

PURSUANT TO A.R.S. SECTION 38-431.01, THE GILA COUNTY BOARD OF SUPERVISORS WILL HOLD AN OPEN MEETING IN THE SUPERVISORS' AUDITORIUM, 1400 EAST ASH STREET, GLOBE, ARIZONA. ONE OR MORE BOARD MEMBERS MAY PARTICIPATE IN THE MEETING BY TELEPHONE CONFERENCE CALL OR BY INTERACTIVE TELEVISION VIDEO (ITV). **ANY MEMBER OF THE PUBLIC IS WELCOME TO ATTEND THE MEETING VIA ITV WHICH IS HELD AT 610 E. HIGHWAY 260, BOARD OF SUPERVISORS' CONFERENCE ROOM, PAYSON, ARIZONA.** THE AGENDA IS AS FOLLOWS:

SPECIAL MEETING - TUESDAY, OCTOBER 8, 2013 - 10:30 A.M.

1. **CALL TO ORDER**
2. **REGULAR AGENDA ITEMS:**
 - A. Information/Discussion/Action to review all bids submitted for Invitation for Bids No. 082213 for the hauling of aggregate materials to the Forest Service Road 512 resurfacing project in Young, AZ; award to the lowest, responsible and qualified bidder; and authorize the Chairman's signature on the award contract for the winning bidder. **(Steve Stratton)**
3. **CALL TO THE PUBLIC:** Call to the Public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date.

IF SPECIAL ACCOMMODATIONS ARE NEEDED, PLEASE CONTACT THE RECEPTIONIST AT (928) 425-3231 AS EARLY AS POSSIBLE TO ARRANGE THE ACCOMMODATIONS. FOR TTY, PLEASE DIAL 7-1-1 TO REACH THE ARIZONA RELAY SERVICE AND ASK THE OPERATOR TO CONNECT YOU TO (928) 425-3231.

THE BOARD MAY VOTE TO HOLD AN EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE FROM THE BOARD'S ATTORNEY ON ANY MATTER LISTED ON THE AGENDA PURSUANT TO A.R.S. SECTION 38-431.03(A)((3).

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

ARF-2115

Regular Agenda Item 2. A.

Special Meeting

Meeting Date: 10/08/2013

Submitted For: Steve Stratton, Public Works Division Director Submitted By: Dana Sgroi, Contracts Support Specialist, Finance Department

Department: Public Works Division Division: Roads

Fiscal Year: FY 2013 - FY 2014 Budgeted?: Yes

Contract Dates 10-22-13 to 5-21-14 Grant?: No

Begin & End:

Matching No Fund?: Renewal

Requirement?:

Information

Request/Subject

Contract Award for Bid No. 082213 for Aggregate Hauling to Forest Road 512-Young, AZ.

Background Information

On September 17, 2013, Request to Advertise for Bids No. 082213-Aggregate Hauling to Forest Road 512-Young, AZ was presented to the Board of Supervisors for approval. Having been granted said approval, Gila County advertised in the Arizona Silver Belt on September 18, 2013, and September 25, 2013, for contractors to haul aggregate materials from designated pits to the Forest Road 512 project in Young, AZ.

Evaluation

Bid No. 082213 for aggregate hauling to Forest Road 512 in Young, AZ was advertised on September 18, 2013, and September 25, 2013. Bids were received and opened in a public setting on October 2, 2013.

Conclusion

Award of this bid would allow a contractor to haul aggregate materials from designated pits to the Forest Road 512 resurfacing project in Young, AZ.

Recommendation

After extensive review of submitted proposals, the Public Works Director recommends that the Board of Supervisors approve the award of Invitation for Bids No. 082213 for Aggregate Hauling to Forest Road 512 in Young, AZ to Otto Trucking, Inc. for a term of seven months.

Suggested Motion

Information/Discussion/Action to review all bids submitted for Invitation for Bids No. 082213 for the hauling of aggregate materials to the Forest Service Road 512 resurfacing project in Young, AZ; award to the lowest, responsible and qualified bidder; and authorize the Chairman's signature on the award contract for the winning bidder. **(Steve Stratton)**

Attachments

Affidavit of Publication

Bid No. 082213 Solicitation Sign-in

Bid No. 082213 Tabulation Form

Contract No. 082213 Aggregate Hauling to Forest Road 512-Young, AZ
Legal Explanation

Affidavit of Publication

**State of Arizona
County of Gila**

Marc Marin, or his authorized representative being first duly sworn deposes and says: That he is the Publisher of the Arizona Silver Belt and the San Carlos Apache Moccasin newspapers, located at 298 North Pine Street, Globe, Arizona 85501, or mail: P.O. Box 31, Globe, Arizona 85502.

The above stated newspapers are published weekly in Globe, in the State of Arizona, County of Gila and that the following described √ legal, or advertising was duly published.

