

INVITATION TO BID  
BULK GASOLINE & DIESEL

Lee County Commissioners' Court has authorized the letting of bids for bulk gasoline and diesel. Bids should be mailed to Lee County Clerk, P.O. Box 419, Giddings, Texas 78942 or delivered to 843 East Industry, Giddings, TX no later than 4:00 p.m., Friday, September 9, 2022. The bids will be publicly opened and read aloud on September 12, 2022 at 10:00 am during the Regular Commissioners' Court Meeting and awarded on September 26, 2022 at 10:00 a.m. during the Regular Commissioners' Court Meeting.

A. SCOPE OF BID

Bids are solicited for furnishing the merchandise, supplies, and service set forth in this bid request for a period of 1 year beginning November 1, 2022 through October 31, 2023 in accordance with the following Conditions of Bidding.

B. CONDITIONS OF BIDDING

The following instructions apply to all bids and become a part of terms and conditions of any bid submitted to the Lee County Clerk's office, unless otherwise specified elsewhere in this bid request. All bidders are required to be informed of these Terms and Conditions and will be held responsible for having done so.

1. Definitions: (In order to simplify the language throughout this bid, the following definitions shall apply:
  - a. **Lee County** - Same as County.
  - b. **Commissioners' Court** - The elected officials of Lee County, Texas given the authority to exercise such powers and jurisdiction of all county business as conferred by the State Constitution and Laws.
  - c. **Contract** - An agreement between the County and a Supplier to furnish supplies and/or services over a designated period of time during which repeated purchases are made of the commodity specified.
  - d. **Contractor** - The successful Bidder(s) of this bid request.
  - e. **County** - The government of Lee County, Texas and its authorized representatives.
2. Upon acceptance and approval by the Commissioners' Court, this bid effects a working contract between Lee County and the successful bidder for the period designated.

3. Bids must be received by the County Clerk's Office prior to the time and date specified. The mere fact that the bid was dispatched will not be considered; the bidder must have the bid actually delivered.
4. The County reserves the right to accept or reject in part or in whole, any bids submitted, and to waive any technicalities for the best interest of the County.
5. Lee County shall not be responsible for any verbal communication between any employee of the County and any potential bidder. Only written specifications and written price quotations will be considered.
6. Lee County reserves the right to reject any bid that does not fully respond to each specified item.

**7. Certificate of Interested Parties-Form1295**

Section 2252.908 was added to the Government Code by the 84th Texas Legislature through adoption of House Bill 1295. Senate Bill 255 adopted by the 85th Legislature Regular Session amended the law effective for contracts entered into or amended on or after January 1, 2018. Additional exemptions from Form 1295 requirement were added for 1) a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity, 2) a contract with an electric utility as defined by Section 31.002 of the Utilities Code, or 3) a contract with a gas utility as defined by Section 121.001 of the Utilities Code. Notarization of Form 1295 has been replaced by an unsworn statement under penalty of perjury by an authorized representative of the business entity.

The Texas Ethics Commission promulgated rules to implement the law and established an online portal: Form 1295

<https://www.ethics.state.tx.us/filinginfo/QuickFileARepor.php>

The law states that a County may not enter into a contract with a business entity unless a Certificate of Interested Parties (Form 1295) has been completed and provided to the County at the time the contract is considered for action by Commissioners' Court.

Lee County Commissioners' Court will not consider for action any bid, proposal and/or contract with a business entity unless it is accompanied by a completed signed Form 1295 with a certificate number assigned from the Texas Ethics Commission or a signed statement declaring the provision of the law under which the business entity is exempt.

8. Bidder must include Federal Form W-9, Request for Taxpayer Identification Number and Certification, in order for the bid to be valid.
9. Should there be a change in ownership or management the contract shall be canceled unless a mutual agreement is reached with the new owner or manager to continue the contract with its present provisions and prices. This contract is nontransferable by

either party.

