time Keeping

Each recorder must have an onboard real time clock calendar independent of the main processor operation and battery. The clock must be a twenty-four hour time clock with hours, minutes and seconds. The calendar must output the day, month and year, compensating for leap year and daylight saving time. The recording interval must be selectable between one and 1440 minutes.

Each unit must have a selectable on/off adjustment for daylight saving time change.

5.10 Accuracy

The units selected for purchase under the resulting contract must be capable of accurately recording and classifying a minimum of 95% of the vehicles being monitored. It must also meet the accuracy requirements for the Highway Performance Monitoring System as specified by the Federal Highway Administration. Units must be capable of classifying up to four (4) lanes of traffic simultaneously, either traveling in same, or opposite, directions. Accuracy will be checked and verified by comparing the data collected with manual counts and counts made with existing equipment.

5.11 Configuration

Each unit must be capable of storing data by lane or by direction in an individual bin or all lanes in a single bin, and Per Vehicle Records (PVRs). Users must be able to view input activity via onboard LCD display and/or laptop computer as it is being binned. Counters must be capable of storing setup information, site number, configuration and count interval. Twelve alphanumeric characters must be provided (each) for site identification and for station identification.

The classification table should allow a minimum of fifteen user definable types, with twenty-four vehicle definitions, with FHWA Scheme "F" as default. Units must be capable of collecting at least eight selectable multiple studies in one setup (i.e., speed, classification, volume, gap, headway, and raw data as per-vehicle records at the same time), with the option to select individual or a combination of reports via PC software. When the loop detectors are installed, the unit must be capable of performing length based classification using only two inductive loops per travel lane.

Field employees must be able to modify class tables without any firmware, hardware or chip changes.

The following parameters must be capable of being changed, viewed or reset by an operator via the integral keyboard/display and also via a directly or remotely connected computer:

- | | |
|-------------------------|---------------------------|
| A. Time and Date | E. Type of Files Required |
| B. Classification Table | F. Sensor Calibration |
| C. Site Number | G. Recording Interval |
| D. Configuration | H. Battery Status |

Each recorder must be optionally capable of outputting near-real-time information to include: volume, occupancy, and average speed.

5.12 Data Collection and Storage

At a minimum, each recorder must be configurable to collect and store:

- Traffic volume
- Number of Axles
- Vehicle speed
- Vehicle classification
- Headway
- Gap
- Axle Spacing

5.13 Housing

Each recorder must be housed in sturdy cast aluminum, seamless, rustproof, watertight case with a locking lid and an integral handle for carrying and securing the unit. Housings must be water resistant to IP67 (accidental immersion up to 3 inches). Keypad and display must be spill and splash proof with lid open. Recorders equipped with a solar panel must allow stacking without damage to the solar panel in normal handling.

The recorder shall not exceed 5.25" X 8.5" X 10.5".

The recorder shall not weigh more than 15 pounds with battery.

Each recorder shall have a unique serial number for tracking and inventory control.

Each recorder must be environmentally tested using NEMA TS2 specifications. Sensor inputs must be actively stimulated during the testing. Test results must be enclosed with each recorder.

5.14 Training and Documentation

After the equipment is received, training shall be made available on the recorder and related software. This training shall include a classroom introduction to the features and operation of the recorder and accompanying software including autopolling, and a field session covering equipment set up, operation, direct downloading and troubleshooting. The training shall take place at a location of WisDOT's choosing at a mutually agreeable time within one month of the delivery of the first units purchased.

The Vendor shall furnish an operating manual for the recorder and its peripherals and an operations manual for the recorder. The manual shall include, but not be limited to, the following items:

- Specifications
- Design characteristics
- General operation theory
- Function of all controls
- Troubleshooting/maintenance procedures
- Block circuit diagram
- Graphical layout of components
- Schematic diagrams
- List of component parts with stock numbers
- Documentation for application software installation and operation

Depending on the size of the order, the number of operating manuals provided shall be between 10 and 50 copies. The number of manuals need not exceed the number of recorders ordered.

The price of training and documentation shall be included in the per unit price.

5.15 Warranty:

The recorder is to be warranted for a minimum of two years beginning the date of delivery.