**GILA COUNTY
PROCUREMENT GROUP
NOTICE OF INVITATION FOR BID
\ BID NUMBER 082213**

BID DUE DATE: October 02, 2013 TIME: 11:00 AM MST
DESCRIPTION: Aggregate Hauling
PRE-BID CONFERENCE: "Not Applicable"
Bid Opening and Submittal Location: Gila County Guerrero Conference Room, Guerrero Building, 1400 E. Ash Street, Globe, AZ 85501
In accordance with A.R.S. §41-2533, Invitation For Bid for the materials or services specified will be received by the Gila County Finance Department at the above specified location until the time and date cited.
Request for submittals after the specified date and time to the Finance Department shall not be considered. To receive bid documents contact the Contracts Support Specialist at (928) 402-8612.

**GILA COUNTY
PROCUREMENT GROUP
NOTICE OF INVITATION
FOR BID
BID NUMBER 082213**
BID DUE DATE: October 02, 2013 TIME: 11:00 AM MST
DESCRIPTION: Aggregate Hauling
PRE-BID CONFERENCE: "Not Applicable"
Bid Opening and Submittal Location: Gila County Guerrero Conference Room, Guerrero Building, 1400 E. Ash Street, Globe, AZ 85501
In accordance with A.R.S. §41-2533, Invitation For Bid for the materials or services specified will be received by the Gila County Finance Department at the above specified location until the time and date cited.
Request for submittals after the specified date and time to the Finance Department shall not be considered. To receive bid documents contact the Contracts Support Specialist at (928) 402-8612.
Additional instructions for preparing a bid are provided in Section 4, page 14, of the bid documents to Offerors as contained within this solicitation.
The Board of Supervisors reserves the right to reject any or all bids, or to accept any bid, or to waive any informality in any bid, or to withhold the award if deemed in the best interest of Gila County. All procurement activities conducted by Gila County are in conformance with the rules and regulations of the Gila County procurement code. A copy of the Code is available for review in the office of the Clerk of the Board, Gila County Courthouse, 1400 E. Ash St., Globe, AZ.
Advertisement Dates: September 18th and September 25, 2013
BIDDERS ARE STRONGLY ENCOURAGED TO CAREFULLY READ THE ENTIRE SOLICITATION.
Designated Department: Gila County Public Works Division Consolidated Roads
Type of Contract: Term
Term of Contract: Seven Months
Phone Number: 928-402-8612
(s) Michael A. Pastor, Chairman, Board of Supervisors
Date Signed: / /
(s) Bryan B. Chambers, Deputy Attorney Principal for Bradley D. Beauchamp, County Attorney
Date: / /
First Pub: 9-18-2013
Last Pub: 9-25-2013 Belt 8769

A printed copy of said legal or advertising is attached hereto and was published in a regular weekly edition of said newspaper (and not a supplement thereof) for 2 consecutive weeks in the √ Arizona Silver Belt newspaper, and/or the √ San Carlos Apache Moccasin newspaper. The dates of publication being as follows, to wit:

September 18, 2013
September 25, 2013



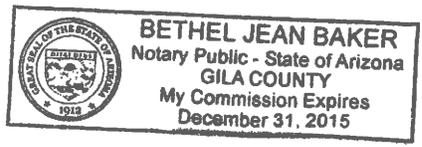
Marc Marin
Publisher

State of Arizona)
) ss:
County of Gila)

The foregoing instrument was acknowledged before me **September 25, 2013**, by Marc Marin.



Bethel Jean Baker
Notary Public



My Commission Expires:
December 31, 2015



SOLICITATION SIGN-IN-SHEET

Solicitation No 082213 Due Date 10/2/2013 Time 11:00 A.M.

Title _____

Gila County has received the following responses to the above listed solicitation.

Name Stodghill Trucking, Inc. Date Rec'd 10/1/2013 Time Rec'd 10:358 A.M.

Comments Bid was delivered via UPS

Name Otto Trucking, Inc. Date Rec'd 10/2/2013 Time Rec'd 8:59 A.M.

Comments Bid was dropped off with Receptionist at Guerrero Building

Name Dalmolin Excavating, Inc. Date Rec'd 10/2/2013 Time Rec'd 10:25 A.M.

Comments Bid was dropped off with Receptionist at Guerrero Building

Name EW Parker Enterprises, LLC Date Rec'd 10/2/2013 Time Rec'd 10:28 A.M.

Comments Bid was dropped off with Receptionist at Guerrero Building

Name Sullivan Paving, LLC Date Rec'd 10/2/2013 Time Rec'd 10:40 A.M.

