



# CITY OF HOUSTON

Administration and Regulatory Affairs  
Strategic Purchasing Division

**Annise D. Parker**

Mayor

Calvin D. Wells, Deputy Director  
City Purchasing Agent  
P.O. Box 1562  
Houston, Texas 77251-1562

F. 832.393.8755  
<https://purchasing.houstontx.gov>

Date: March 6, 2013  
Subject: Letter of Clarification No. 1  
Ready Mix Concrete 5-8 Sack for Various Departments  
Reference: Invitation to Bid (ITB) No.: S06-S24535

To All Prospective Bidders:

This Letter of Clarification is issued for the following reasons:

- To revise the above referenced solicitation as follow:
  - 1) At the City's electronic website, new Line Items have been **added** to the Official Bid page.
  - 2) In Section A, Page 3 of 22, the Provision for "LOBBYING AND OTHER FORMS OF INFLUENCE PROHIBITED" is deleted.
  - 3) In Section A, Page 3 of 22, the following Provisions have been added:

## **PROTEST**

A protest shall comply with and be resolved, according to the City of Houston Procurement Manual [http://purchasing.houstontx.gov/docs/Procurement\\_Manual.pdf](http://purchasing.houstontx.gov/docs/Procurement_Manual.pdf) and rules adopted thereunder. Protests shall be submitted in writing and filed with both, the City Attorney and the Solicitation contact person. A pre-award protest of the ITB shall be received five (5) days prior to the solicitation due date and a post-award protest shall be filed within five (5) days after City Council approval of the contract award.

A protest shall include the following:

- The name, address, e-mail, and telephone number of the protester;
- The signature of the protester or its representative who has the delegated authority to legally bind its company;
- Identification of the ITB description and the ITB or contract number;
- A detailed written statement of the legal and factual grounds of the protest, including copies of relevant documents, etc.; and
- The desired form of relief or outcome, which the protester is seeking.

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**Council Members:** Helena Brown Jerry Davis Ellen Cohen Wanda Adams Dave Martin Al Hoang Oliver Pennington Edward Gonzalez  
James G. Rodriguez Mike Laster Larry Green Stephen C. Costello Andrew Burks Melissa Noriega C.O. "Brad" Bradford  
Jack Christie **Controller:** Ronald C. Green

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**QUIET PERIOD/NO CONTACT:**

Starting on the date proposals to an RFP (or bids to an ITB) are due and expiring on the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award ("Quiet Period"), actual and prospective respondents or bidders (including their representatives or persons acting on their behalf) are prohibited from contacting members of City Council or any City employees other than the contracting officer, in any manner regarding the issued RFP or ITB. Actual and prospective respondents or bidders include those respondents or bidders who have received notice that they have not been chosen as finalists for any solicitation. Actual and prospective respondents or bidders (including their representatives or persons acting on their behalf) are expressly prohibited from offering, presenting or promising gratuities, favors, or anything of value to any member of an evaluation committee or any appointed or elected official or employee of the City of Houston, their families or staff members.

Notwithstanding the foregoing, the following types of communication only are exempt and shall be permitted by respondents and bidders during the Quiet Period:

- Respondent's formal response to the RFP;
- Communications publically made during the official pre-bid conference;
- Written requests for clarification during the period officially designated for such purpose by the contracting officer; and
- Communications during an oral interview, scheduled at the request of and for the benefit of the City's evaluation committee, if any.

During the Quiet Period, the solicitation contact person shall serve as the sole point of contact for any actual or prospective respondents. Nothing in this section shall prevent the respondent from making public statements to the City Council after the Quiet Period.

As part of their bid or RFP responses, respondents or bidders shall attest that they understand and agree not to contact any members of City Council or City employees—other than the solicitation contact person—during the Quiet Period and acknowledge that any such contact shall be grounds for disqualification from the bid or RFP process

To answer the following questions:

1. *Question: In the RFP the very first section and the example provided clearly implies that a bidder can submit a bid for the specific quadrant (Northwest, Northeast, Southwest, Southeast) and that the requirements is that the bidder must have a plant in that quadrant. But the online bid form does not separate the bid into quadrants or give an option to bid for a particular quadrant. "Can we submit a bid for one quadrant?"*

*Answer: "No, the bidder must bid as specified."*

2. *Question: "Do we have to have a plant in all 4 quadrants to submit a bid? If yes then can we subcontract work out for the quadrants we do not have a plant at?"*

*Answer: "The bidder shall comply with Section B, page 5 of 22, Provision 1.0 Facilities And Service Requirements." The bidder shall comply with Section C, Page 19 of 22 Provision 27.0 Successors And Assignments.*

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3. *Question: "The RFP discusses delivery of concrete yet the online bid form does not provide an entry of a delivery price and different entry for pickup price? Also the delivery price has a fuel charge associated with it so there would need to be an area to enter that amount?"*

*Answer: "The Official Bid page has been updated to **add new** Line Items for pick-up. The bidder should bid Freight On Board Destination and fuel surcharges are not allowed."*

4. *Question: "Item No. 9 has the unit of measure of "Drum but the admix is usually added into the concrete when batching so the UOM is unclear?"*

*Answer: "The Unit of Measure "DRUM" on the electronic bid form for Item No. 9 is to be interpreted as gallons. The item description has been updated to reflect that "Drum" should be interpreted as gallons."*

5. *Question: "Item No. 6 and 7, Mixer Volumetric Truck. Is this for delivery of concrete?"*

*Answer: "Yes. This is a self contained truck, with water, gravel and concrete on truck and dispensed on site as needed per truckload required."*

6. *Question: "Item No. 13 Additive colorant concrete. The unit of measure is listed as each. Can you provide more clarification? Is this per truck load?"*

*Answer: "Yes. The unit of measure "Each" on the electronic bid form for Item No. 13 is to be interpreted as truckload. The item description has been updated to reflect that "Each" should be interpreted as truckload. This is a self contained truck, with water, gravel and concrete on truck and dispensed on site as needed per truckload required. The colorant is an additive to concrete and is needed to change the color of mixture at time of dispensing of material."*

- Due to the aforementioned change to the e-bidding website you may need to edit your bid. To do so please select the "Bid Number" and proceed accordingly.

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 Purchasing Division and the applicable City Department(s).

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



Tywana L. Rhone  
Purchasing Manager  
Strategic Purchasing Division  
832-393-8754

  
CDW/DRH/tlr

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