

SECTION A.



**CHEMICAL, SODIUM HYPOCHLORITE
FOR THE
PUBLIC WORKS & ENGINEERING DEPARTMENT
BID INVITATION NO. S12-S22472**

Honorable Mayor and City Council Members:

The undersigned hereby proposes to furnish and deliver, SODIUM HYPOCHLORITE **FOB destination point as listed on individual Purchase Orders**, the items listed below in accordance with the Net Prices and other conditions shown herein, and in accordance with the City's Specifications and General Terms and Condition Specifications. When issued, Letters of Clarification shall automatically become part of this bid document and shall supersede any previous specifications or provisions in conflict with the Letters of Clarification. It is the responsibility of the Bidder to ensure that it has obtained such letters. By submitting a bid on this project, Bidder shall be deemed to have received all Letters of Clarification and to have incorporated them into its bid. THE MANUFACTURER'S NAME, PRODUCT NAME AND PRODUCT NUMBER SHOULD BE DESIGNATED IN THE SPACE PROVIDED, EVEN IF BIDDING AS SPECIFIED.

The City may accept this bid offer by issuance of a Notice of Award Letter and/or a Purchase Order covering award of said bid to this Bidder at any time on or before the 120th day following the day the reverse auction closes. This offer shall be irrevocable for 120 days after the closing of the reverse auction or for 90 days after City Council awards the bid, whichever comes last, but this period may be extended by written agreement of the parties.

The City of Houston reserves the option, after the reverse auction closing date, to increase or decrease the quantities listed, subject to the availability of funds, and/or make award by line item.

BIDDING AND AWARD:

It is the intent of the City to award, on the basis of overall low net bid meeting specifications for the entire Contract; however, the right is reserved to accept or reject in whole or in part any or all bids received and to make an award on the basis of individual item, combination of items or overall best bid, as it is deemed in the best interest of the City.

THIS IS A THIRTY-SIX (36) MONTH CONTRACT
WITH TWO (2) TWELVE (12) MONTH OPTION PERIODS TO RENEW

Documents/forms must be downloaded from the City's Website
<http://www.houstontx.gov/purchasing/index.html>

Additional Required Forms to be Included with this Bid:

In addition to the electronic Bid Form and the Official Signature Page, the Forms listed in Table 1 must be completed and submitted to the Office of the City Secretary on or before the date and time the bid is due:

Table 1
<u>Affidavit of Ownership.doc</u>
<u>Drug Forms.doc</u>
<u>Fair Campaign Ordinance.doc</u>
<u>Statement of Residency.doc</u>
<u>Conflict of Interest Questionnaire.doc</u>
<u>Bidders Attachments Supply.doc</u>
<u>Contractor Ownership Disclosure Ordinance.doc</u>

Table 2 lists other documents and forms that should be viewed/downloaded from the City's website, but are not required to be submitted with the bid. The City will request these forms, as applicable, to be completed and submitted to the City by the recommended/successful bidder:

Table 2
<u>MWBE.doc</u>
<u>Sample Insurance Over \$25000.pdf</u>
<u>Formal Instructions for Bid Terms.doc</u>
<u>EEOC.doc</u>

CITY OF HOUSTON CONTRACTOR OWNERSHIP DISCLOSURE ORDINANCE:

Completion of the "**Affidavit of Ownership or Control**", included herein, and submitted with the Official Bid or Proposal Form. Failure to provide this information may be just cause for rejection of your bid or proposal.

CONFLICT OF INTEREST QUESTIONNAIRE:

Chapter 176 of the Local Government Code requires every Vendor or Contractor with the City of Houston ("City") to file a Conflict of Interest Questionnaire with the City Secretary of the City of Houston by the **seventh** business day after:

- (1) any contract discussions or negotiations begin, or
- (2) submitting an application, responses to requests for proposals, bids, correspondence, or any writing related to a potential agreement with the City.

The Conflict of Interest Questionnaire is available for downloading from the Texas Ethics Commission's website at <http://www.ethics.state.tx.us/forms/CIQ.pdf>. The completed Conflict of Interest Questionnaires will be posted on the City Secretary's website. There will also be a list of the City's Local Government Officers on the City of Houston's website.

