

Item # 4-1B

**City of Carson City
Agenda Report**

Date Submitted: October 23, 2006

Agenda Date Requested: November 2, 2006

Time Requested: Consent

To: Mayor and Supervisors

From: Purchasing & Contracts

Subject Title: Action to renew Contract No. 0304-048 Crack Fill Material with Construction Sealants & Supply to provide Crafcro Poly Flex Type II through December 4, 2009 at the same terms and conditions as originally awarded on December 4, 2003 at the cost of 31¢ per pound delivered and to authorize its usage by Public Works providing that Carson City's approved funding and purchasing procedures are followed

Staff Summary: Public Works has used Crafcro Poly Flex Type II for approximately six (6) years and has been satisfied with the product. The current contract will expire on December 4, 2006.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to renew Contract No. 0304-048 Crack Fill Material with Construction Sealants & Supply to provide Crafcro Poly Flex Type II through December 4, 2009 at the same terms and conditions as originally awarded on December 4, 2003 at the cost of 31¢ per pound delivered and to authorize its usage by Public Works providing that Carson City's approved funding and purchasing procedures are followed

Explanation for Recommended Board Action: On December 4, 2003 the Board of Supervisors awarded Contract No. 0304-048 Crack Fill Material to Construction Sealants & Supply to provide Crafcro Poly Flex II at 21¢ per pound delivered through December 4, 2006 with the option to renew for three (3) additional years subject to negotiation.

Pursuant to the bid's escalation clause, staff approved the following price increases:

- 4/15/05 increased from 21¢ to 22¢ per pound
- 8/26/05 increased from 22¢ to 25¢ per pound
- 11/18/05 increased from 25¢ to 28¢ per pound
- 5/12/06 increased from 28¢ to 31¢ per pound

Applicable Statue, Code, Policy, Rule or Regulation: N.R.S. Chapter 332 Purchasing: Local Governments.


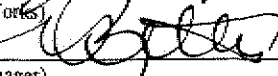

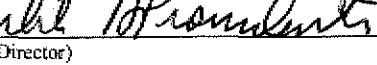
Fiscal Impact: \$200,000.00

Explanation of Impact: \$200,000.00 to purchase this product on an as-needed basis.

Funding Source: \$200,000.00 has been budgeted in FY 0607 Street Maintenance Fund

Supporting Material: Letter from Construction Sealants & Supply and 12/4/03 Agenda Report

Prepared By: Cheryl Adams, Purchasing & Contracts Manager

Reviewed By:  Date: 10-23-06
(Public Works)
 Date: 10-23-06
(City Manager)
 Date: 10-23-06
(District Attorney)
 Date: 10-23-06
(Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

CSS CONSTRUCTION SEALANTS & SUPPLY

SERVICE IS OUR MOST IMPORTANT PRODUCT
LAS VEGAS ♦ RENO/TAHOE ♦ PHOENIX

Carson City Purchasing & Contracts
Attn: Cheryl Adams
201 N. Carson Street Suite 11
Carson City, NV 89701

October 9, 2006

RE: Bid # 0304-048 Crack Fill Material

Construction Sealants & Supply would like to renew Bid # 0304-048 Crack Fill Material to provide Carson City Public Works with Crafcro Poly Flex II for an additional 3 years (December 5, 2006 through December 4, 2009) with no change in terms and conditions as originally bid and at a cost of \$0.31 per pound delivered.

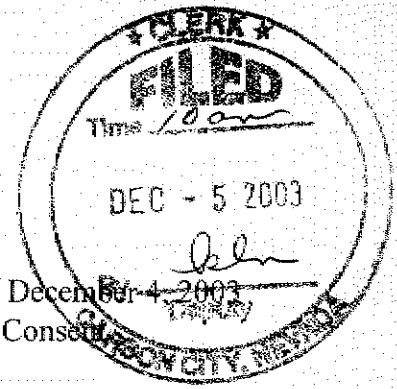
If you have any questions, please give me a call.