Comments Bid was dropped off with Receptionist at Guerrero Building

Name _____ Date Rec'd _____ Time Rec'd _____

Comments _____

Name _____ Date Rec'd _____ Time Rec'd _____

Comments _____

R
A
N
K
I
N
G

BID TABULATION FORM



GILA COUNTY

BID

TITLE: Aggregate Hauling to Forest Road 512-Young, AZ

BID

DUE

NO: 082213

DATE:

October 2, 2013

TIME: 11:00 AM

	BIDDER FIRM NAME	BID AMOUNT	PER TON PRICE	COMMENTS
1	Otto Trucking	\$391.43/load from Hatch pit \$219.30/load from Tonto pit	1 Load = 25.5 tons 15.35/ton from Hatch pit 8.60/ton from Tonto pit	E-Mod Rating 1.08 Provided cashiers check in lieu of Bid Bond. Truck capacity is 25.5 tons per load.
	Sullivan Paving	Declined to Bid		
3	Dalmolin Excavating	No bid for Hatch pit \$298.00/load from Tonto pit	1 Load = 23 tons no bid from Hatch pit 12.96/ton from Tonto pit	E-Mod Rating .70
	Heritage Trucking	No Bid		
	D J Company, Inc.	No Bid		
	EW Parker Enterprises	\$290.00/load from Hatch pit \$275.00/load from Tonto pit		BID WAS DISQUALIFIED DUE TO LACK OF BID BOND OR CASHIERS CHECK E-Mod Rating .85 Attachment "I" not signed. No Bid Bond or Cashiers Check submitted. 2% per \$.10 increase of fuel surcharge over \$3.60/gallon.
2	Stodghill Excavating, Inc.	\$400.00/load from Hatch pit \$200.00/load from Tonto pit	1 Load = 23 tons 17.39/ton from Hatch pit 8.70/ton from Tonto pit	E-Mod Rating .78 Provided cashiers check in lieu of Bid Bond. Additional charge for standby of \$80.00/hr over 10 minutes at dump or load site. To be billed by the minute.
	Mark's Valley Grading	No Bid		
	Hatch Construction & Paving	No Bid		
	S.A.K.	Declined to Bid		

I hereby certify the above were received prior to the due date and time listed:

Signed

Joanni Sgrot

Printed

JEANNIE SGROT

Date

10-02-13

Signed

Betty S. Hurst

Printed

Betty S. Hurst

Date

10-02-2013

PRINTED ON LINEMARK PAPER - HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEATURES SEE BACK.

0070953

11-24

CASHIER'S CHECK

7095300898

Office AU #

1210(8)

Operator I.D.: u271821

az000543

October 01, 2013

PAY TO THE ORDER OF

GILA COUNTY

***RE: OTTO TRUCKING ***

****Eleven thousand nine hundred eight dollars and 33 cents****

\$11,908.33

WELLS FARGO BANK, N.A.

4525 E MCKELLIPS RD

MESA, AZ 85215

FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 11,908.33



AUTHORIZED SIGNATURE

⑈7095300898⑈ ⑆121000248⑆4861 511434⑈

Security Features includes: Details on Back.

ATTACHMENT "A"
OFFER AND CONTRACT AWARD PAGE

To Gila County

The undersigned hereby offers and agrees to furnish the material or services in compliance with all terms and conditions, instructions, specifications, and any amendments contained in this Request for Proposals document.

Signature also certifies the Contractors Bid Proposal is genuine, and is not in any way collusive or a sham; that the Bid Proposal is not made with the intent to restrict or prohibit competition; that the Contractor submitting the proposal has not revealed the contents of the proposal to, or in any way colluded with, any other Contractor which may compete for the contract; and that no other Contractor which may compete for the contract has revealed the contents of a proposal to, or in any way colluded with, the Contractor submitting this proposal.

Contract Number: 082213 AGGREGATE HAULING TO FOREST ROAD 512-YOUNG, AZ

Contractor Submitting Proposal:

OTTO TRUCKING, INC.
Company Name

4220 E MCOWEN RD
Address STE 108

MESA AZ 85215
City State Zip

For Clarification of this offer, contact:

Name: DANNY JAMES

Phone No.: 480-641-3500

Fax No.: 480-641-3550

Email: DANNY@OTTOTRUCKING.COM


Signature of Authorized Representative

DANIEL A JAMES
Printed Name

C.O.O.
Title

Proposal must be signed by a duly authorized officer(s) eligible to sign contract documents for the Contractor.

Offer Page continued.....

The offer is hereby accepted.

The Contractor OTTO TRUCKING INC is now bound to provide the materials or services listed in IFB Number 082213, including all terms and conditions, specifications, amendments, etc. and the Contractors Offer as accepted by County/public entity.

The Contractor holds Arizona State Transaction Privilege Tax License Number: 07425791-M

The Contractor has been cautioned not to commence any billable work or to provide any material or service under this contract until Contractor receives this signed sheet, or written notice to proceed.

