

AGENDA ITEM FOR ADMINISTRATIVE MEETING

( ) Discussion only  
( X ) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Award Contract for Cationic Emulsified Asphalt Purchases

<p>Background: The County issued its annual invitation to bid for cationic emulsified asphalt (CRS-2). The asphalt is to be used for 2024 road chip sealing projects. Three bids were received:</p> <p>Albina Asphalt - \$570/ton  Ergon Asphalt &amp; Emulsion - \$510/ton  Idaho Asphalt Supply - \$615/ton</p> <p>The recommendation from the department is to award the contract to the lowest bid.</p>	<p>Requested Action: Approve contract for cationic emulsified asphalt for 2024 purchases with Ergon Asphalt &amp; Emulsions</p>
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ATTACHMENTS: Bids

\*\*\*\*\*For Internal Use Only\*\*\*\*\*

Checkoffs:

- ( ) Dept. Head (copy)
- ( ) Budget (copy)
- ( ) Fiscal
- ( ) Legal (copy)
- ( ) (Other - List: )

To be notified of Meeting:  
Tom Fellows

To attend Meeting:

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Scheduled for meeting on: April 4, 2024

Action taken:

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Follow-up:

INVITATION TO BID  
Cationic Emulsified Asphalt

Umatilla County is requesting bids for the purchase of approximately 1500 to 2000 tons of CRS-2 and a minor quantity (under 150 tons) of CRS-2P for delivery from June 1, 2024 to September 1, 2024. The County will be chip sealing approximately 50 miles of County Road depending on product price. Bid will include delivery to various locations in Umatilla County. Sealed bids are due to the Umatilla County Public Works office, 3920 Westgate, Pendleton, Oregon, by 12:00 noon, March 28, 2024 when the bids will be publicly opened and read. Further information may be obtained by contacting Tom Fellows, Public Work Director, or Brian Johnson Assistant Public Works Director (541)-278-5424

The product's must meet Oregon Department of Transportation standard specifications for these products and are subject to sampling and testing for compliance.

**INSTRUCTIONS TO BIDDERS**

1.0 **SUBMITTAL OF BID**

Bids are due to the Umatilla County Public Works office, 3920 Westgate, Pendleton, Oregon, by 12:00 noon, March 28, 2023. The bid should include a cost for the product, plus separately set out the cost for delivery. **Please use bid sheet supplied.**

2.0 **DELIVERY**

Product must be delivered to various locations in Umatilla County

3.0 **PAYMENT**

Payment for the product will be made immediately after the 10<sup>th</sup> day of the month following full and satisfactory delivery.

4.0 **PERMISSIVE COOPERATIVE PROCUREMENT**

It is the intent to use invitation to bid as a process for establishing a contract for permissive cooperative procurement. Other Oregon counties or cities within Umatilla County may utilize the original contract awarded under this process to establish contracts or price agreements under the terms, conditions and prices of the original contract for procurement of products with the other county. The contract with the successful proposer will include a requirement that the contractor agrees to extend the terms, conditions and prices of the original contract to other purchasing contracting counties.

5.0 **RIGHT TO REJECT PROPOSALS**

Umatilla County reserves the right to reject any or all bids, waive any informality in bids or accept the bid deemed most satisfactory to the County.

Umatilla County  
2024  
CRS-2 Bid Sheet

CRS-2 Price per Ton	<u>\$ 480.<sup>00</sup></u>
Freight Charge per ton	<u>\$ 30.<sup>00</sup></u>
CRS-2 Price per ton w/Freight	<u>\$ 510.<sup>00</sup></u>
CRS-2P Price per ton	<u>\$ 510.<sup>00</sup></u>
CRS-2P Price per ton w/Freight	<u>\$ 540.<sup>00</sup></u>
Time allowed for unloading	<u>2 HOURS</u>

Additional charges

Additional unload charge per hour	<u>\$ 140.<sup>00</sup></u>
Product return restock fee	<u>\$ 300.<sup>00</sup></u>
Product return freight charge	<u>1/2 SHIPPING RATE</u>
_____	_____
_____	_____
_____	_____
_____	_____

Company Name ERGON ASPHALT & EMULSIONS  
Address 3152 SELMA LANDING RD.  
PASCO, WA 99301

Email: STAN.BROGDON@ERGON.COM

Phone: (509) 545-9864

Contact Person: STAN BROGDON

# ERGON.

Asphalt & Emulsions

Umatilla County Public Works  
3920 Westgate  
Pendleton, OR 97801

March 25, 2024

## RE: Ergon Asphalt & Emulsions Trucking Terms

To whom it may concern:

Ergon Asphalt & Emulsions is pleased to submit a proposal to supply liquid asphalt materials to you for the 2024 road maintenance season. This letter is intended to communicate all applicable trucking terms that may or may not have already been referenced in your bid document. ***Any terms listed in your bid document that differ from terms listed here supersede the conflicting terms.***

Freight	All freight rates included in our bid are based on a 30-ton minimum load. Shipment requests for loads less than 30 tons will still be billed the 30-ton minimum load rate.
Demurrage	\$140.00 per hour (first 2 hours free).
Cancellation	Cancellations <u>may</u> be subject to cancellation fees for loss of truck utilization and operations expense if common carrier is unable to find work for the cancelled load, plus \$300.00 per load restocking fee for loads already loaded at time of cancellation.
Product Returns	\$300.00 per load restocking fee (No credit given for dilute material or antistrip). (When not related to product or service issues.)
Return Freight	Full freight charges to destination and ½ freight back will be charged. (When not related to product or service issues.)
Pumping	Most delivery truck/trailers are not set up to be able to pump product. If you need this service, please inquire about availability and cost.
Split Loads	We are no longer able to offer this service.