5.16 Serial numbering

Each unit shall be stenciled with: "Wisconsin Dept. of Transportation No. #####". Where "#####" is a unique number sequentially incremented from a four (4) digit number specified at the time of purchase. This special identification information shall be durable and coated with the same anti-graffiti coating as the rest of the unit.

5.17 Software

Vendor shall furnish Windows XP, Vista 7 compatible software capable of operating with an IBM PC (Intel Pentium™ processor) or compatible laptop or desktop computer. The software shall operate under both keyboard and mouse control.

The software must have conversion and editing capabilities to output the data in a common format. It shall have conversion and editing capabilities to output the data in TMG (FHWA submittal format), PRN (text format), PVR (per vehicle records) and XLS (Excel) file formats. If software data file output format is not readable by Chaparral Systems Corporation's TRADAS traffic data processing system, the vendor shall provide Chaparral Systems Corporation with the information necessary to develop a reader for that data file format. A reader is an application used by TRADAS to interpret the contents of a data file submitted for processing.

The software shall automatically adjust for daylight savings time. The software shall allow multiple data files to be combined into a single file for processing while retaining the original data files unchanged. The software shall automatically synchronize the recorder clock with the computer clock as selected by the user.

Software upgrades will be provided for a period of two years at no additional cost. The software shall be capable of performing three functions:

- Setup – Software shall allow all operator controllable settings on the recorder to be adjusted and saved. The vehicle classification table should allow a minimum of fifteen

user definable bins with FHWA Scheme “F” as the default scheme. The vehicle classification table must allow at least eight user definable bins.

- Direct download - Software shall download data files, convert files to PRN format or other TRADAS-acceptable format, and create special reports for data analysis. The software must be capable of generating reports by lane, direction, directional total and road total.
- Telemetry - Software will call each station at a preset time, download data over a standard telephone circuit, and convert data files to PRN format or other Chaparral Systems Corporation TRADAS-acceptable format, and output files to specified location for processing. If power is lost, the computer crashes or the computer is restarted for any reason, the software must automatically restart and continue polling without any user intervention upon computer restart. The software interface must be capable of being closed after being configured, making operations virtually impervious to the action of operators. The software shall also be capable of performing all recorder set up functions and monitoring recorder operation over a standard telephone circuit.

The software shall utilize telemetry communications provided by DOT on a standard computer. DOT will use modems attached by RS232 interface and/or USB interface as determined by DOT. Telemetry communications shall be capable of operating with an auto-answer Hayes compatible modem at up to 19,200 baud. The software and recorder shall be supplied set to operate at a default rate of 9,600 baud. For telemetry functions, the software shall be compatible with modems currently in use by WisDOT: Multi Tech MT5634IND, Peek LPM-14, and Data Remote CDS-9060. The software should also allow for future use of IP addressing and download.

5.18 Spare Parts (Non Bid Determination Items)

Vendors shall provide a list of replacement parts and prices on Attachment F for all available parts and components of the units. As a minimum, the list shall contain the following. If any additional parts are necessary to assemble a complete unit, please include these items. These prices **will not be part of the bid award determination** but will apply to orders issued on the resulting contract.

- Wiring Harness - Wiring harness for connecting the recorder to a terminal strip in a traffic cabinet shall be bid as a separate item. Wiring harnesses shall use #8 spade connectors.
 - Lock with 2 keys – Each lock should be brass bodied and must be keyed alike to a standard Wisconsin Department of Transportation traffic recorder padlock.
- | | |
|--|---|
| <ul style="list-style-type: none"> • CPU, Board w/LCD • Motherboard Assembly • CPU, Board Only • 8 Loop Module • 4L “High Power” Loop Module • 8 Piezo Module • 4P Piezo Sensor Module • 8W WIM Module • 14C Contact Closure Module | <ul style="list-style-type: none"> • 4 Road Tube Module (Airswitch Assembly) • Solar Panel Add-on • Battery • Computer Serial Cable • 110AC Adapter Charger • Solar/Modem “Y” Cable • Recommended landline modem • Recommended cellular modem |
|--|---|

5.19 Optional – Maintenance Agreement (Non Bid Determination Item)

Vendors shall provide a quote on maintenance agreements available after expiration of the warranty term. Please include terms, identify which components shall be covered and provide the annual cost. A sample agreement form, including the terms and conditions, should be included with the bid submittal. This price will not be part of the bid award determination but may apply to the resulting contract if it determined it's in the best interest of the State.