Additionally, each Vendor or Contractor must file updated questionnaires no later than **September 1st** of each year that the Vendor or Contractor seeks to contract with the City, or the **seventh** business day after the date of an event that would render the questionnaire incomplete or inaccurate.

However, a Vendor or Contractor is not required to file a new questionnaire in any year if the vendor has completed a questionnaire between June 1st and September 1st of that year, unless the previous questionnaire is incomplete or inaccurate.

Original Conflict of Interest Questionnaire shall be filed with Houston's Records Administrator (Ms. Anna Russell, City Secretary, 900 Bagby, First Floor, Houston, Texas 77002). Vendors and Contractors shall include a copy of the form that was submitted to the City Secretary as part of the BID package. Any questions about filling out this form should be directed to your attorney

Failure of any Vendor or Contractor to comply with this law is a Class C misdemeanor.

BIDDER'S ATTACHMENTS: Detail below all attachments, which are submitted, with your Bid Form. This list will be used by the City Secretary's Office to verify contents of your sealed bid submission. Labeling your bid attachments with the same titles as shown below will facilitate this process. (NOTE: This listing should also include separate attachments, which are too large, or for some other reason cannot be placed into the sealed envelope containing the bidding documents. These separate attachments should be placed in an envelope or wrapped, and should include a label clearly identifying the Bidder's name and the City's bid number and title, as well as the bid opening date.)

Bid Form

Please return this Bid Form along with any required documentation (see below) to the Office of the City Secretary by the bid's due date and time.

Bid General Information

Bid Number	S22472
Bid Description	Chemical, Sodium Hypochlorite
Bid Abstract	Chemical, Sodium Hypochlorite for the Public Works & Engineering Department
Buyer Email	martin.king@cityofhouston.net
Post Date/Time	4/30/2007 10:30:00 PM
Close Date/Time	5/17/2007 10:30:00 AM

Bid Items

Chemical Sodium Hypochlorite

Item #	Description	Unit of Measure	Quantity	Unit Price	Line Total
1	Sodium Hypochlorite available in 4000 to 5000 gallon loads delivered to the designated wastewater treatment sites (Bid Price is product price per pound delivered, freight included as part of the bid price).	Pound (Lb.) per pound of available chlorine	54266400	0.5787	\$31403965.68
Manufacturer's Name, Product Name & Product Number: ALTIVIA Corporation, 12.5% Sodium Hypochlorite Solution					
2	Sodium Hypochlorite available in 1200 to 2500 gallon loads delivered to the designated wastewater treatment sites (Bid Price is product price per pound delivered, freight included as part of the bid price).	Pound (Lb.) per pound of available chlorine	176730	0.6787	\$119946.651
Manufacturer's Name, Product Name & Product Number: ALTIVIA Corporation, 12.5% Sodium Hypochlorite Solution					
3	Sodium Hypochlorite ** available in 4000 to 5000 gallon loads delivered to the designated water production treatment sites (Bid Price is product price per pound delivered, freight included as part of the bid price).	Pound (Lb.) per pound of available chlorine	5880000	0.5787	\$3402756.00
Manufacturer's Name, Product Name & Product Number: ALTIVIA Corporation, 12.5% Sodium Hypochlorite Solution					

Group Total: **\$34,926,668.33**

TOTAL BID: \$34,926,668.33

Additional Required Forms to be Included:

In addition to the electronic Bid Form and the Official Signature Page, the Forms listed in Table 1 **must be completed and submitted to the Office of the City Secretary on or before the date and time the bid is due:**

Table 1
Affidavit_of_Ownership.doc
Drug_Forms.doc
Fair_Campaign_Ordinance.doc
Statement_of_Residency.doc
Conflict_of_Interest_Questionnaire.doc
Bidders_Attachments_Supply.doc
Contractor_Ownership_Disclosure_Ordinance.doc

Table 2 may list other documents and/or forms that should be viewed/downloaded from the City's website, but are not required to be submitted with the bid. The City will specify which documents and/or forms be completed and submitted to the City by the successful bidder:

Table 2
MWBE.doc
Sample_Insurance_Over_\$25000.pdf
Formal_Instructions_for_Bid_Terms.doc
EEOC.doc

ALTIVIA Corporation
 Bid No. S12-S22472
 Official Bid Form

If you elect not to participate in the aforementioned project, please submit the No Bid Sheet to the Buyer by the due date for the receipt of the solicitation.