GILA COUNTY BOARD OF SUPERVISORS;

Awarded this _____ day of _____, 2013

Michael A. Pastor, Board of Supervisors

ATTEST;

Marian Sheppard, Clerk

APPROVED AS TO FORM;

Bryan Chambers, Deputy Attorney Principal
for Bradley D. Beauchamp, County Attorney

ATTACHMENT "B"
QUALIFICATION AND CERTIFICATION FORMS

Exhibit "B" Suppliers Qualifications and Reference List

Purpose

This exhibit shall serve as a requirement to enable the evaluation team to assess the qualifications of Contractors under consideration for final award.

The information may or may not be a determining factor in award.

IFB Number 082213 Aggregate Hauling to Forest Road 512

The applicant submitting this Proposal warrants the following:

A. Name, Address, and Telephone Number of Principal Contractor:

OTTO TRUCKING, INC
4220 E. McDOWELL RD STE 108
 Mesa, AZ 85215

B. Has Contractor (under its present or any previous name) ever failed to complete a contract?

_____ Yes No. If "Yes", give details, including the date, the contracting agency, and the reasons Contractor failed to perform in the narrative part of this Contract.

C. Has Contractor (under its present or any previous name) ever been disbarred or prohibited from competing for a contract? _____ Yes No. If "Yes", give details, including the date, the contracting agency, the reasons for the Contractors disqualification, and whether this disqualification remains in effect in the narrative part of this Contract.

D. Has a contracting agency ever terminated a contract for cause with Contractor (under your firm's present or any previous name)? _____ Yes No. If "Yes", give details including the date, the contracting agency, and the reasons Contractor was terminated in the narrative part of this Contract.

Qualification & Certification continued....

- E. Contractor must also provide at least the following information:
- a. A brief history of the Contractors Firm.
 - b. A Cost Proposal shall be submitted on the Price Sheet, attached hereon and made a full part of this contract by this reference.
 - c. A list of previous and current customers, which are considered identical or similar to the Scope of Work described herein; shall be submitted on the Reference List, attached hereon and made a full part of this contract by this reference.
 - d. List the specific qualifications the Contractor has in supplying the specified services.
 - e. A list of any subcontractors (if applicable) to be used in performing the service must accompany the Proposal. For each subcontractor proposed, this form must be completed in its entirety and **three (3) copies (one (1) original and two copies with original signatures)** included in the Proposal package.
 - f. Gila County reserves the right to request additional information.

F. **Contractor Experience Modifier (e-mod) Rating:** 1.08

A method the National Council on Compensation Insurance (NCCI) uses to measure a business' computed loss ratio and determine a factor, which when multiplied by premium, can reward policyholders with lower losses. E-mod rate may be a determining factor in bid award.

Daniel A James
Signature of Authorized Representative

DANIEL A JAMES
Printed Name

C.O.O.
Title

ATTACHMENT "C"
PRICE SHEET

ITEM NO.	QTY/UNIT	DESCRIPTION	UNIT PRICE	PIT LOCATION
01.	LOAD	Class 6 ABC	\$ <u>391.43</u> /yd	<u>Hatch Papermill Road pit</u>
02.	LOAD	Granite	\$ <u>219.30</u> /yd	<u>Tonto Ponderosa pit</u>

* TRUCK CAPACITY IS 25.5 TONS PER LOAD.

ATTACHMENT "D"
REFERENCE LIST

These references are required to enable the evaluation team to assess the qualifications of the Contractors under consideration for final award.

The information may or may not be a determining factor in award.

References

List at least four customers for whom you have provided service of a similar scope as this Request or Proposal during the past twelve months, in or as close to Gila county as possible.

<u>CUSTOMER NAME AND ADDRESS</u>	<u>TELEPHONE</u>	<u>PRIMARY CONTACT</u>
VULCAN MTL 2526 E. UNIVERSITY, PHX 85034	602-254-8465	KEN MEERS
HANSON AGGREGATES 4127 E. VAN BUREN STE 205	602-685-4800	DAVE HILTON
S/W ROCK PRODUCTS 85 W. COMBS STE 101, SANTAN VALLEY 85140	480-987-7917	CHRIS REINESCH
CEMEX 4646 E. VAN BUREN STE 250 PHX 85008	602-416-2600	DAVID ARDO



Signature of Authorized Representative

DANIEL A. JAMES

Printed Name

C.O.O.

Title

Form **W-9**
(Rev. December 2011)
Department of the Treasury
Internal Revenue Service

**Request for Taxpayer
Identification Number and Certification**

Give Form to the
requester. Do not
send to the IRS.

Name (as shown on your income tax return)
OTTO TRUCKING INC.