6. DELIVERY

Delivery is desired within 45 calendar days after receipt of a purchase order. Bidders are to state on the Bid Cover Page if they can meet this delivery.

The vendor is required to notify the ordering department of any back order, discontinuation of product(s) or other delays in shipping within 48 hours receipt of order.

7. F.O.B. DESTINATION FREIGHT INCLUDED

Delivery will be made by common carrier or bidder's truck, with unloading to be performed by the carrier/bidder and carton(s) transported to the interior/ground floor or inside dock at the Wisconsin Department of Transportation, Travel Survey Shop ,3633 Pierstorff St, Madison, WI 53704. Bid prices should include all packing, transportation, insurance charges and installation/operation manuals.

Failure to bid FOB Destination Freight Included may disqualify your bid.

8. METHOD OF BID

Bidder must submit a unit price and extended total on the Bid Price Sheet. All prices must be quoted in U.S. Dollars.

Software

- If the software for the autopoll on up to 10 computers and setup/direct download on up to 25 computers are separate, provide pricing for each software on lines 3 and 4 on the Bid Price Sheet.
- If the software you are bidding has the capability for autopoll/setup/direct download on up to 35 computers, provide pricing on line 5 on the Bid Price Sheet.

Bidder **must** submit pricing for the spare parts listed in Section 5.18 on Attachment F. Failure to provide this pricing your bid submittal may disqualify your bid.

Optional

- Bidder is requested to submit pricing trade-in of the approximately 400 obsolete Peek TC-3 Traffic Recorders separately as indicated on line 7 the Bid Price Sheet.
- Bidder is requested to submit pricing for an extended maintenance agreement (see Section 5.19) as indicated on line 8 the Bid Price Sheet.

9. BID RESPONSE REQUIREMENTS

In order for your bid to be considered, the following information must be provided. Fill out and submit one copy (unless stated otherwise) by the due date and time listed on the bid cover page. Include:

- 9.1 Bid Cover (Signature) Pages
- 9.2 Addendum Cover (Signature) Page(s), if applicable to this bid request

- 9.3 Bid Price Sheet(s)
- 9.4 Vendor Information Sheet, Attachment A
- 9.5 References Sheet, Attachment B
- 9.6 MBE Program Awareness, Compliance & Action Plan, Attachment C
- 9.7 Bidder Response Sheet, Attachment E
- 9.8 Spare Parts Pricing, Attachment F
- 9.9 Two (2) copies of complete specifications and descriptive brochure or detail for the product(s) bid
- 9.10 Manufacturer's/Bidder's warranty statement, see section 4.5

Failure to provide this information with your bid submittal may disqualify your bid. WisDOT encourages all bidders to print their submission double-sided to save paper

Bids may not be submitted via facsimile

Because of increased building security, access to the WisDOT Purchasing Office is restricted and may cause delay if hand delivering your bid. Allow ample time for security clearance to room 751.

10. SAMPLES

For evaluation purposes WisDOT may request samples and demonstration of the product bid and must be furnished within 45 calendar days of the date requested or your bid may be disqualified. This sample shall be provided without expense or obligation to WisDOT. WisDOT shall not be liable for any loss of, or damage to, the demonstration product.

WisDOT shall evaluate all samples requested in an identical manner to determine whether the products delivered conform to the specifications.

WisDOT shall reject samples NOT meeting bid specifications. The bidder shall be notified in writing by WisDOT to pick up samples, at the bidders expense, within 30 working days of date of such notification. Any samples not picked up in the designated time period shall be disposed of as WisDOT sees fit.

Failure to deliver samples within time designated may disqualify your bid.

11. METHOD OF AWARD

Award(s) shall be made on the basis of the lowest total costs for lines 1 through 6 on the Bid Price Sheet from a responsive, responsible bidder who meets specifications. Timeliness of delivery may be considered when making this award.

The **optional** bid price indicated for the trade-in of the obsolete traffic cabinets (line 7 on the Bid Price Sheet) **will not** be considered when determining award.