OFFICIAL SIGNATURE PAGE

The respondent warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees. For breach or violation of this warranty, the City shall have the right to annul this agreement without liability or, at its discretion, to deduct from the contract prices or consideration, or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

The undersigned hereby offers to furnish and deliver the goods and/or services as specified at the prices and terms herein stated and in accordance with the Invitation to Bid, Clarification Letters, and General Terms & Conditions, all of which are made a part of this offer.

All pages of the City of Houston's bid document including but not limited to the General Terms & Conditions and page 3 three of this invitation are incorporated by reference into for all purposes.

The undersigned, as bidder, certifies that the only person or parties interested in this proposal as principals are those named herein; that the bidder has not, either 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 award of this Contract.

THIS BIDDER IS AND REPRESENTS THAT IT IS AN EQUAL OPPORTUNITY EMPLOYER.

NOTE: BID MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE BIDDER, WHICH MUST BE THE ACTUAL LEGAL ENTITY THAT WILL PERFORM THE CONTRACT IF AWARDED.

SUBMIT YOUR BID IN DUPLICATE
BID MUST BE MANUALLY SIGNED IN INK
(BLUE INK PREFERRED)

This bid opened and read
In Council Chamber

MAY 17 2007

Troy D. Lemon

NO ATTACHMENTS
(CITY SECRETARY)

Respectfully Submitted:

Bidder: ALTIVIA Corporation
(Print or type name of Bidder - Full Company Name)

Vendor Number: 20230600

Federal Identification Number: 760286332

By: Donny P. Clark
(Signature of Authorized Officer or Agent)

Name: Donny P. Clark

Title: Vice President - Chlor-Alkali

Date: May 17, 2007

1100 Louisiana, Ste 3160
Address (Street or P.O. Box)

Houston TX 77002
City-State-Zip Code

Telephone Number: 713 658-9000

Email Address: bids@altivia.com

FAX Number: 713 658-0102

CONTRACTOR SUBMISSION LIST FORM (CONTINUED)

LIST ALL OFFICERS OF THE CORPORATION (IF NONE STATE "NONE")

Name J. Michael Jusbasche 1100 Louisiana, Ste. 3160, Houston, TX 77002

Officer

Address

Name Louis G. Huey 1100 Louisiana, Ste. 3160, Houston, TX 77002

Officer

Address

Name _____

Officer

Address

LIST ALL INDIVIDUALS OWNING 10% OR MORE OF OUTSTANDING SHARES OF STOCK OF THE CORPORATION (IF NONE STATE "NONE")

Name J. Michael Jusbasche 1100 Louisiana, Ste. 3160, Houston, TX 77002

Owner

Address

Name _____

Owner

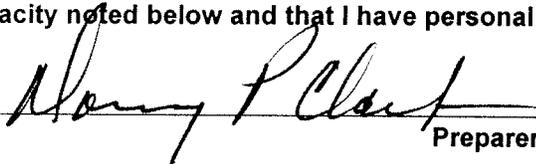
Address

Name _____

Owner

Address

I certify that I am duly authorized to submit this list on behalf of the firm, that I am associated with the firm in the capacity noted below and that I have personal knowledge of the accuracy of the information provided herein.



Preparer

Donny P. Clark

Printed name

Vice President - Chlor-Alkali

Title

NOTE: This list constitutes a government record, as defined by § 37.01 of the Texas Penal Code.

BIDDER'S ATTACHMENTS: Detail below all attachments, which are submitted, with your Bid Form. This list will be used by the City Secretary's Office to verify contents of your sealed bid submission. Labeling your bid attachments with the same titles as shown below will facilitate this process. (NOTE: This listing should also include separate attachments, which are too large, or for some other reason cannot be placed into your sealed envelope containing the bidding documents. These separate attachments should be placed in an envelope or wrapped, and should include a label clearly identifying the bidder's name and the City's bid number and title, as well as the bid-opening date.)

See Attached

(If additional space is needed, please attach a separate sheet of paper to continue your list)