Business name/disregarded entity name, if different from above
SAME

Check appropriate box for federal tax classification:
 Individual/sole proprietor C Corporation S Corporation Partnership Trust/estate
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ Exempt payee
 Other (see instructions) ▶

Address (number, street, and apt. or suite no.)
4220 E. McDOWELL RD STE 108

City, state, and ZIP code
MESA AZ 85215

List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								
				-				

Employer identification number								
86	-	06	29	66	9			

Part II Certification:

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here

Signature of U.S. person ▶ *David A. [Signature]*

Date ▶ **10-1-12**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

ATTACHMENT "F"
AFFIDAVIT BY CONTRACTOR
CERTIFYING THAT THERE WAS NO COLLUSION
IN BIDDING FOR CONTRACT

STATE OF ARIZONA)
)ss
COUNTY OF: GILA)

_____ DANIEL A. JAMES _____
(Name of Individual)

being first duly sworn, deposes and says:

That he is _____ C.O.O. _____
(Title)

Of _____ OTTO TRUCKING, INC. _____ and
(Name of Business)

That he is properly pre-qualified by Gila County for bidding on IFB NO. 082213 and,

That pursuant to Section 112 (C) of Title 23 USC, he certifies as follows:

That neither he nor anyone associated with the said _____

_____ OTTO TRUCKING, INC. _____
(Name of Business)

has, directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with the above mentioned project.

_____ OTTO TRUCKING, INC. _____
Name of Business

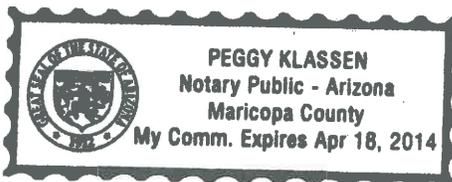
_____ Daniel A. James _____
By

_____ C.O.O. _____
Title

Subscribed and sworn to before me this 1st day of October, 2013.

Peggy Klassen
Notary Public

My Commission expires: 4/18/2014



ATTACHMENT "G"
CERTIFICATION: INTENTIONS CONCERNING SUBCONTRACTING

At the time of the submission of **Invitation for Bid No. 082213, Aggregate Hauling to Forest Road 512-Young, AZ**, my intention concerning subcontracting a portion of the work is as indicated below.

In indicating that it is my intention to subcontract a portion of the work, this will acknowledge that such subcontractors will be identified and approved by the County prior to award of contract; and that documentation, such as copies of letters, requests for quotations, etc., substantiating the actions taken and the responses to such actions is on file and available for review.

YES, it is my intention to subcontract a portion of the work.

NO, it is not my intention to subcontract a portion of the work.

OTTO TRUCKING, INC
Name of Business

Daniel A. James
Signature of Authorized Representative

C.O.O.
Title

10-1-13
Date

ATTACHMENT "H"
LEGAL ARIZONA WORKERS ACT COMPLIANCE

Contractor hereby warrants that it will at all times during the term of this Contract comply with all federal immigration laws applicable to Contractor's employment of its employees, and with the requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws"). Contractor shall further ensure that each subcontractor who performs any work for Contractor under this contract likewise complies with the State and Federal Immigration Laws.

County shall have the right at any time to inspect the books and records of Contractor and any subcontractor in order to verify such party's compliance with the State and Federal Immigration Laws.

Any breach of Contractor's or any subcontractor's warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Contract subjecting Contractor to penalties up to and including suspension or termination of this Contract. If the breach is by a subcontractor, and the subcontract is suspended or terminated as a result, Contractor shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain a replacement subcontractor, (subject to County approval if MWBE preferences apply) as soon as possible so as not to delay project completion.

Contractor shall advise each subcontractor of County's rights, and the subcontractor's obligations, under this Article by including a provision in each subcontract substantially in the following form:

"Subcontractor hereby warrants that it will at all times during the term of this contract comply with all federal immigration laws applicable to Subcontractor's employees, and with the requirements of A.R.S. § 23-214 (A). Subcontractor further agrees that County may inspect the Subcontractor's books and records to insure that Subcontractor is in compliance with these requirements. Any breach of this paragraph by Subcontractor will be deemed to be a material breach of this contract subjecting Subcontractor to penalties up to and including suspension or termination of this contract."

Any additional costs attributable directly or indirectly to remedial action under this Article shall be the responsibility of Contractor. In the event that remedial action under this Article results in delay to one or more tasks on the critical path of Contractor's approved construction or critical milestones schedule, such period of delay shall be deemed excusable delay for which Contractor shall be entitled to an extension of time, but not costs.

Daniel A. James
Signature of Authorized Representative

DANIEL A. JAMES
Printed Name

C.O.O.
Title

ATTACHMENT "1"
CONTRACTORS CHECKLIST

NOTICE IS HEREBY GIVEN that all Proposal Documents shall be completed and/or executed and submitted with this proposal. If Contractor fails to complete and/or execute any portion of the Proposal Documents, this bid will be determined to be "non-responsive" and rejected.