The **optional** bid price indicated for the maintenance agreement (line 8 on the Bid Price Sheet) **will not** be considered when determining award.

The bid price indicated for the spare parts indicated on Attachment F **will not** be considered when determining award.

Volume discounts shall not be considered when determining award. However, they shall apply to orders issued on this contract.

12. MINORITY BUSINESS PARTICIPATION

The Wisconsin Department of Transportation is committed to the promotion of minority businesses in the State's purchasing program. Authority for this program is found in Wisconsin Statutes 15.107(2), 16.75(3m), and 16.755.

Bidders are strongly urged to use due diligence to further this policy by setting up subcontracts to state-certified Minority Business Enterprises (MBE) and/or by using such enterprises to provide goods and services incidental to this contract (second-tier suppliers), with a goal of awarding 5% of the contract cost to such enterprises. An MBE means a business certified, or certifiable, by the Wisconsin Department of Commerce under Statute 560.036(2).

Bidders must submit the attached **WisDOT MBE Program Awareness, Compliance & Action Plan (Attachment C)** indicating their proposed utilization of state-certified minority businesses for this contract. Contact the State's Minority Business Manager for assistance in locating certified firms at (608) 267-3293 or the WisDOT Minority Business Program Coordinator at (608)-267-2886. A listing of State of Wisconsin certified minority businesses, as well as the services and commodities they provide, is on the State-certified MBE web site: www.doa.wi.gov/mbe

Quarterly reports (Attachment D) are requested to be submitted to the Department of Transportation, Purchasing Unit, itemizing the deliveries and cost of items or services provided by certified firms. Reports should state the costs for the previous contract quarter. The department reserves the right to verify with listed firms their involvement as subcontractors or second-tier suppliers.

13. SUBCONTRACTING OR THIRD PARTY PAYMENTS

All subcontracting shall be pre-approved by WisDOT. Subcontractors must abide by all terms and conditions of the contract. The prime contractor shall be responsible for all subcontractor(s) work and payment. The WisDOT will not pay any subcontractor or third parties directly.

14. FIRM PRICES

Prices must remain firm for 180 calendar days after bid opening. Prices established may be lowered due to general market conditions.

Price change requests must be received by Purchasing in writing 30 calendar days prior to the **effective date of proposed increase** for acceptance or rejection. Proposed price increases are limited to fully documented cost increases submitted with the request. If Purchasing deems cost increases are not acceptable, it reserves the right to re-bid the contract in whole or part. Acceptance of the price increases shall be in writing.

15. ORDERS

WisDOT may use the following methods to purchase from this contract:

- Specific (Contract Release) orders may be placed for one-time shipments.
- Contract Release Orders, blanket-type, may be issued by Purchasing for the State's fiscal year time period, July 1 – June 30, to allow departmental personnel to call or fax for product or service against the order as needed.
- Purchasing card releases: placed by department personnel using their State purchasing card under WisDOT and State guidelines.

16. INVOICING REQUIREMENTS

Invoices/Purchase Order:

WisDOT must meet a statutory mandate to pay or reject invoices within 30 days of receipt by WISDOT. Before payment is made, it also must verify that all invoiced charges are correct as per this contract. Only properly submitted invoices shall be officially received for payment. Thus, your prompt payment requires that your invoices be clear and complete in conformity with the instructions below.

All invoices must be itemized showing:

- | | |
|--------------------------|------------------------------------|
| a. purchase order number | d. complete product description as |
| b. vendor name | stated on your bid. |
| c. remit to address | e. prices per the contract |

The original invoice and two copies must be sent to the bill-to address shown on the Purchase Order.

Invoices/Purchasing card

Orders placed by WisDOT using a purchasing card must reflect current contract pricing.

17. ITEM RETURN POLICY

Contractor should provide for return of products ordered in error for up to 30 calendar days from receipt without a restocking charge and WisDOT paying only the return shipping costs. Indicate in detail on the Bidder Response Sheet your return policy.

18. SHIPMENTS, DUPLICATES AND OVER SHIPMENTS

Upon notification by WisDOT of a duplicate or over shipment, product must be removed at the contractor's expense. If such goods are not removed within 30 days of written notification, WisDOT reserves the right to dispose of them as its own property and shall not be held liable for the cost.