Thank You,
Construction Sealants & Supply



Erik Moreno
775-331-3144

City of Carson City
Agenda Report



Date Submitted: November 24, 2003

Agenda Date Requested: December 4, 2003

Time Requested: Consent

To: Mayor and Supervisors

From: Purchasing & Contracts

Subject Title: Action to approve the award of Contract No. 0304-048 Crack Fill Material to Construction Sealants & Supply as the lowest responsive and responsible bidder pursuant to N.R.S. Chapter 332 and pursuant to the Board's findings that it is in the public's best interest to accept the bid exception to provide Crafcro Poly Flex Type II at the cost of 21¢ per pound delivered through December 4, 2006 with the option to renew for three (3) additional years subject to negotiation

Staff Summary: Street Operations has been using Crafcro Poly Flex Type II at a cost of 21¢ per pound since the award of Bid #2000-070 Carson City Crack Fill Material to Construction Sealants and Supply by the Carson City Board of Supervisors on December 7, 2000 and have been satisfied with the product.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to approve the award of Contract No. 0304-048 Crack Fill Material to Construction Sealants & Supply as the lowest responsive and responsible bidder pursuant to N.R.S. Chapter 332 and pursuant to the Board's findings that it is in the public's best interest to accept the bid exception to provide Crafcro Poly Flex Type II at the cost of 21¢ per pound delivered through December 4, 2006 with the option to renew for three (3) additional years subject to negotiation

Explanation for Recommended Board Action: Three (3) **NOTICE TO BIDDERS** were mailed on September 30, 2003 and the **NOTICE TO BIDDERS** was published in the Nevada Appeal on October 3, 2003.

The bids were opened at approximately 2:30 p.m. on October 22, 2003 at 201 North Carson Street, Carson City, Nevada 89701. Present during the bid opening were: Mike Harmon of Titan Construction Supply; John Flansberg, Transportation Manager; and Cheryl Adams, Purchasing & Contracts Manager.

Proposals were received from three (3) bidders: Construction Sealants & Supply, 911 Linda Way #104, Sparks, NV 89431 331-3144 FAX #331-0882; Maxwell Products, Inc., 650 Delong St., Salt Lake City, UT 84104 800-266-2090 FAX #801-972-5536; and Titan Construction Supply, Inc., 988 Packer Way, Sparks, NV 89431 351-2201 FAX #351-2205. Please refer to the **BID TABULATION** for specifics.

Maxwell Products, Inc. proposed Elastoflex 65 at .178¢ per pound delivered, with no bid exceptions. Staff has obtained test data from Nevada Department of Transportation (NDOT) that indicated the Maxwell Elastoflex 65 had a high failure rate. Due to that test data, Staff has determined that Elastoflex 65 does not meet specifications.

Titan Construction Supply, Inc proposed Deery 180 at .2075¢ per pound delivered with three (3) bid exceptions. Staff has reviewed the product literature and found that Deery 180 does not meet specifications.

Construction Sealants & Supply proposed Crafcro Poly Flex Type II at .21¢ per pound delivery with one (1) bid exception which was acceptable to Staff. Street Operations has been using this product for approximately three (3) years and has been satisfied with the product.

Staff recommends award to Construction Sealants & Supply as the lowest responsive and responsible bidder pursuant to N.R.S. Chapter 332.

Applicable Statue, Code, Policy, Rule or Regulation: N.R.S. Chapter 332 Purchasing: Local Governments.

Fiscal Impact: \$60,000.00

Explanation of Impact: \$60,000.00 to purchase this product on an as-needed basis.

Funding Source: \$60,000 has been budgeted in FY 0304 Special Revenue Funds Street Maintenance

Alternatives: Award contract to the higher bidder or do not award contract.

Supporting Material: Bid Tabulation Report; award recommendation memo from John Flansberg, Transportation Manager; and Bid Response from Construction Sealants & Supply.

Prepared By: Cheryl Adams, Purchasing & Contracts Manager

Reviewed By: [Signature] Date: 11/24/03
(Development Services)
[Signature] Date: 11/24/03
(City Manager)
Melanie Ruberto Date: 11-24-03
(District Attorney)
[Signature] Date: 11/24/03
(Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

BID TABULATION REPORT FROM CARSON CITY PURCHASING & CONTRACTS

775-887-2027 extension 1100

REQUEST FOR BID No. 0304-048 Crack Fill Material
 DATE OF OPENING: October 22, 2003
 TIME OF OPENING: 2:30 pm

ATTENDEES: Cheryl Adams, Purchasing & Contracts Manager; John Flansberg, Transportation Manager;
 and Mike Harmon, Trian Construction Supply

