

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

**NOTICE TO BIDDERS
FOR
FURNISHING AND DELIVERING
BITUMINOUS MAINTENANCE MATERIAL**

November 24, 2008

The State of South Dakota, acting through the Division of Operations of the Department of Transportation, desires to purchase bituminous materials for maintenance purposes for the period of January 1, 2009 through December 31, 2009, according to the items described and quantities estimated in the Proposal for Furnishing and Delivering Bituminous Maintenance Material, November 24, 2008, and in accordance with the requirements and specifications contained in the Special Provisions for Furnishing and Delivering Bituminous Maintenance Material, November 1, 2008.

Sealed Proposals for the furnishing and delivery of all or any portion of the Items described and specified in the Proposal will be received from Bidders by the Division of Operations, and publicly opened and read at 10:30 a.m. Central Standard Time, December 12, 2008 at the following location:

South Dakota Department of Transportation
Room 205
Becker-Hansen Building
700 Broadway Avenue East
Pierre, South Dakota 57501-2586

All Proposals written in pencil will be rejected. Along with the Proposal, the Bidder shall provide the names, addresses, and telephone numbers of the Bidder's agents to contact to place orders.

Proposals must be received by mail or personally delivered in sealed envelopes or containers by 10:30 a.m. Central Standard Time, December 12, 2008, at:

South Dakota Department of Transportation
Operations Support - Room 208
700 Broadway Avenue East
Pierre, South Dakota 57501-2586
Attention: Ed Rodgers

All Proposals received after 10:30 a.m. Central Standard Time on or after December 12, 2008 will be rejected. An envelope or container enclosing a Proposal shall be plainly marked: **"PROPOSAL FOR BITUMINOUS MAINTENANCE MATERIAL."**

A Bidder is required to furnish a Bid Bond as provided in SDCL 5-23. A certified check for ten (10) percent of the total amount of the Items bid, as computed by multiplying each Item's Estimated quantity by its Unit Bid Price and summing for all Items bid, must be

attached to and form a part of the Proposal. This certified check shall be made payable to the South Dakota Department of Transportation. A Blanket Bid Bond for ten (10) percent of the total amount of the Items bid, issued by a Surety Company licensed to do business in South Dakota, or countersigned by a resident agent, and made payable to the South Dakota Department of Transportation, will be accepted in lieu of a certified check. Successful Bidders will be required to furnish a Performance Bond for not less than ten (10) percent of the total amount of the award issued by a Surety Company licensed to do business in South Dakota, or countersigned by a resident agent, and made payable to the South Dakota Department of Transportation. Upon receipt of a successful Bidder's Performance Bond, the Division of Operations will return the Bidder's certified check or Bid Bond. The certified check or Bid Bond of unsuccessful Bidders will be returned after the letting. In cases where the amount of the certified check submitted with the Proposal is approximately ten (10) percent of the amount of the award made to any successful Bidder, the Division of Operations may, at their discretion, waive the execution of a Performance Bond. In such cases, the Notice to Bidders, Bidder's Proposal, Special Provisions, and Department of Transportation's Letter of Award for Furnishing and Delivering Bituminous Maintenance Material shall constitute the entire contract, and the certified check will be held as security for the full performance thereof.

It shall be clearly understood by all parties that the amounts of material shown for the Items in the Proposal are estimated and are given for the purpose of securing unit price bids. The amounts shown for the various Items may be increased or decreased as much as deemed necessary by the Department of Transportation.

Awards will be made on an Item by Item basis. Item awards will be made only for those Items where the Bidder offers the most advantageous proposition to the State. Awards will be made by the Division of Operations, with the concurrence of the Secretary of Transportation, as soon as quality, price, and ability to furnish can be satisfactorily determined. Bidders successful in receiving the award of one or more Items will be formally notified by the Division of Operations by a Letter of Award. Upon award of any Item to a Bidder, the Bidder then becomes the Contractor for that Item and is entitled to all of the business included in that Item for the duration of the contract, except as hereinafter stated.

Acceptance of qualified bids may or may not be made as deemed advisable by the State. The State does not guarantee to purchase any minimum or maximum quantity, but does contemplate purchasing exclusively during the term of the contract from the Contractor, reserving, however, the right to buy various similar Items from other Vendors when the best interest to the State is served.

The Department of Transportation reserves the right to reject any or all Proposals either before or after opening.