19. CONTRACT CANCELLATION

This Contract may be terminated by either party under the following conditions:

- 19.1 Please review section 13.0 and 24.0 of the Standard terms and Conditions of Bid. WisDOT may terminate the contract at any time at its sole discretion by delivering 30 days written notice to the contractor.

If the problem is service performance, contractor will be warned either verbally or in writing of unsatisfactory performance and intent to cancel this contract. Contractor will be given a period of time to 'cure' the performance. If the performance does not improve contractor will be given 15 days written notice that the contract will be cancelled.

Upon termination, WisDOT's liability will be limited to the pro rata cost of the services performed as of the date of termination.

- 19.2 In the event the contractor terminates the contract, for any reason whatsoever, it will require written certified letter notification delivered to the Department purchasing agent not less than 60 days prior to said termination. The contractor will, in turn, refund the Department, within 30 days of said termination, all payments made hereunder by the Department to the contractor for work not completed.

- 19.3 If at any time the contractor performance threatens the health and/or safety of WisDOT, WisDOT has the right to cancel and terminate the Contract without notice.
- 19.4 If the Contractor fails to maintain and keep in force the insurance as provided in #23.0 of the Standard Terms and Conditions, WisDOT has the right to cancel and terminate the Contract without notice.
- 19.5 If at any time a petition in bankruptcy shall be filed against the contractor and such petition is not dismissed within 90 calendar days, or if a receiver or trustee of contractor's property is appointed and such appointment is not vacated within 90 calendar days, WisDOT has the right, in addition to any other rights of whatsoever nature that it may have at law or inequity, to terminate this Contract by giving 90 calendar days notice in writing of such termination.

20. CERTIFICATION FOR COLLECTION OF SALES AND USE TAX

The State of Wisconsin shall not enter into a contract with a vendor, and reserves the right to cancel any existing contract, if the vendor or contractor has not met or complied with the requirements of s.77.66, Wis. Stats., and related statutes regarding certification for collection of sales and use tax.

Page 16 Intentionally Left Blank

STATE OF WISCONSIN
DOA-3477 (R05/98)
ATTACHMENT A

VENDOR INFORMATION

1. BIDDING COMPANY NAME: _____

FEIN (Federal Employer ID Number) _____ OR Social Security # (if Sole Proprietorship) _____

Phone () _____ Toll Free Phone () _____

Fax () _____ Email Address () _____

Address: _____

City _____ State _____ Zip + 4 _____

2. Name the person to contact for questions concerning this bid.

Name _____ Title _____

Phone () _____ Toll Free Phone () _____

Fax () _____ Email Address () _____

Address: _____

City _____ State _____ Zip + 4 _____

3. Any vendor awarded over \$25,000 on this contract must submit affirmative action information to the department. Please name the Personnel/Human Resource and Development or other person responsible for affirmative action in the company to contact about this plan.

Name _____ Title _____

Phone () _____ Toll Free Phone () _____

Fax () _____ Email Address () _____

Address: _____

City _____ State _____ Zip + 4 _____

4. Mailing address to which state purchase orders are mailed and person the department may contact concerning orders and billings.

Name _____ Title _____

Phone () _____ Toll Free Phone () _____

Fax () _____ Email Address () _____

Address: _____

City _____ State _____ Zip + 4 _____

REFERENCES

Vendor: _____

Provide company name, address, contact person, telephone number, and appropriate information on the product(s) and/or service(s) provided to customers similar to those requested in this solicitation document. Potential subcontractors cannot be references. Any subcontractor arrangement for the completion of this work shall be listed on a separate id page.