Description	Construction Sealants & Supply Erik Moreno FAX #331-0882	Maxwell Products, Inc. Dale Bergevin FAX #801-972-5536	Titan Construction Supply, Inc. Michael Harmon FAX #351-2205
Bidder submitted 1 original BID RESPONSE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	yes	yes	yes
Bidder submitted 3 copies of BID RESPONSE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	yes	yes	yes
49 Bidder Information provided <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	yes	yes	yes
50 Business License information provided <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	yes	yes	yes
51 Disclosure of Principals provided <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	yes	yes	yes
52 Bidder has read the SPECIFICATIONS and certifies that the product(s) and/or service(s) proposed meets or exceeds the requirements of this REQUEST FOR BID? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	yes	yes	yes

Description	Construction Sealants & Supply Erik Moreno FAX #331-0882	Maxwell Products, Inc. Dale Bergevin FAX #801-972-5536	Titan Construction Supply, Inc. Michael Harmon FAX #351-2205
52.1 Bidder understands that no guarantee is given that any specific quantities will be ordered. <input type="checkbox"/> Yes <input type="checkbox"/> No	yes	yes	yes
52.2 Bidder agrees that Carson City will place orders on an as-needed basis throughout the term of the contract. <input type="checkbox"/> Yes <input type="checkbox"/> No	yes	yes	yes
52.3 Bidder has submitted "Exhibit 2.6" technical specifications and literature illustrating the Bidder's proposed product(s). <input type="checkbox"/> Yes <input type="checkbox"/> No	yes	yes	yes
52.4 Bidder has submitted "Exhibit 2.9" a letter from the manufacturer certifying that the Bidder is an authorized representative of the manufacturer for the product(s) being proposed and that any warranty requirements provided for herein will be performed favorably in their behalf. <input type="checkbox"/> Yes <input type="checkbox"/> No	yes	yes	yes
53 Bidder agrees that the CONTRACT TERM shall be for three (3) years from date of award by the Board of Supervisors. Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes
53.1 Bidder agrees that Carson City shall have the right to renew the Contract, for three (3) additional years, subject to negotiation. Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes

Description	Construction Sealants & Supply Erik Moreno FAX #331-0882	Maxwell Products, Inc. Dale Bergevin FAX #801-972-5536	Titan Construction Supply, Inc. Michael Harmon FAX #351-2205
53.2 Bidder guarantees the pricing for a period of three (3) years from the date of award. Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes
54 Bidder agrees that product(s) supplied pursuant to the provisions of this Contract shall be subject to escalation and/or de-escalation of prices. Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes
55 Bidder agrees to provide delivery F.O.B. Carson City Street Operations, 3303 Butti Way Building #7, Carson City, Nevada C/O Marnell Heinz, Operations Chief or his designee in fourteen (14) calendar days after each order. Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes
56 Bidder agrees that all prices shall be F.O.B. Carson City. No additional charges for freight, packaging, handling, insurance, etc., shall be allowed. Bidder shall be responsible for all shipping charges for items returned due to error and/or unacceptable condition. Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes

Description	Construction Sealants & Supply Erik Moreno FAX #331-0882	Maxwell Products, Inc. Dale Bergevin FAX #801-972-5536	Titan Construction Supply, Inc. Michael Harmon FAX #351-2205
57 Bidder agrees that should he fail to deliver the product(s) bid in accordance with this REQUEST FOR BID , the City may declare the Bidder in default of contract and recover all damages, costs and fees (including Attorney's fees) allowable by law. Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes
58 Bidder agrees that in the event of default by the Bidder, Carson City may, at its option, pursue one or all of the following alternatives including: procure the product(s) and/or service(s) from another source and hold the defaulting Bidder responsible for an excess cost occasioned thereby, assess a penalty of 5% of the total awarded bid amount, commence with Surety and/or Performance Bond proceedings, debar the defaulting Bidder for not less than one year, or pursue other applicable legal remedies. Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes
59 Bidder agrees that if necessity requires the use of materials or supplies not conforming to the SPECIFICATIONS , they may be accepted and payment shall be made at a proper adjustment in price. Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes

Description	Construction Sealants & Supply Erik Moreno FAX #331-0882	Maxwell Products, Inc. Dale Bergevin FAX #801-972-5536	Titan Construction Supply, Inc. Michael Harmon FAX #351-2205
60 Bidder has read and agrees to abide by the TERMS AND CONDITIONS of this REQUEST FOR BID . Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes
61 CASH DISCOUNT of _____ % may be taken in addition to the price(s) stated for the terms of _____ days.	0% - 15 days	left blank	0% - 30 days
PRICING SUMMARY			
62.1 Brand name of crack fill material proposed:	Crafco Poly Flex Type II	Elastoflex 65	Deery 180
62.2 Name of Manufacturer:	Crafco	Maxwell Products, Inc.	Crackfiller Mfg. Cheyenne, WY
62.3 Packaged shipping weight of individual boxes in pounds:	see exception summary	34 pounds	31# gross 30# net
62.4 Number of individual boxes per pallet:	72	80	75
62.5 Packaged shipping weight of pallets in pounds:	2500 to 2850 pounds	2880	2350# gross 2250# net
62.5.1 State PRICE PER POUND in figures:	0.21¢	\$.178	\$0.2075
62.5.2 State PRICE PER POUND stated in words Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes
62.5.3 State PRICE PER INDIVIDUAL BOX in figures:	see exception summary	\$6.05	\$6.225

