

MCCRACKEN COUNTY BOARD OF EDUCATION

INVITATION TO BID PETROLEUM PRODUCTS GASOLINE & DIESEL FUELS

The McCracken County Board of Education invites you to submit a sealed bid for **Petroleum Products—Gasoline & Diesel Fuel** as shown in the following pages.

1. Time and Place of Bidding.

Bids will be received in the office of the McCracken County Board of Education, 435 Berger Road, Paducah, Kentucky 42003, until 9:00 a.m. Monday, April 8, 2013. All bids must be received by the time designated in the invitation, and none will be considered thereafter.

The following forms must be returned in a sealed envelope and marked on the outside with SEALED BID PETROLEUM PRODUCTS---GASOLINE & DIESEL FUELS.

- a. Bid Form**
- b. McCracken Co. BOE Required Sworn Statement Regarding Violation of Campaign Finance Law**
- c. McCracken Co. BOE Required Non-Collusion Affidavit**
- d. McCracken Co. BOE Required Affidavit for Bidders, Offerors and Contractors Claiming Resident Bidder Status for Bids and Contracts in General**

At the specified time stated above, all bids shall be opened and those that are in order, properly signed, etc., will be read aloud. Any interested parties may attend. No immediate decision shall be rendered concerning the proposals submitted.

2. Awarding the contract.

After the bids have been tabulated and studied, agents and/or company representatives may be interviewed by the superintendent, or person designated by the superintendent, concerning their bid.

The board will give formal consideration to these bids at the regular April 2013 or May 2013 board meeting.

3. Description and Specifications.

Fuel bids shall be submitted on basis of a mark-up from dealer wholesale cost.

Wholesale cost must be shown on all bids submitted for payment. Supporting documentation on wholesale cost must be made available on request by the McCracken County Board of Education.

Fuel prices shall be determined the day of purchase during the contract period.

Successful bidder agrees to provide 24-hour emergency service to all tanks in McCracken County.

All products shall be FOB delivery destination within McCracken County.

Bidders must accept payment via credit card without additional fees above bid price.

GASOLINE. Estimated usage: 10,000-20,000 gallons.

- i) Unleaded Plus 87 octane, minimum.
 - ii) Alcohol Blended fuel will not be accepted.
 - iii) Gasoline is delivered at one location, the bus garage location at 260 Bleich Road. This tank is a 2000 gallon tank.
- b) **DIESEL FUEL.** Estimated usage: 150,000 – 180,000 gallons.

- i) Diesel fuel as listed in specifications ASTM D975.

The tanks, hoses, etc located in the Heath Area and the Reidland area fueling locations are not owned by the McCracken County Board of Education and must be purchased from the present supplier by the successful bidder.

NOTE: All fueling locations have a Carelock Systems in Place with Telementary that provides data for fuel delivery and fuel usage.

Fueling Locations

Heath Area Fueling Location: DIESEL FUEL ONLY.

Located next to Heath Elementary School

4365 Metropolis Lake Road

West Paducah, KY. 42086

One (1) 2600 gallon diesel tank.

Fueling Locations

Reidland Area Fueling Location: DIESEL FUEL ONLY.

Located next to Reidland Elementary School

5741 Benton Road

Paducah, KY. 42003

One (1) 2000 gallon diesel tank.

Lone Oak Area Fueling Location: DIESEL & GASOLINE.

Located at the Bus Maintenance Garage

260 Bleich Road

Paducah, KY 42003

One eight-thousand (8) gallon SPLIT tank that contains one six (6) thousand gallon tank for diesel and one two (2) thousand gallon tank for gasoline. The tanks and related equipment are the property of the McCracken Board of Education

BID FORM

McCracken County Board of Education
435 Berger Road
Paducah, KY 42003

Gentlemen:

We, the undersigned, have carefully examined the specifications and other bid documents for **Petroleum Products--Gasoline & Diesel Fuel** as listed on this and the attached sheets and agree to furnish these items in accordance with all bid documents at the price stated herein and for the period of July 1, 2013 through June 30, 2014.

Gasoline	\$ _____ mark-up per gal.
Diesel Fuel	\$ _____ mark-up per gal.

The undersigned further declares that this bid is in all respects fair and without collusion of fraud, that no member of this board of education of the McCracken County School District, or other office of said school district, or any person in the employ of said school district, is directly or indirectly interested in this bid or any portion of the profits thereof.

Firm _____

By _____

Title _____

Address _____

Phone _____

Date _____

McCracken County Board of Education: Kentucky Model Procurement Code Guidelines for Bids

The McCracken County Board of Education has adopted the Kentucky Model Procurement Code, KRS 45A.345 to 45A.460. The code can be reviewed at <http://www.lrc.ky.gov/KRS/045A00/CHAPTER.HTM>. The Board, all bidders, and all contractors must comply with all provisions of that code, including, but not limited to the following:

45A.343 Local public agency may adopt provisions of KRS 45A.345 to 45A.460 -- Effect of adoption -- Contracts required to mandate revealing of violations of and compliance with specified KRS chapters -- Effect of nondisclosure or noncompliance.