Company Name: _____

Address (include Zip + 4) _____

Contact Person: _____ Phone No. _____

E-Mail Address: _____

Product(s) Used and/or Service(s) Provided: _____

Company Name: _____

Address (include Zip + 4) _____

Contact Person: _____ Phone No. _____

E-Mail Address: _____

Product(s) Used and/or Service(s) Provided: _____

Company Name: _____

Address (include Zip + 4) _____

Contact Person: _____ Phone No. _____

E-Mail Address: _____

Product(s) Used and/or Service(s) Provided: _____

Company Name: _____

Address (include Zip + 4) _____

Contact Person: _____ Phone No. _____

E-Mail Address: _____

Product(s) Used and/or Service(s) Provided: _____

ATTACHMENT C

**WisDOT MINORITY BUSINESS ENTERPRISE (MBE) PROGRAM
AWARENESS, COMPLIANCE & ACTION PLAN**

As a matter of sound business practice, the Wisconsin Department of Transportation is committed to “supply diversity” by promoting the use of minority business whenever and wherever possible. Further, as an agency of the State of Wisconsin, WisDOT shares in the state goal of placing five (5) percent of its total annual purchasing dollars with state-certified minority businesses.

State of Wisconsin procurement policy provides that Minority Business Enterprises (MBE) certified by the Wisconsin Department of Commerce, Bureau of Minority Business Development should have the maximum opportunity to participate in the performance of its contracts/projects.

You, as a contractor, are strongly urged to use due diligence to further this policy by awarding subcontracts to minority-owned business enterprises or by using such enterprises to provide goods and services incidental to this agreement (second-tier suppliers), with a goal of awarding 5% of the contract cost to such enterprises.

Monthly or Quarterly reports are requested to be submitted to the Department of Transportation Purchasing Unit, itemizing the costs of services and goods provided by certified firms. Reports should state the costs for the previous contract/project month or quarter.

Authority for the MBE program is found in Wisconsin Statutes 15.107(2), 16.75(3m), and 16.755 and 560.036(2), and details about the program can be found at: <http://www.doa.state.wi.us/category.asp?linkcatid=677&linkid=113&locid=0>

Your complete response on the following form must address the following components of your company's/organization's commitment/action plan:

- a) Indication that you understand the **WisDOT's goal**,
- b) Listing of any **MBE vendors with which you intend to subcontract**,
- c) Description of the various **second tier MBE expenses** (goods and services procured that are incidental to the contract/project; *examples are:* specific office supplies to perform the contract, percentage of cost for uniforms for contract staff, travel to perform the contract/project, percentage of facility maintenance services for your facility used directly by your staff during the contract/project period) your company/organization will be able to report that are in direct connection with the administration of this contract,
- d) **Statement expressing your commitment** to complete the required monthly or quarterly reports that will reflect your subcontracts and second-tier expenditures for the period.

For information on certified State of Wisconsin Minority Business Enterprises, please contact:

June Robinson

MBE Program Coordinator
WisDOT Division of Business Management
4802 Sheboygan Avenue, Room 751
Madison, WI 53705
Phone: 608-267-2886 Fax: 608-267-3609
www.dot.wisconsin.gov/business/mbe
june.robinson@dot.wi.gov

A complete listing of certified minority businesses, as well as the services and commodities they provide, is available on the web at: www.doa.wi.gov/mbe and Information regarding certification of minority businesses is available at: <http://commerce.wi.gov/BD/BD-MBD-Index.html>

ATTACHMENT C

**WisDOT MINORITY BUSINESS ENTERPRISE (MBE) PROGRAM
AWARENESS, COMPLIANCE & ACTION PLAN
Complete, sign, and include in your bid response.**

Failure to complete this form as a component of your bid may result in rejection of your bid.

Our company/organization is a Wisconsin-certified Minority Business Enterprise (MBE)

Yes No

Our company/organization is a minority business but has not yet received Wisconsin certification (please provide details): _____

Yes No

We are aware of the WisDOT's goal to spend at least 5% of their total annual purchasing dollars with state-certified MBE firms.

Yes No

We are aware that if awarded this contract/project our company/organization will provide monthly or quarterly reports to WisDOT reporting all expenditure activity directed to MBE subcontractors or second-tier MBE suppliers that directly relate to this contract. (Any non-certified minority businesses could be a potential subcontractor/second-tier supplier--indicate these on your plan. WisDOT will work with those businesses for possible certification.)