Description	Construction Sealants & Supply Erik Moreno FAX #331-0882	Maxwell Products, Inc. Dale Bergevin FAX #801-972-5536	Titan Construction Supply, Inc. Michael Harmon FAX #351-2205
62.5.4 State <u>PRICE PER INDIVIDUAL BOX</u> stated in words Yes <input type="checkbox"/> No <input type="checkbox"/>	see exception summary	yes	yes
62.5.5 State <u>PRICE PER PALLET</u> in figures:	see exception summary	\$512.64	\$466.875
32.5.6 State <u>PRICE PER PALLET</u> stated in words Yes <input type="checkbox"/> No <input type="checkbox"/>	see exception summary	yes	yes
63 <u>BID RESPONSE</u> signed & notarized <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes
64 Exceptions taken <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>	**yes	no	***yes
Bidder initialed & dated each page of <u>BID RESPONSE</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>	yes	yes	yes
*** Construction Sealants & Supply exceptions *** End Of Document ***			

The Crafcro Poly Flex II that we are submitting varies in weight by the pallet and boxes. The pallet weights will range from 2500 pounds to 2850 pounds. Since the product does come in a range of weights, we are not able to put a specific cost on each pallet or box of material. truck load of material will typically consist of 45,000 pounds plus or minus 300 pounds.

*** Titan Construction Supply exceptions

Alternate to document title "Specifications", Section 3 technical specifications - Page number 3 of 37, item #3.1

Titan supply is bidding an alternate product called Deery 180 which is an industry accepted equal to Crafcro PolyFlex II sealant and conforms to each of the listed properties

under "Specifications" page 4 of 37 item #3.3 modification to document title "Specifications" scope item #1.2 prices quoted are based on 20 pallet orders.



420 N. Roosevelt Ave. • Chandler AZ 85226
 1-800-528-8242 • (602) 276-0406 • FAX (480) 961-0513
 www.crafco.com

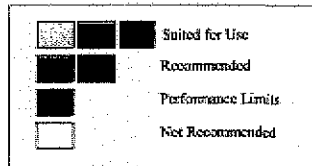
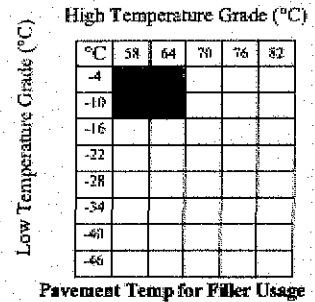
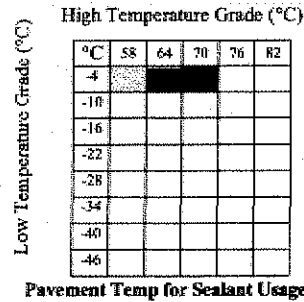
PRODUCT DATA SHEET
POLYFLEX TYPE 2
 PART NO. 34518

JANUARY 2002

READ BEFORE USING THIS PRODUCT

GENERAL Crafco PolyFlex Type 2 is a single component, hot-applied, petroleum based product which is used to seal and fill cracks and joints in both asphalt and portland cement concrete pavements in warm climates. PolyFlex Type 2 is supplied in solid form which when melted and properly applied forms a highly adhesive and flexible compound that resists cracking in the winter and is resistant to flow at summer temperatures. PolyFlex Type 2 can be used in highway, street, airfield and parking lot pavements. It should be applied to pavement cracks using pressure feed melter applicators. At application temperature PolyFlex Type 2 is a medium viscosity product which flows and penetrates cracks. PolyFlex Type 2 is formulated as an economical yet effective pavement maintenance crack filling product. Compared to products based on reclaimed rubber, PolyFlex Type 2 offers lower viscosity for easier application, improved summer temperature pick-up resistance, quicker set times, and improved low temperature flexibility.

