



**CITY OF HOUSTON**  
FINANCE DEPARTMENT  
Strategic Procurement Division

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May 17, 2016

Subject: Letter of Clarification No. 2  
Demo Asphalt Road Patching Truck

Reference: Invitation to Bid (ITB) No.: S38-N25800

To All Prospective Bidders:

This Letter of Clarification is issued for the following reasons:

- To revise the above referenced solicitation as follows:

In Section B, page 7 of 22, the **UNITS BID** language has been revised and replaced with new **UNITS BID** language identified in attached page marked revised May 12, 2016.”

- To answer the following questions:

1. *Question: “As the purchase by the City of for a single used demo asphalt road patching vehicle, provision in the ITB relating to increases in quantities at the same price should not be applicable? (Section A, Formal Bid; Section B1.6)”*

*Answer: “This provision states that the City may request additional vehicles, but it is at the discretion of the Contractor/Supplier to agree in writing to honor the purchase order price.”*

2. *Question: “Section B 4.1 provides for furnishing a “new” unit. Section B, Part II, Technical Specifications, 4.0 provides for a “demo” unit which is sold “as is”, no warranty. Provisions in the ITB providing for a “new” unit should not be applicable.”*

*Answer: “In Section B, page 7 of 22, sub-provision 4.1 has been modified accordingly.”*

3. *Question: “As a 2008 manufactured unit is specified in Section B, 1.0, the provisions in Section A, 4.3 and 4.4 should not be applicable.”*

*Answer: “In Section A, page 7 of 22, sub-provisions 4.3 and 4.4 are deleted in its entirety.”*

**Council Members:** Brenda Stardig Jerry Davis Ellen R. Cohen Dwight A. Boykins Dave Martin Steve Le Greg Travis Karla Cisneros Robert Gallegos Mike Laster Larry V. Green Mike Knox David W. Robinson Michael Kubosh Amanda K. Edwards Jack Christie

**Controller:** Chris B. Brown

4. Question: *“The ITB contemplates a sale to the City of a unit that the City is purchasing “as is”. Upon delivery, the City should be responsible for inspections, registrations, temporary paper plates and permanent plates”*

Answer: *“In Section B, page 9 of 22, sub-provision 8.8 is added and incorporated as follows:*

*8.8. Upon delivery, the City shall be responsible for inspections, registrations, and permanent plates.”*

This Letter of Clarification will be considered part of the solicitation referenced on the first page of this document. All revisions, responses, and answers incorporated into the Letter(s) of Clarification are collaboratively from both the Strategic Procurement Division and the applicable City Department(s).

Furthermore, it is the responsibility of each BIDDER to obtain any previous Letter(s) of Clarification associated with this solicitation.

Lena M. Farris



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DRH:lf

cc: Derrick Phillips, PWE; Nola Boone, PWE; File

## **SECTION B - PART I: GENERAL SPECIFICATIONS: (Continued)**

### **3.0 Applicable Specifications:**

3.1 The applicable specifications are comprised of the "Instructions for Bidding and Terms & Conditions", "Official Bid Forms", the "General Specifications", the "Technical Equipment Specifications", the "General Terms and Conditions" and other specifications that may be included herewith and the purchase orders which refer to these specifications.

### **4.0 Units Bid:**

4.1 **The unit(s) bid shall be a Demo BergKamp-FP5 Flameless Pothole Patcher on mounted vehicle or equal** equipment, manufacturer's latest make and model in current production as offered to commercial trade and shall be furnished complete with all factory-installed standard equipment and accessories listed in the manufacturer's latest literature for the respective unit and any additional optional equipment as may be defined in the detailed Technical Specifications.

4.2 Contractor/Supplier, by affixing their signature on the Official City Bid Form, has offered to furnish the equipment as specified herein in accordance with these specifications and all provisions set forth in this bid document. As such, it is the Contractor/Supplier's responsibility to adhere to these specifications. **Any exceptions or conditions to the specifications set forth in the bid documents will deem the bid non-responsive, and the bid will be rejected.**

4.3 The unit(s) bid shall be in full and complete compliance with all applicable safety and pollution requirements and regulations in effect at the time of bid submittal. This includes but is not limited to standards established by the United States Department of Transportation, including the Federal Motor Vehicle Safety Standards (FMVSS), the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA), the Texas Department of Transportation and the Texas Commission on Environmental Quality (TCEQ).

4.4 **The City of Houston requires that the unit(s) bid be the lowest emission unit(s), i.e. Nitrogen Oxides (NOx) and Fine Particulate Matter (PM) without increasing Hydrocarbons (HC), available on the market for the specified equipment.** The emission standards established by the EPA shall be considered only as minimum standards. In the absence of EPA standards or if California Air Resources Board (CARB) standards provide lower emissions, CARB standards will be considered as the minimum if the specified unit and any required fuel is available to the City of Houston. **Federally regulated engines must be covered by an EPA-issued Certificate of Conformity certifying the engine to be in compliance with federal emission standards and the Contractor/Supplier shall provide the Certificate of Conformity with their bid or within three calendar days from the written request of the City.** EPA emission label must be affixed to the vehicle and/or engine and be readily visible.

4.5 The term "Heavy Duty", or "HD" as may be applied to these specifications shall be interpreted to mean that the item referred to shall exceed the usual quality, quantity or capacity of that supplied with standard production units and shall be able to withstand the unusual strain, exposure, wear and use to be expected in the intended service. Where specification requirements are given, they shall be considered minimum requirements unless otherwise indicated.

4.6 Throughout these specifications, compatibility is of the essence and any modification, accessory, device, material or type of construction, whether to existing or to the specified equipment, which may be necessary to incorporate the specified equipment into the existing equipment shall be considered to be a part of these specifications whether detailed by item or not.

4.7 Units provided shall not have any decal, plate, sign, stencil, stamping, molding, or marking of any type pertaining to advertisement other than trademarks, trade names, or model designation normally installed by the manufacturer on equipment delivered to the City of Houston. No accessory item furnished on equipment shall advertise the name of the Contractor/Supplier.