Yes No

Subcontractors: Our company/organization intends to subcontract at least 5% dollar volume with certified MBE firms listed below (names, addresses, telephone numbers):

Yes No

Second-tier Suppliers: In addition to direct subcontracting efforts, your company/organization can help WisDOT achieve the 5% goal by managing your second-tier minority purchases. Second-tier business refers to incidental business expenses your company may spend with Wisconsin-certified MBE firms as it pursues the normal course of business supplying the WisDOT-contracted products or services. Here are some *examples*:

- Percentage of your office supplies specifically used during the course of this contract/project.
- Percentage of uniform costs for staff performing this contract/project.
- If you travel to perform this contract/project, you could use a state-certified MBE travel agency and report that expense.
- Percentage of facilities maintenance services for facility(ies) directly used by your staff during the course of this contract/project.

These second-tier expenses can only be reported to the extent that they directly relate to your business with WisDOT. The percentage of the expense you can report is determined by the amount of your WisDOT sales as it relates to your total sales volume. Per the terms of your contract, you should actively pursue directing business towards these types of companies, and report your efforts in this regard on a monthly basis.

In paragraph form, describe your company/organization's commitment/action plan with regard to the planned use of state-certified MBE businesses in subcontracting efforts, as well as developing MBE second-tier suppliers. Please list your specific commitments (attach sheet, if necessary).

SIGNATURE: _____ DATE: _____

PRINTED NAME & TITLE: _____

COMPANY: _____ PHONE NUMBER: _____

ATTACHMENT D

MINORITY BUSINESS PARTICIPATION REPORT

Wisconsin Department of Transportation
DT1230 8/2006 s.16.75(3m) Wis. Stats.

Return via FAX to: 608-267-3609, ATTN: Purchasing Minority Business Coordinator

OR

Return via e-mail to: tipscorrespondence.dbm@dot.wi.gov

Report Date	Contract / Purchase Order #	Time Period Covered by Report
		<input type="checkbox"/> Monthly: through <input type="checkbox"/> Quarterly: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 <input type="checkbox"/> #4

Project Name / Contract Title	
Prime Vendor / Contractor Name	Federal Employer Identification Number – FEIN

Minority Vendor Contractor Name, Address and Telephone Number	Product / Service Purchased	Subcontract \$ Amount	Second Tier \$ Amount

If no business was awarded to Minority Business Enterprises (MBE) for this period, please describe the efforts made to encourage minority business participation. If you have questions, please call the WisDOT Minority Business Program Specialist, 608-267-2886.

I certify that the information contained on this report is true and correct.

I also certify that I am an authorized representative of the above-identified Prime Vendor / Contractor.

(Prime Vendor/Contractor Authorized Representative Name)

(Title)

ATTACHMENT E

BIDDER RESPONSE SHEET

NOTE: THIS FORM SHOULD BE RETURNED WITH YOUR BID RESPONSE SECTION NUMBERS IDENTIFIED CORRESPOND TO THOSE SHOWN IN THE SPECIAL CONDITIONS OF BID.

		<u>YES</u>	<u>NO</u>
4.1	Bidder is an original manufacturer authorized distributor or dealer.	_____	_____
4.2	Bidder has provided references as required.	_____	_____
4.3	Bidder has been in this business the required term. Years _____	_____	_____
4.4	Bidder will provide instructions as required.	_____	_____
4.5	Bidder has provided warranty information.	_____	_____
5	Bidder meets or exceeds all the minimum specifications.	_____	_____
5.19	Bidder has provided pricing for items in Attachment F	_____	_____
6	Bidder can meet delivery requirement.	_____	_____
7	You are bidding all prices FOB Destination, freight included	_____	_____
9	Bidder has completed and returned all forms required.	_____	_____
10	Bidder will provide samples/demonstration, if requested.	_____	_____
12	Bidder will provide quarterly report of purchases from state-certified minority business enterprises, if requested.	_____	_____
13	Bidder will comply with terms on subcontracting.	_____	_____
14	Bidder will hold pricing firm the required term.	_____	_____
16	Bidder understands invoice requirements.	_____	_____
17	Bidder complies with return policy. If not, state your return policy in detail	_____	_____
18	Bidder agrees to terms regarding duplicates and over shipments.	_____	_____
19	Bidder agrees to terms regarding contract cancellation.	_____	_____

Company Name (print or type)

Bidder's name & title (print or type)

Bidder's Signature

Date