USAGE GUIDELINES PolyFlex Type 2 pavement temperature performance limits are 70-4 for crack sealing and 64-10 for crack filling. Usage recommendations are shown in Crafco pavement temperature grade charts shown at the right. Refer to Crafco Product Selection Procedures to determine sealant or filler use and pavement temperature grades.



SPECIFICATION CONFORMANCE The Crafco recommended specification limits for PolyFlex Type 2 when heated in accordance with ASTM D5078 to the safe heating temperature are as follows:

Test	Specification Limits
Cone Penetration, 77°F(25°C)(ASTM D5329)	35-55
Resilience (ASTM D5329)	40% min.
Softening Point (ASTM D36)	200°F (93°C)min
Ductility 77°F(25°C)(ASTM D113)	30cm min
Flexibility (ASTM D3111 Modified)	Pass at 20°F (-7°C)
Flow, 140°F(60°C) (ASTM D5329)	3 min max.
Brookfield Viscosity, 400°F(204°C) (ASTM D2669)	100 Poise max.
Asphalt Compatibility (ASTM D5329)	Pass
Bitumen Content (ASTM D4)	60% min.
Tensile Adhesion (ASTM D5329)	500% min.
Safe Heating Temperature	400°F (204°C)
Recommended Pour Temperature	380°F (193°C)

APPLICATION The unit weight of Crafco PolyFlex Type 2 sealant is 10.0 lbs. per gallon (1.20 kg/L) at 60°F (15.5°C). Prior to use, the user must read and follow Application Instructions for Hot Applied RoadSaver, PolyFlex and Asphalt Rubber Products (January 2002) to verify proper product selection, heating methods, pavement preparation procedures, application geometry, usage precautions and safety procedures. These instructions are provided with each pallet of product.

PACKAGING Packaging consists of individual boxes of products which are palletized into shipping units. Boxes contain a non-adherent film which permits easy removal of the product. Each pallet contains 72 boxes which are stacked in six layers of 12 boxes per layer. The weight of product in each box does not exceed 40 lbs. (18kg) and pallet weights do not exceed 2,880 lbs. (1310 kg). Pallets of product are weighed and product is sold by the net weight of product. Product boxes are manufactured from double wall kraft board producing a minimum bursting test certification of 350 psi (241 N/cm²) and using water resistant adhesives. Boxes use tape closure and do not contain any staples. Boxes are labeled with the product name, part number, lot number, specification conformance, application temperatures and safety instructions. Palletized units are protected from the weather using a three mil thick plastic bag, a weather and moisture resistant cap sheet and a minimum of two layers of six month u.v. protected stretch wrap. Pallets are labeled with the product part number, lot number and net weight. Application Instructions are provided with each pallet in a weather resistant enclosure.

WARRANTY CRAFTCO, Inc. warrants that CRAFTCO products meet applicable ASTM, AASHTO, Federal or State specifications at time of shipment. Techniques used for the preparation of the cracks and joints prior to sealing or filling are beyond our control as are the use and application of the products; therefore, Crafco shall not be responsible for improperly applied or misused products. Remedies against Crafco, Inc., as agreed to by Crafco, are limited to replacing nonconforming product or refund (full or partial) of purchase price from Crafco, Inc. All claims for breach of this warranty must be made within three (3) months of the date of use or twelve (12) months from the date of delivery by Crafco, Inc. whichever is earlier. There shall be no other warranties expressed or implied. For optimum performance, follow Crafco recommendations for product installation.



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

MEMORANDUM

TO: Cheryl Adams, Manager
Carson City Purchasing & Contracts

FROM: John Flansberg, Transportation Manager

DATE: November 18, 2003

Subject: Recommendation of Award of Bid #0304-048 Crack Fill Material.

I have reviewed the bids received for the above referenced contract and after careful review am recommending Construction Sealants and Supply as the lowest responsive and responsible bidder. The determination was based on experience of Carson City as well as a Nevada Department of Transportation performance test between the Maxwell Elastoflex 65 and Crafcro Polyflex 2 materials.

The bids received were as follows:

Maxwell Products Inc.	Elastoflex 65	\$0.178 / lb	10.76 lbs per gallon
Titan Construction Supply	Deery 180	\$0.2075 / lb	Not specified (No info on website)
Const. Sealant & Supply	Crafcro Polyflex 2	\$0.21 / lb	10.00 lbs per gallon

Based on the attached Nevada DOT performance test of asphalt crack sealants, the Maxwell Elastoflex 65 and Crafcro Polyflex 2 were both tested. The Elastoflex 65 had a 67% failure rate whereas the Polyflex 2 had a 4% failure rate. The Deery 180 was not part of the Nevada DOT performance test. From these results, I would not recommend using the low bid nor could I justify their product as an equal to the Crafcro Polyflex 2.

