



**OHIO TURNPIKE AND
INFRASTRUCTURE COMMISSION**

ADDENDUM NO. 1

BID INVITATION NO. 4353

**FOR FURNISHING:
APPROXIMATELY 575,000 POUNDS
HOT-POUR READY MIXED JOINT SEALANT**

OPENING DATE:

2:00 P.M. (EASTERN TIME), SEPTEMBER 23, 2019

ATTENTION OF BIDDERS IS DIRECTED TO:

FORMS TO BE INCLUDED IN BID INVITATION (PAGES 12a thru 12d)

Issued by the Ohio Turnpike and Infrastructure Commission
by Jennifer L. Stueber, General Counsel

 9-18-2019
Jennifer L. Stueber Date

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

CERTIFICATE FOR DOMESTIC AND OHIO PREFERENCE FORM

Bidders that qualify as an "Ohio" Bidder (offer an Ohio product or have significant Ohio economic presence) or that qualify as a Border State Bidder are eligible to receive a five percent (5%) preference over non-Ohio/Border State Bidders. The Commission reserves the right to clarify any information during the evaluation process.

To qualify for the domestic and Ohio Preference used in the evaluation and award of the Contract resulting from this Bid Invitation, Bidders must provide the following certification: (See attached Ohio Turnpike and Infrastructure Commission Policy on Model System of Preferences).

Note: Questions 1-3 below must be answered in full to determine if products offered are made in the U.S.A. and to qualify for the "Buy Ohio" preference.

1. A. Where are the goods or products that are the subject of this Bid Invitation mined, raised, grown, produced or manufactured?
☐ United States ____ (State) ☐ Canada ☐ Mexico ☐ Other ____ specify country
- B. The Bidder hereby certifies that each end product (except any end product the Bidder lists below), is mined, raised, grown, produced or manufactured in the United States, and is a domestic source end product as defined in the "Buy America Act."
☐ Yes
☐ No (If No, list exceptions and country in which produced): _____.
- C. The end product is manufactured outside the United States and at least 50% of the cost of its components are produced, mined, raised, grown or manufactured within the United States. The cost of components may include transportation costs to the place of manufacture and, in the case of components of foreign origin, duty whether or not a duty free entry certificate is issued.
☐ Yes ☐ No
2. A. Are the goods or products offered in this Bid raised, grown, produced, mined or manufactured in Ohio?
☐ Yes ☐ No
- B. Border State? ☐ Yes ☐ No
If Yes: ☐ Kentucky ☐ Michigan ☐ New York ☐ Pennsylvania ☐ Indiana ☐ West Virginia
- C. If No, place of manufacturer MUST be stated: _____.
3. A. Does the Bidder have facilities within Ohio?
☐ Yes ☐ No (If No, go to 3(B)).
If Yes, state number of Ohio employees: _____. ☐ Manufacturing Facility ☐ Sales or Distribution Facility
- B. Does the Bidder have these facilities in one or more of the qualifying border states?
☐ Yes ☐ No
If Yes: ☐ Kentucky ☐ Michigan ☐ New York ☐ Pennsylvania ☐ Indiana ☐ West Virginia
Number of employees in these facilities: _____
- C. Does the Bidder pay taxes to the State of Ohio?
☐ Yes ☐ No
- D. Is the Bidder registered with the Ohio Secretary of State's Office?
☐ Yes ☐ No
If unsure of registration, call (614) 466-3910 for confirmation and Charter Number.

Bidder's Firm or Company Name

Signature of Bidder's Representative

Ohio Turnpike and Infrastructure Commission System of Preferences
For the Purchase of Equipment, Materials or Supplies

I. SYSTEM OF PREFERENCES

Subject to the System of Preferences set forth herein, contracts for the purchase of all equipment, materials or supplies (or for only those classes of contracts specified herein) shall be awarded to the Lowest Responsive and Responsible bidder.

Prior to awarding a contract under Section 5537.07 of the Ohio Revised Code, the Ohio Turnpike and Infrastructure Commission shall evaluate the bids received according to criteria and procedures contained in Articles II and III of this Policy. The Commission shall first set aside all bids that offer goods that have not been or that will not be produced or mined in the United States. From among the remaining bids, the Commission shall select the lowest responsive and responsible bid that offers goods that have been produced or mined in Ohio where sufficient competition can be generated within Ohio to ensure that compliance with these requirements will not result in an excessive price for the product or acquiring an inferior product. If an excessive price or an inferior product is proposed by such remaining bids, or if no bids are submitted that offer goods that have been or will not be produced or mined in the United States, then the originally set aside bids need not be rejected and may be considered.