(1) Any local public agency may adopt the provisions of KRS 45A.345 to 45A.460. No other statutes governing purchasing shall apply to a local public agency upon adoption of these provisions.

(2) After July 15, 1994, any contract entered into by a local public agency, whether under KRS 45A.345 to 45A.460 or any other authority, shall require the contractor and all subcontractors performing work under the contract to:

(a) Reveal any final determination of a violation by the contractor or subcontractor within the previous five (5) year period pursuant to KRS Chapters 136, 139, 141, 337, 338, 341, and 342 that apply to the contractor or subcontractor; and

(b) Be in continuous compliance with the provisions of KRS Chapters 136, 139, 141, 337, 338, 341, and 342 that apply to the contractor or subcontractor for the duration of the contract.

(3) A contractor's failure to reveal a final determination of a violation by the contractor of KRS Chapters 136, 139, 141, 337, 338, 341, and 342 or to comply with these statutes for the duration of the contract shall be grounds for the local public agency's:

(a) Cancellation of the contract; and

(b) Disqualification of the contractor from eligibility for future contracts awarded by the local public agency for a period of two (2) years.

(4) A subcontractor's failure to reveal a final determination of a violation by the subcontractor of KRS Chapters 136, 139, 141, 337, 338, 341, and 342 or to comply with these statutes for the duration of the contract shall be grounds for the local public agency's disqualification of the subcontractor from eligibility for future contracts for a period of two (2) years.

45A.395 Determination of responsibility -- Right of nondisclosure.

(1) A written determination of responsibility of a bidder or offeror shall be made, based on a reasonable inquiry conducted by the local public agency. The unreasonable failure of a bidder or offeror to promptly supply information upon request may be grounds for a determination of nonresponsibility of such bidder or offeror.

(2) A written determination of responsibility of a bidder or offeror shall not be made until the bidder or offeror provides the local public agency with a sworn statement made under penalty of perjury that he has not knowingly violated any provision of the campaign finance laws of the Commonwealth and that the award of a contract to the bidder or offeror will not violate any provision of the campaign finance laws of the Commonwealth. "Knowingly" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or should have been aware that his conduct is of that nature or that the circumstance exists.

(3) Except as otherwise provided by law, information furnished by a bidder or offeror pursuant to

this section may not be disclosed outside of the local public agency without prior written consent of the bidder or offeror.

45A.400 Prequalification of bidders and offerors.

Suppliers may be prequalified as responsible prospective contractors for particular types of supplies, services, and construction. No supplier shall be prequalified as a responsible prospective contractor until the supplier provides the local public agency with a sworn statement made under penalty of perjury that he has not knowingly violated any provision of the campaign finance laws of the Commonwealth and that the award of a contract to the supplier will not violate any provision of the campaign finance laws of the Commonwealth. "Knowingly" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or should have been aware that his conduct is of that nature or that the circumstance exists. Solicitation mailing lists of potential contractors of such supplies, services, and construction shall include, but shall not be limited to, such prequalified prospective contractors. Prequalification shall not foreclose a written determination:

- (1) Between the time of bid opening or receipt of offers in the making of an award that a prequalified prospective contractor is not responsible; or
- (2) That a prospective contractor who is not prequalified at the time of bid opening or receipt of offers is responsible.

KRS 45A.455 Conflict of interest; gratuities and kickbacks; use of confidential information

(1) It shall be a breach of ethical standards for any employee with procurement authority to participate directly in any proceeding or application; request for ruling or other determination; claim or controversy; or other particular matter pertaining to any contract, or subcontract, and any solicitation or proposal therefor, in which to his knowledge:

- (a) He, or any member of his immediate family has a financial interest therein; or
- (b) A business or organization in which he or any member of his immediate family has a financial interest as an officer, director, trustee, partner, or employee, is a party; or
- (c) Any other person, business, or organization with whom he or any member of his immediate family is negotiating or has an arrangement concerning prospective employment is a party. Direct or indirect participation shall include but not be limited to involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

(2) It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment, in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.

(3) It is a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

(4) The prohibition against conflicts of interest and gratuities and kickbacks shall be conspicuously set forth in every local public agency written contract and solicitation therefor.

(5) It shall be a breach of ethical standards for any public employee or former employee knowingly to use confidential information for his actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

The Board, all bidders, and all contractors must comply with all provisions of KRS 45A.490 to 45A.494, (copies of which can be found at the government website set about above) including, but not limited to the following:

KRS 45A.490 Definitions for KRS 45A.490 to 45A.494.

As used in KRS 45A.490 to 45A.494:

- (1) "Contract" means any agreement of a public agency, including grants and orders, for the purchase or disposal of supplies, services, construction, or any other item; and
- (2) "Public agency" has the same meaning as in KRS 61.805.

KRS 45A.494 Reciprocal preference to be given by public agencies to resident bidders -- List of states -- Administrative regulations.