The Deery 180 sealant recommends heating the asphalt to 40°F prior to application whereas the Crafcro Polyflex 2 may be applied to pavements at 25°F. This is important as we perform most of our crackseal work in the winter time between November and March. If the crew were required to heat the pavement prior to application, this would add at least one person to the crew with the added expense of a propane fuel heat lance. Carson City Streets expends approximately \$125,000 per year on labor and equipment preparing the cracks and sealing them. In addition, Streets expends approximately \$40,000 per year on crack sealant material to perform this work. With a purchase of 200,000# for a year, the difference in cost between Crafcro Polyflex 2 and Deery 180 is \$500. This is a negligible amount when compared to the labor and equipment cost and the proven performance that we have experienced with Crafcro Polyflex 2.

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's Initials & date Em 10/16/03

49 BIDDER INFORMATION:

Company Name: CONSTRUCTION SEALANTS + SUPPLY
Federal ID No.: 88-0212479
Mailing Address: 911 LINDA WAY #104
City, State, Zip Code: SPARKS NV 89431
Complete Telephone Number: 775-331-3144
Complete Fax Number: 775-331-0882

Contact Person/Title: ERIK MORENO BRANCH MANAGER (SPARKS)
Mailing Address: 911 LINDA WAY #104
City, State, Zip Code: SPARKS NV 89431
Complete Telephone Number: 775-331-3144
Complete Fax Number: 775-331-0882
E-mail Address: RENOCSS@AOL.COM

50 Carson City Municipal Code Section 4.04.010 requires that any business operating within Carson City is required to be in possession of a valid Carson City business license. Be advised that upon award of a contract by Carson City, you must either have a current business license or an exemption letter from the Carson City Treasurer's Office before commencing business. However, possession of said license is not a prerequisite for bidding.

50.1 If Bidder **has** a valid Carson City Business License, please provide number:

50.2 Bidder **does not have** a valid Carson City Business License. Bidder contacted a representative of the Treasurer's Office Business License Division at 775-887-2092 and has been informed that **Bidder does need** a Carson City Business License for this **REQUEST FOR BID**. Bidder certifies that he will obtain a Carson City Business License if awarded this **REQUEST FOR BID**.

Signature Erik Moreno Date 10/16/03

50.3 Bidder **does not have** a valid Carson City Business License. Bidder certifies that he has spoken to _____ a representative of the Treasurer's Office Business License Division at 775-887-2092 and has been informed that **Bidder does not need** a Carson City Business License for this **REQUEST FOR BID**.

Signature _____ Date _____

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date em 10/16/03

51 DISCLOSURE OF PRINCIPALS:

51.1 Individual and/or Partnership:

Owner 1) Name: FRANCES PHILLIPS
Address: 4450 W. DIABLO
City, State, Zip Code: LAS VEGAS NV 89118
Complete Telephone Number: 702-873-0203

Owner 2) Name: VERN PHILLIPS
Address: 4450 W. DIABLO
City, State, Zip Code: LAS VEGAS NV 89118
Complete Telephone Number: 702-873-0203

Other 1) Title: VICE-PRESIDENT
Name: TYLER PHILLIPS

Other 2) Title: _____
Name: _____

51.2 Corporation:

State in which Company is Incorporated: NEVADA
Date Incorporated: 1985
Name of Corporation: CONSTRUCTION SEALANTS SUPPLY
Address: 4450 W DIABLO
City, State, Zip Code: LAS VEGAS NV 89118
Complete Telephone Number: 702-873-0203

President's Name: VERN PHILLIPS

Vice-President's Name: TYLER PHILLIPS

Other 1) Name: _____
Title: _____

Other 2) Name: _____
Title: _____

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date *Em 10/16/03*

If Bidder responds **NO** to any of the following questions, Bidder must use the **EXCEPTION SUMMARY** document to record any deviations, modifications, and/or alternates proposed to this **REQUEST FOR BID**. Failure to do so may be justification for rejection of the **BID RESPONSE**. Bidder must indicate the title of document from the top of the page, the page number from the bottom of the page, the item number corresponding to the item, and a detailed description of the deviation, modification, and/or alternate. Failure to note deviations, modifications, and/or alternates on the **EXCEPTION SUMMARY** shall be interpreted to convey that the Bidder will perform in the manner described and/or specified in this **REQUEST FOR BID**.