10. The County may cancel this contract at any time for any reason, provided a thirty-day written notice is given.
11. The bid award shall be based on, but not necessarily limited to the following factors:
  - a. Total price
  - b. Special needs and requirements of Lee County.
  - c. Results of testing samples ( if needed)
  - d. Delivery of merchandise
  - e. Lee County's experience with products bid.
  - f. Vendor's past performance record with Lee County.
12. Although the cost of products to be provided is an essential part of the bid, Lee County is not obligated to award a contract on the sole basis of cost.
13. Acceptance of merchandise, delivery, and/or equipment provided shall be made by the County at the sole discretion of the Commissioners' Court when all terms and conditions of the contract and specifications have been met to its satisfaction, including the submission to the County of any and all documentation as may be required.
14. Risk of Loss of the goods shall not pass to Lee County until the County actually accepts and takes possession of the goods at the point or points of delivery.
15. This agreement shall be governed by the Uniform Commercial Code as adopted in the State of Texas as effective and in force on the date of this agreement.
16. Bids must be submitted on units of quantity specified. Any suggested change in quantity on the part of the bidder to secure better price or delivery is welcomed and may be given consideration provided that the bidder also bids on the quantity specified.
17. Bids cannot be altered after receiving time. No bid may be withdrawn after opening time without acceptable reason and with the approval of the County Clerk.
18. Bids must be submitted on the form attached and submitted in a sealed envelope marked "BULK GASOLINE & DIESEL BID". Bids will not be considered if submitted by telephone, fax, e-mail, or any other means of rapid dispatch, nor will a bid be considered if submitted to any other department other than specifically instructed.
19. If the recipient of this form is unable to bid, the form should be returned to the County Clerks Office before opening time and a reason given for not bidding if the

bidder desired to bid on future purchases of the County.

20. Bids must show full firm name, mailing address and telephone number and be manually signed by an authorized sales or quotation representative of the bidder. Firm name and authorized signature shall appear in each space provided.

a. In the event of a needed change in the specifications sent to the bidder, it is understood that all the foregoing terms shall apply to the addendum or addenda.

21. It is our policy not to furnish bid results over the phone. For information regarding bid tabulations, please mail a self-addressed, stamped envelope to receive a copy of the bid sheet.

C. SPECIAL PROVISIONS FOR BULK FUEL

1. All deliveries of fuel are to be made F.O.B. the Lee County Road & Bridge Department(s), during regular working days, and between the hours of 7:30 A.M. and 3:00 P.M., unless otherwise requested by the County. Deliveries shall be made within 24 hours from the time requested by authorized Lee County personnel. Contractor has the option to gauge and fill tanks at their convenience.

2. The successful Bidder will be required to deliver fuel to Lee County tanks. Tanks are located at all of the following Lee County barns:

- a. R & B #1 - 1007 PR 1411, Giddings, TX
- b. R & B #2 - 1530 South Hwy 77, Giddings, TX
- c. R & B #3 - 4466 FM 1624, Lincoln, TX
- d. R & B #4 - 1056 Walnut Street, Lincoln, TX

3. Lee County presently has the following tank capacities; however, Contractor should also be able to adjust the amount to be delivered in the event the sizes change. Current tank capacity is:

	<u>Clear Diesel</u>	<u>87/89/93 Octane Gasoline</u>
Pct. #1	1,000 Gal.	1,000 Gal.
Pct. #2	1,000 Gal.	
Pct. #3	2,000 Gal.	2,000 Gal.
Pct. #4	1,500 Gal.	300 Gal.

4. The successful bidder will be responsible for filing the federal excise tax exemption for dyed diesel and gasoline.

5. The bidders should use the Rack price when calculating the bid. The constant should include the bidder's profit, delivery cost, and any other expenses (not including taxes,

loading fee or environmental fees).

D. CERTIFICATION OF BID

The undersigned affirms that they are duly authorized to execute this contract, that this bid has not been prepared in collusion with any other bidder, and that the contents of this bid have not been communicated to any other bidder prior to the official opening of this bid.

Signed by: \_\_\_\_\_ Title \_\_\_\_\_

Typed Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Phone Number \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
P O Box or Street City State Zip

E. QUOTATION FOR BULK FUEL

Fill in the blanks with unit prices on each product listed below.

**All gasoline and diesel prices should be per gallon. Cost of additive in diesel should be included in the bidders constant and the type and specifications of the additive should be included in the bid.**

<u>Product Description</u>	<u>Vendors Constant*</u>
87 Octane Gas**	\$ _____
89 Octane Gas**	\$ _____
93 Octane Gas**	\$ _____
Clear Diesel	\$ _____
Dyed Diesel	\$ _____

\* Vendors Constant is consistent with Contractors price over rack price. (This should include cost of fuel delivery to bidder, environmental fee, loading fee, delivery of fuel to Lee County tanks, and any other expenses that might be incurred.)

\*\* Minimum octane allowed