Bidders whose manufactured products, except for mined products, are produced in other states or in North America, but who have a significant Ohio economic presence in terms of the number of employees or capital investment in this state, shall qualify for award of a contract on the same basis as if their products were produced in this state.

II. BUY OHIO BID PREFERENCE

A. Buy American Act Compliance

1. Bids will first be evaluated to determine that a bidder's offering is for a domestic source end product as defined at 41 C.F.R. Section 1-.6.101(d).

Information furnished by the bidder pursuant to Article III, Section (B)(1) shall be relied upon in making this determination. Any bidder's offering that does not offer a domestic source end product shall be rejected, except where the Commission determines that certain articles, materials and supplies are not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or are offered at an excessive price, or if no bids are submitted that offer goods that have been or will be produced or mined in the United States.

2. Following the determination as to domestic source end products, remaining bids and proposals shall be evaluated in accordance with division (B) of this Article so as to give preference to Ohio bidders and bidders who are located in a border state, provided that the border state imposes no greater restrictions than contained in this System of Preferences.

B. Buy Ohio Compliance

1. Where the preliminary analysis of bids identifies the apparent low bidder as an Ohio bidder or a bidder from a border state, the Commission shall proceed with its standard contract award practices and procedures.

2. Where the preliminary analysis identifies the apparent lowest bidder as one other than an Ohio bidder or a bidder from a border state, the Commission shall consider the following factors:

(a) Whether the goods or services can be procured in-state in sufficient and reasonably available quantities and of a satisfactory quality;

(b) Whether an Ohio bidder has submitted a bid;

(c) Whether the lowest Ohio bidder, if any, offers a price to the Commission deemed to be an excessive price; An “excessive price” shall be a price that exceeds by more than 5% the lowest bid submitted by a non-Ohio bidder.

(d) Whether the lowest Ohio bidder, if any, offers an inferior product or service.

3. Where the Commission determines that selection of the lowest Ohio bidder, if any, will not result in an excessive price or inferior product or service, the Commission shall propose a contract award to the Lowest, Responsive and Responsible Ohio bidder at the bid price quoted.

C. Prior to the final contract award, the Commission shall conduct its normal evaluation procedures (e.g. product compliance with bid specifications) in addition to the Buy America Act and Buy Ohio analyses.

III. NOTICE TO BIDDERS; BIDDER CERTIFICATIONS

A. Notice of Ohio bid

The Commission shall indicate in all its price inquiries over \$10,000 and bid invitations for equipment, materials or supplies that it will apply an Ohio bid preference as outlined in this System of Preferences in the evaluation and award of bids received.

B. All price inquiries over \$10,000 and bid invitations shall require the bidder to:

1) Complete and attest to the following:

“Buy American Act Certificate”

“The bidder or offeror hereby certifies that each end product, except the end products listed below, is a domestic source end product as defined in the Buy America Act, 41 U.S.C.A. 10a-10d; and that components of unknown origin have been considered to have been mined, produced or manufactured outside the United States.

Excluded end products (Show country or origin for each excluded end product):”

2) Submit the following information:

a) Identify each product that is not an Ohio product.

b) Represent that all other products for which prices are submitted are Ohio products.

c) Identify whether the bidder claims to qualify as offering an Ohio product or as having significant Ohio economic presence.

IV. DEFINITIONS

For purposes of this System of Preferences for the purchase of equipment, materials or supplies, the following definitions shall apply:

1. "Border state" means any state that is contiguous to Ohio and that does not impose a restriction greater than Ohio imposes pursuant to Section 125.09 of the Revised Code.
2. "Lowest Responsive and Responsible Bidder" means a bidder on the contract whose proposal responds to the bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise provide the bidder with a competitive advantage, and whose financial condition, experience, conduct and performance on previous contracts, facilities, and management skills, support the bidder's ability to execute the contract properly.
3. "Ohio products" means products which are mined, excavated, produced, manufactured, raised, or grown in the state by a person where the input of Ohio products, labor, skill or other services constitutes no less than 25% of the manufactured cost. With respect to mined products, such products shall be mined or excavated in Ohio.
4. "Produced" means processing, mining, developing and making of a thing into a new article, with a district character in use, through the application of input within the State of Ohio or other services. Produced does not include the mere assembling or putting together of non-Ohio products, including materials, manufacturer's supplies, merchandise, goods, wares and foodstuffs.
5. "Significant Ohio economic presence" means a business organization that:
 - a) has sales offices, divisions, sales outlets or manufacturing facilities in Ohio or which facilities demonstrate capital investment to Ohio; and
 - b) pays required taxes to the State of Ohio; and
 - c) for a corporation, is registered and licensed to do business in the State of Ohio with the Ohio Secretary of State.