Ergon A&E requests that a county representative includes the arrival and departure times along with their signature on the truckers' manifest when accepting the loads. These times are used to determine correct demurrage charges with the trucker. Negligence in marking down the arrival and departure times along with the county representative signature on the manifest will be assumed to deem the truckers time notations as being correct for demurrage billing purposes.

We look forward to assisting you in your road maintenance program for the 2024 season.

Sincerely,



Stan Brogdon  
Area Sales Manager  
Ergon Asphalt & Emulsions

**POWER OF ATTORNEY**

Ergon Asphalt & Emulsions, Inc., a Mississippi Corporation, hereby nominates and appoints each of Evan Heninger, Sean Pellersels, Stan Brogdon, Josh Giudice, Hank Cuevas and Steve Van De Bogert, as its agent and attorney-in-fact with the authority and for the purpose of executing and delivering bid proposals and contracts and/or agreements in connection therewith for the supply of up to 20,000 tons and/or 5,000,000 gallons of asphalt materials per single bid for the States of Washington, Oregon, Montana, Idaho, Colorado, Wyoming, North Dakota, South Dakota and Nebraska for and on behalf of Ergon Asphalt & Emulsions, Inc.

The address of Ergon Asphalt & Emulsions, Inc.'s home office is 2829 Lakeland Drive, Flowood, Mississippi 39232.

This Power of Attorney shall remain in full force and effect from and after the effective date until December 31, 2024, or such earlier time as it may be revoked by action of the Board of Directors of Ergon Asphalt & Emulsions, Inc.

Effective as of January 1, 2024

ERGON ASPHALT & EMULSIONS, INC.

By:   
Patrick Nation, President

STATE OF MISSISSIPPI  
COUNTY OF RANKIN

Sworn to and subscribed before me this 8 day of February 2024, by Patrick Nation, President of Ergon Asphalt & Emulsions, Inc.

My commission expires: 9/9/2025



  
Notary Public

Umatilla County  
2024  
CRS-2 Bid Sheet

CRS-2 Price per Ton	<u>\$ 500.00</u>
Freight Charge per ton	<u>\$ 70.00</u>
CRS-2 Price per ton w/Freight	<u>\$ 570.00</u>
CRS-2P Price per ton	<u>\$ 540.00</u>
CRS-2P Price per ton w/Freight	<u>\$ 610.00</u>
Time allowed for unloading	<u>2 Hours</u>

Additional charges

Additional unload charge per hour	<u>\$ 150.00</u>
Product return restock fee	<u>NONE</u>
Product return freight charge	<u>\$ 35.00/TON</u>
<u>OVERNIGHT FEE FOR TRUCKS</u>	<u>\$ 250.00/TONIGHT</u>
_____	_____
_____	_____
_____	_____

Company Name ALBENA ASPHALT  
Address 801 MAIN STREET  
VANCOUVER, WA 98660

Email: KYLE.ARNTSON@ALBENA.COM

Phone: (360) 816-8536

Contact Person: KYLE ARNTSON  
Kyle Arntson

**Umatilla County  
2024  
CRS-2 Bid Sheet**

<b>CRS-2 Price per Ton</b>	<u>\$550.00/Ton</u>
<b>Freight Charge per ton</b>	<u>\$65.00/Ton</u>
<b>CRS-2 Price per ton w/Freight</b>	<u>\$615.00/Ton</u>
<b>CRS-2P Price per ton</b>	<u>\$575.00/Ton</u>
<b>CRS-2P Price per ton w/Freight</b>	<u>\$640.00/Ton</u>
<b>Time allowed for unloading</b>	<u>2 Hours Free</u>

**Additional charges**

<b>Additional unload charge per hour</b>	<u>2 hrs free, \$150/hr. after</u>
<b>Product return restock fee</b>	<u>\$300 per load</u>
<b>Product return freight charge</b>	<u>\$32.50/load</u>
<u>Overnight Holdover</u>	<u>\$450.00/Night</u>
<u>Jobsite Pumpoff</u>	<u>\$150.00/Occurance</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

**Company Name** Idaho Asphalt Supply, Inc.

**Address** 16425 W. Prairie Ave.

Hauser, ID 83854

**Email:** jjoy@idahogasphalt.com

**Phone:** (208) 821-0560

**Contact Person:** Justin Joy/Sales Mgr.