CHECKLIST

<u>REQUIRED DOCUMENT</u>	<u>COMPLETED/EXECUTED</u>
OFFER AND CONTRACT AWARD PAGE	✓
QUALIFICATION & CERTIFICATION FORM	✓
PRICE SHEET	✓
REFERENCE LIST	✓
W-9	✓
AFFIDAVIT OF NON-COLLUSION	✓
INTENTIONS CONCERNING SUBCONTRACTING	✓
AZ WORKERS ACT COMPLIANCE	✓
SUPPLIERS CHECKLIST/ADDENDA ACKNOWLEDGMENT	✓
SURETY BOND - CASHIERS CHECK	✓

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA:

	#1	#2	#3	#4	#5
Initials/					
Date	_____	_____	_____	_____	_____

Signed and dated this 1ST day of OCT, 2013.

OTTO TRUCKING, INC.
CONTRACTOR:

Daniel A. James
BY:

Each proposal shall be sealed in an envelope addressed to Gila County Finance Department and bearing the following statement on the outside of the envelope: Proposal to Provide: **Aggregate Hauling to Forest Road 512-Young, AZ, IFB No. 082213.** All proposals shall be filed at **Gila County Finance Department, 1400 E. Ash St., Globe, AZ 85501**, on or before **11:00 AM/MST, Wednesday, October 2, 2013.**

ATTACHMENT "J"
SURETY BOND

GILA COUNTY
SURETY (BID) BOND

(Penalty of this Bond must not be less than 10% of the bid amount)

KNOW ALL MEN BY THESE PRESENTS,

that we, the undersigned _____, as Principal, hereinafter called the Principal, and _____ a corporation duly organized under the laws of the State of _____, as Surety, hereinafter called the Surety, holding a certificate of authority to transact surety business in this State issued by the Director of the Department of Insurance, are held and firmly bound unto the Gila County as Obligee, hereinafter called the Obligee, in the sum of ten percent (10%) of the amount bid, submitted by Principal to Gila County for the Work described below, for the payment of which sum well and truly to be made, the said Principal and the said Surety bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal is herewith submitting its proposal for:

AGGREGATE HAULING TO FOREST ROAD 512-YOUNG, AZ

NOW THEREFORE, if the Obligee, acting by and through its County Engineer, accepts the proposal of the Principal and the Principal shall enter into contract with the Obligee in accordance with the terms of such proposal, and give such bonds and certificates of insurance as may be specified in the contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter into such contract and give such bonds and certificates of insurance, if the Principal shall pay to the Obligee the difference not to exceed the penalty of the bond between the amount specified in the proposal and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by the proposal then this obligation is void. Otherwise, it remains in full force and effect provided, however, that this bond is executed pursuant to the provisions of A.R.S. §34-201, and all liabilities on this bond shall be determined in accordance with the provisions of the section to the extent as if it were copied at length herein.

IN WITNESS WHEREOF, we hereunto set our hands and seals:

Principal

Surety

By

By Attorney-in-Fact

Title

Address, Attorney-in-Fact

Subscribed and sworn to before me

This _____ day of _____, 2013

My commission expires: _____

Notary Public

Phone Number

ATTACHMENT "L"
PAYMENT BOND

STATUTORY LABOR AND MATERIALS BOND
PURSANT TO TITLE 34, CHAPTER 2, ARTICLE 2 OF
THE ARIZONA REVISED STATUTES

(PENALTY OF THIS BOND MUST BE 100% OF CONTRACT AMOUNT)

KNOW ALL MEN BY THESE PRESENTS:

That,

_____, (hereinafter called the Principal), as Principal, and

_____ (hereinafter called Surety), a corporation duly organized and existing the laws of the State of

_____ with its principal office in the city of _____ holding a certificate of authority to transact surety business in Arizona issued by the Director of the Department of Insurance, as Surety, are held and firmly bound unto Gila County (hereinafter called the Obligee) in the amount of (100% of Contract Amount) _____ dollars (\$ _____), for the payment whereof, the said Principal and Surety bind themselves, and their heirs, administrator, executors, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has agreed to enter into a certain contract with the Obligee for: **AGGREGATE HAULING TO FOREST ROAD 512-YOUNG, AZ** contract is hereby referred to and made a part hereof as fully and to the same extent as if copied at length herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall faithfully perform and fulfill all the undertakings, covenants, terms, conditions and agreements of said contract during the original term of said contract and any extension thereof, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the Surety being hereby waived; then the above obligation shall be void, otherwise to remain in full force and effect;

PROVIDED, HOWEVER, that this bond is executed pursuant to the provisions of Title 34, Chapter 2, Article 2, of the Arizona Revised Statutes, and all liabilities on this bond shall be determined in accordance with the provisions of said Title, Chapter and Article, so the extent as if they were copied at length herein.