- (1) Prior to a contract being awarded to the lowest responsible and responsive bidder on a contract by a public agency, a resident bidder of the Commonwealth shall be given a preference against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder.
- (2) A resident bidder is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:
 - (a) Is authorized to transact business in the Commonwealth; and
 - (b) Has for one (1) year prior to and through the date of the advertisement, filed Kentucky corporate income taxes, made payments to the Kentucky unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers' compensation policy in effect.
- (3) A nonresident bidder is an individual, partnership, association, corporation, or other business entity that does not meet the requirements of subsection (2) of this section.
- (4) If a procurement determination results in a tie between a resident bidder and a nonresident bidder, preference shall be given to the resident bidder.
- (5) This section shall apply to all contracts funded or controlled in whole or in part by a public agency.
- (6) The Finance and Administration Cabinet shall maintain a list of states that give to or require a preference for their own resident bidders, including details of the preference given to such bidders, to be used by public agencies in determining resident bidder preferences. The cabinet shall also promulgate administrative regulations in accordance with KRS Chapter 13A establishing the procedure by which the preferences required by this section shall be given.
- (7) The preference for resident bidders shall not be given if the preference conflicts with federal law.
- (8) Any public agency soliciting or advertising for bids for contracts shall make KRS 45A.490 to 45A.494 part of the solicitation or advertisement for bids.

Pursuant to KRS 156.480 certain employees of the Board and Department of Education are also prohibited from contracting with the Board. KRS 156.480 states as follows:

KRS 156.480 Employees of department or school districts with decision-making authority prohibited from supplying goods or services for which school funds are expended -- Penalties.

- (1) No commissioner, associate commissioner, deputy commissioner, director, manager, purchasing agent, or other employee of the Department of Education with decision-making authority over the financial position of a school, school district, or school system shall have any pecuniary interest in the school, school district, or school system, either directly or indirectly, in an amount exceeding twenty-five dollars (\$25) per year, either at the time of or after his appointment to office, in supplying any goods, services, property, merchandise, or services, except personal services that are in addition to those required by contract for employment, of any nature whatsoever for which school funds are expended. If any person specified in this subsection receives, directly or indirectly, any gift, reward, or promise of reward for his influence in recommending or procuring the use of any goods, services, property, or merchandise of any kind

whatsoever for which school funds are expended, he shall upon conviction be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and his office or appointment shall without further action be vacant.

(2) No employee of any county or independent school district with decision-making authority over the financial position of the school district shall have any pecuniary interest, either directly or indirectly, in an amount exceeding twenty-five dollars (\$25) per year, either at the time of or after his appointment to office, in supplying any goods, services, property, merchandise, or services, except personal services that are in addition to those required by contract for employment, of any nature whatsoever for which school funds are expended. If any person specified in this subsection receives, directly or indirectly, any gift, reward, or promise of reward for his influence in recommending or procuring the use of any goods, services, property, or merchandise of any kind whatsoever for which school funds are expended, he shall upon conviction be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and his office or appointment shall without further action be vacant.

**McCracken County Board of Education
Required Sworn Statement Regarding Violation
of Campaign Finance Law**

The bidder or offeror hereby swears and affirms under penalty of perjury that, in accordance with KRS 45A.395 and 45A.400, he has not knowingly violated any provision of the campaign finance laws of the Commonwealth and that the award of a contract to the bidder or offeror will not violate any provision of the campaign finance laws of the Commonwealth.

Signature _____

Printed Name _____

Title _____

Date _____

Company Name _____

Address _____

I, _____, a Notary Public, do hereby certify that on this _____ day of _____, 20____, personally appeared before me _____, known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.

Notary Public

State

Printed Name

My Commission Expires: _____

**McCracken County Board of Education
Required Non-Collusion Affidavit**

_____ being first duly sworn, deposes and says that he/she is _____ of, _____, the party making the foregoing bid; that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company associations, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Signature

Printed Name

Subscribed and sworn to (or affirmed) before me, on this _____ day of _____, 20____.

Notary Public

My Commission Expires:

McCracken County Board of Education
Required Affidavit for Bidders, Offerors and Contractors Claiming Resident Bidder Status
for
Bids and Contracts in General

The bidder or offeror hereby swears and affirms under penalty of perjury that, in accordance with KRS 451.494(2), the entity bidding is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:

1. Is authorized to transact business in the Commonwealth;
2. Has for one year prior to and through the date of advertisement
 - a. Filed Kentucky corporate income taxes;
 - b. Made payments to the Kentucky unemployment insurance fund established in KRS 341.49; and
 - c. Maintained a Kentucky workers' compensation policy in effect.

The BIDDING AGENCY reserves the right to request documentation supporting a bidder's claim of resident bidder status. Failure to provide such documentation upon request shall result in disqualification of the bidder or contract termination.

Signature _____
Printed Name _____
Title _____
Date _____
Company Name _____
Address _____

I, _____, a Notary Public, do hereby certify that on this _____ day of _____, 20____, personally appeared before me _____, known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.

Notary Public State _____

Printed Name

My Commission Expires: _____
OR CHECK HERE: My company is not eligible to claim this status. _____