52 Bidder has read the **SPECIFICATIONS** and certifies that the product(s) and/or service(s) proposed meets or exceeds the requirements of this **REQUEST FOR BID**? Yes No

52.1 Bidder understands that no guarantee is given that any specific quantities will be ordered. Yes No

52.2 Bidder agrees that Carson City will place orders on an as-needed basis throughout the term of the contract. Yes No

52.3 Bidder has submitted "Exhibit 2.6" technical specifications and literature illustrating the Bidder's proposed product(s). Yes No

52.4 Bidder has submitted "Exhibit 2.9" a letter from the manufacturer certifying that the Bidder is an authorized representative of the manufacturer for the product(s) being proposed and that any warranty requirements provided for herein will be performed favorably in their behalf.

53 Bidder agrees that the **CONTRACT TERM** shall be for three (3) years from date of award by the Board of Supervisors. Yes No

53.1 Bidder agrees that Carson City shall have the right to renew the Contract, for three (3) additional years, subject to negotiation. Yes No

53.2 Bidder guarantees the pricing for a period of three (3) years from the date of award. Yes No

54 Bidder agrees that product(s) supplied pursuant to the provisions of this Contract shall be subject to escalation and/or de-escalation of prices. Yes No

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date

EM 10/16/03

- 55 Bidder agrees to provide delivery F.O.B. Carson City Street Operations, 3303 Buttl Way Building #7, Carson City, Nevada C/O Marnell Heinz, Operations Chief or his designee in fourteen (14) calendar days after each order. Yes No
- 56 Bidder agrees that all prices shall be F.O.B. Carson City. No additional charges for freight, packaging, handling, insurance, etc., shall be allowed. Bidder shall be responsible for all shipping charges for items returned due to error and/or unacceptable condition. Yes No
- 57 Bidder agrees that should he fail to deliver the product(s) bid in accordance with this **REQUEST FOR BID**, the City may declare the Bidder in default of contract and recover all damages, costs and fees (including Attorney's fees) allowable by law. Yes No
- 58 Bidder agrees that in the event of default by the Bidder, Carson City may, at its option, pursue one or all of the following alternatives including: procure the product(s) and/or service(s) from another source and hold the defaulting Bidder responsible for an excess cost occasioned thereby, assess a penalty of 5% of the total awarded bid amount, commence with Surety and/or Performance Bond proceedings, debar the defaulting Bidder for not less than one year, or pursue other applicable legal remedies. Yes No
- 59 Bidder agrees that if necessity requires the use of materials or supplies not conforming to the **SPECIFICATIONS**, they may be accepted and payment shall be made at a proper adjustment in price. Yes No
- 60 Bidder has read and agrees to abide by the **TERMS AND CONDITIONS** of this **REQUEST FOR BID**. Yes No
- 61 **CASH DISCOUNT** of ~~0~~ % may be taken in addition to the price(s) stated for the terms of ~~0~~ 15 days.
- 61.1 Prompt payment discounts will be considered in award recommendation only if discount period is fifteen (15) or more calendar days.
- 61.2 Discount period will be computed from the date Carson City acknowledges that the delivery and/or performance meets the requirements of this **REQUEST FOR BID** or from the date the correct invoice is received by the appropriate Carson City department/division accounts payable clerk, whichever is the latter date.
- 61.3 Payment is deemed to be made on the date payment is mailed to the Bidder.

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date Em 10/16/03

62 PRICING SUMMARY

62.1 Brand name of crack fill material proposed: CRAFCO Poly Flex TYPE II

62.2 Name of Manufacturer: CRAFCO

62.3 Packaged shipping weight of individual boxes in pounds:

SEE EXCEPTION SUMMARY

62.4 Number of individual boxes per pallet: 72

62.5 Packaged shipping weight of pallets in pounds:

2500 TO 2850 POUNDS

62.5.1 State **PRICE PER POUND** in figures:

\$ 0.21¢

62.5.2 State **PRICE PER POUND** in words:

TWENTY ONE CENTS PER POUND

62.5.3 State **PRICE PER INDIVIDUAL BOX** in figures:

\$ SEE EXCEPTION SUMMARY

62.5.4 State **PRICE PER INDIVIDUAL BOX** in words:

SEE EXCEPTION SUMMARY

62.5.5 State **PRICE PER PALLET** in figures:

\$ SEE EXCEPTION SUMMARY

62.5.6 State **PRICE PER PALLET** in words:

SEE EXCEPTION SUMMARY

CARSON CITY PURCHASING & CONTRACTS
BID RESPONSE

Bidder's initials & date Em 10/16/03

63 ACKNOWLEDGMENT AND EXECUTION:

STATE OF NEVADA)
) SS
COUNTY OF WASHOE)