The prevailing party in a suit on this bond shall recover as a part of the judgment such reasonable attorneys' fees as may be fixed by a judge of the court.

Witness our hands this _____ day of _____, 20 _____

Principal Seal

By:

Surety Seal

By:

Agency of Record

Agency Address

Arizona Countersignature

Address

Phone Number

ATTACHMENT "M"

DAVIS-BACON WAGE DETERMINATION

General Decision Number: AZ130009 08/23/2013 AZ9

Superseded General Decision Number: AZ20120014

State: Arizona

Construction Type: Highway

Counties: Apache, Cochise, Gila, Graham, Greenlee, La Paz, Navajo and Santa Cruz Counties in Arizona.

HIGHWAY CONSTRUCTION PROJECTS

Modification Number	Publication Date
0	01/04/2013
1	01/11/2013
2	02/22/2013
3	08/23/2013

CARP0408-007 10/01/2012

APACHE, COCHISE & SANTA CRUZ COUNTIES

	Rates	Fringes
CARPENTER (Including Cement Form Work).....	\$ 23.58	9.49

* ENGI0428-004 07/29/2013

	Rates	Fringes
OPERATOR: Power Equipment Oiler Driver.....	\$ 24.26	9.05

IRON0075-006 01/01/2013

Apache, Cochise, Gila, Graham, Greenlee, La Paz, Navajo Counties

	Rates	Fringes
Ironworker, Rebar.....	\$ 26.52	20.65
Zone 1: 0 to 50 miles from City Hall in Phoenix or Tucson		
Zone 2: 050 to 100 miles - Add \$4.00		
Zone 3: 100 to 150 miles - Add \$5.00		
Zone 4: 150 miles & over - Add \$6.50		

SUAZ2009-002 04/23/2009

	Rates	Fringes
CARPENTER Gila, Graham, Greenlee, La Paz & Navajo.....	\$ 21.71	3.82
CEMENT MASON.....	\$ 17.74	3.59
ELECTRICIAN.....	\$ 24.43	5.38
IRONWORKER, Rebar Santa Cruz county.....	\$ 21.75	13.59
LABORER		
Asphalt Raker.....	\$ 14.97	5.88
Concrete Worker.....	\$ 13.38	4.50
Fence Builder.....	\$ 12.20	3.84
Flagger.....	\$ 12.31	3.96
General/Cleanup.....	\$ 12.78	2.50
Guard Rail Installer.....	\$ 12.20	3.84
Landscape Laborer.....	\$ 11.02	
Water Blaster.....	\$ 14.90	2.90
OPERATOR: Power Equipment		
Backhoe < 1 cu yd.....	\$ 17.76	3.89
Compactor Self Propelled (with blade-grade operation.)	\$ 22.53	6.57
Compactor Small Self		

Propelled (with blade-backfill, ditch operation) ..\$	22.29	6.31
Concrete Pump.....\$	20.31	6.48
Crane (under 15 tons).....\$	22.98	4.26
Drilling Machine (including wells).....\$	21.79	4.10
Grade Checker.....\$	23.41	6.54
Hydrographic Seeder.....\$	19.73	5.40
Mass Excavator.....\$	23.33	6.98
Milling Machine/Rotomill.....\$	21.87	6.84
Power Sweeper.....\$	19.33	4.85
Roller (all types asphalt) ..\$	17.46	5.58
Roller (excluding asphalt) ..\$	19.23	5.09
Scraper (pneumatic tire) ..\$	22.41	6.90
Screed.....\$	20.90	6.72
Skip Loader (all types 3 < 6 cu yd).....\$	20.91	7.35
Skip Loader (all types 6 < 10 cu yd).....\$	22.24	6.83
Skip Loader < 3 cu yd.....\$	17.97	6.60
Tractor (dozer, pusher-all).....\$	22.53	6.47
Tractor (wheel type).....\$	24.62	7.57
PAINTER.....\$	13.94	2.56
TRUCK DRIVER		
2 or 3 axle Dump or Flatrack.....\$	16.17	4.24
Oil Tanker Bootman.....\$	21.94	
Pickup.....\$	12.88	1.73
Water Truck < 2500 gal.....\$	19.59	5.90
Water Truck > 3900 gal.....\$	18.70	4.79
Water Truck 2500 < 3900 gal.....\$	17.13	

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is union or non-union.

Union Identifiers

An identifier enclosed in dotted lines beginning with characters other than "SU" denotes that the union classification and rate have found to be prevailing for that classification. Example: PLUM0198-005 07/01/2011. The first four letters, PLUM, indicate the international union and the four-digit number, 0198, that follows indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2011, following these characters is the effective date of the most current negotiated rate/collective bargaining agreement which would be July 1, 2011 in the above example.

Union prevailing wage rates will be updated to reflect any changes in the collective bargaining agreements governing the rates.

0000/9999: weighted union wage rates will be published annually

each January.

Non-Union Identifiers

Classifications listed under an "SU" identifier were derived from survey data by computing average rates and are not union rates; however, the data used in computing these rates may include both union and non-union data. Example: SULA2004-007 5/13/2010. SU indicates the rates are not union majority rates, LA indicates the State of Louisiana; 2004 is the year of the survey; and 007 is an internal number used in producing the wage determination. A 1993 or later date, 5/13/2010, indicates the classifications and rates under that identifier were issued as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change until a new survey is conducted.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION



Otto Trucking, Inc. is a Mesa, Arizona based aggregate transport company. With the largest aggregate fleet and access to numerous owner operators, we are the leader in aggregate transportation in Arizona and the surrounding states. Operating belly dumps, Super 16's, end dumps, and support equipment (loaders, excavators, water trucks, etc.) allows us to handle all types and sizes of jobs.

Otto Trucking was started by brothers Alan and Mark Otto. Starting with one truck in 1984 the Company incorporated in 1989 and currently has more than 250 employees. Otto Trucking's customers are some of the largest material suppliers and construction companies in the country generating more than \$30 million in annual sales.

We pride ourselves on our outstanding service, employees, and safety record.

Otto Logistics, LLC is an Arizona transportation company that hauls refuse for numerous clients, including Waste Management, and the cities of Phoenix and Chandler, Arizona. Otto Logistics was organized in 2004 in response to the industries need for safe, efficient, and reliable refuse transportation. With a fleet of over 100 trucks, the company hauls more than 6,000 tons of waste daily from several locations throughout Arizona.

Otto Logistics of Colorado, LLC was organized in 2006 to transport refuse for Waste Management in the Denver, Colorado area. The successful partnership of Otto Logistics and Waste Management in Arizona led to the expansion into Colorado, Utah, and Kansas. The company provides loading services as well as hauling transfer facilities to the landfill. Operating approximately 46 trucks in three states, Otto Logistics of Colorado hauls more than 80,000 tons of waste per month.

Superstition Trailers, LLC is an Arizona based heavy truck and trailer dealership with integrated service and parts departments. The company has facilities in Phoenix, and Tucson, Arizona. Superstition is Arizona's exclusive dealer for Ranco Trailers and has been Ranco's #1 dealer in the country. We have also partnered with Great Dane, Landoll, Trail King, and Polar trailers as the authorized dealership in the Southwest.

In addition to the dealership, Superstition operates maintenance and repair facilities and retail parts stores. The company is responsible for the maintenance for the Otto Companies fleets as well as third party customers. Today, Superstition operates its locations with a staff of 54 people committed to offering superior service in satisfying customers truck and trailer needs.

The Otto Companies, pride themselves on their success on having the “right” employees and efficient equipment to perform their services. The Otto Companies feel that after operating in business for over 21 years, they have gained great relationships and partners with their customers and are highly spoken of in their industry. They consider themselves the “leader of the Southwest”.

CONTRACTOR QUALIFICATIONS

Otto Trucking, Inc. owns and operates 150 aggregate trucks.

Otto Trucking, Inc. has been in the business for 29 years.

Otto Trucking, Inc. hauls aggregates for all the major aggregate suppliers in AZ.

Otto Trucking, Inc. has one of the most modern, updated fleets in Arizona.



GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office "approval as to form" of contract or agreement.

To whom it may concern:

The County Attorney's Office has reviewed the contract or agreement attached to this agenda item and has determined that it is in its proper form and is within the powers and authority granted under the laws of this state to the public agency requesting the County Attorney's Office review.

**Explanation of the Gila County Attorney's Office
"Approval as to Form" Review**

The Gila County Attorney's Office is often called upon to review contracts and other agreements between public entities represented by the County Attorney and private vendors, contractors, and individuals.

In performing this review, the County Attorney's Office reviews these contracts to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the contract. That approval is solely the province of the public agency through its elected body.

The public agency or department submitting the contract for review has the responsibility to read and understand the contract in order to completely understand its obligations under the contract if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the contract as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor contract compliance. Hence the public entity or

submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the contract will be necessary to monitor compliance.

Before signing a contract “approved as to form,” the County Attorney’s Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the contract for review to ask any specific questions or address any concerns it has about the contract to the County Attorney’s Office at the same time they submit the contract for review. Making such an inquiry also helps improve the County Attorney’s Office review of the contract because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney’s Office to meaningfully review the agreement.