I, ERIK MORENO (Name of party signing this **BID RESPONSE**), being first duly sworn, do depose and say: That I am the Bidder, or the authorized agent of the Bidder, from whom the aforesaid described product(s) and/or service(s) is to be provided; that I have read and agree to abide by this **REQUEST FOR BID** which includes the following documents: **NOTICE TO BIDDERS, SPECIFICATIONS, TERMS AND CONDITIONS, and BID RESPONSE.**

BIDDER:

PRINTED NAME OF BIDDER: ERIK MORENO

TITLE: BRANCH MANAGER

FIRM: CONSTRUCTION SEALANTS + SUPPLY

Address: 911 LINDA WAY # 104

City: SPARKS NV 89431

State / Zip Code: NEVADA 89431

Telephone Number: 775-331-3144

Fax Number: 775-331-0882

E-mail address: RENOCSS @ AOL COM

Erik Moreno

(Signature of Bidder)

DATED this 16 day of OCTOBER, 2003.

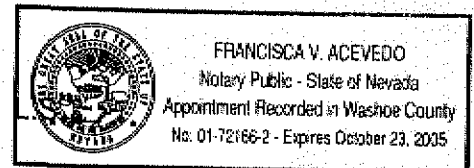
ATTEST:

On this 16 day of Oct, in the year 2003, before me, Francisca V Acevedo Notary Public, personally appeared Erik B Moreno personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he (she) executed it.

WITNESS my hand and official seal.

Notary's Signature

My Commission Expires: 10-23-05



Notary Public for the State of Nevada

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date Em 10/16/03

64 EXCEPTION SUMMARY INSTRUCTIONS:

- 64.1 Use this document to record any deviations, modifications, and/or alternates proposed to this **REQUEST FOR BID**. Failure to do so may be justification for rejection of the **BID RESPONSE**. Bidder must indicate the title of document from the top of the page, the page number from the bottom of the page, the item number corresponding to the item, and a detailed description of the deviation, modification, and/or alternate. Failure to note deviations, modifications, and/or alternates on the **EXCEPTION SUMMARY** shall be interpreted to convey that the Bidder will perform in the manner described and/or specified in this **REQUEST FOR BID**.
- 64.2 If additional space is required, use company letterhead and mark as "Exhibit 64.2".
- 64.3 If there are no deviations, modifications, and/or alternates proposed to this **REQUEST FOR BID**, write "None".

NONE^{Em}

THE CRAFCO Poly Flex II THAT WE ARE SUBMITTING
VARIES IN WEIGHT BY THE PALLET AND BOXES. THE PALLET
WEIGHTS WILL RANGE FROM 2500 POUNDS TO 2850 POUNDS.
SINCE THE PRODUCT DOES ~~NOT~~^{EM} COME IN A RANGE OF WEIGHTS,
WE ARE NOT ABLE TO PUT A SPECIFIC COST ON EACH
PALLET OR BOX OF MATERIAL. A TRUCK LOAD OF MATERIAL
WILL TYPICALLY CONSIST OF 45,000 POUNDS PLUS OR
MINUS 300 POUNDS.

*** END OF BID RESPONSE ***



420 N. ROOSEVELT AVE. • CHANDLER, AZ 85226 • (602) 276-0408
WATS (800) 528-8242 • FAX (480) 951-0513

October 15, 2003

Carson City Purchasing and Contracts
Carson City, NV

Reference: Construction Sealants & Supply

To Whom It May Concern:

For your records, Construction Sealants & Supply is the exclusive authorized CrafcO Distributor for the State of Nevada. Construction Sealants is a fully authorized distributor for CrafcO in selling both sealant and equipment.

Should you need any additional information, please do not hesitate to contact me at (800) 528-8242.

Sincerely,

Diane Howard
Sales Administrator

Cc: Erik Moreno, Construction Sealants & Supply

CONSISTENT AND DEPENDABLE SERVICE AND PRODUCTS
TO SATISFY THE CUSTOMER AND OUR COMPANY'S GOALS