1. **SCOPE**: This solicitation is an Invitation for Bid (IFB) to provide service on an as needed basis for removal of used tires and scrap rubber tire pieces from TxDOT locations by a Texas Commission on Environmental Quality registered transporter and taken to an authorized facility, either a permitted landfill or a scrap tire facility.

2. **APPLICABLE LAWS AND STANDARDS**: The vendor shall provide service in accordance with all federal, state and local applicable laws, standards and regulations necessary to perform the services, including, but not limited to:
   
   2.1. Texas Administrative Code (TAC), Title 30, Part 1, Chapter 328, Subchapter F, Management of Used or Scrap Tires.
   
   2.2. Texas Administrative Code (TAC), Title 30, Part 1, Chapter 330, Municipal Solid Waste.
   
   
   2.4. All federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any court or administrative bodies or tribunals in any matter affecting the performance of the contract, including environmental laws and regulations. When required, the vendor shall provide satisfactory proof of compliance to TxDOT.

3. **ACRONYMS**
   
   
   3.2. HUB – Historically Underutilized Business.
   
   3.3. POC – Point-of-Contact.
   
   3.4. STU – Scrap Tire Unit.
   
   3.5. TAC – Texas Administrative Code.
   
   3.6. TCEQ – Texas Commission on Environmental Quality.

4. **DEFINITIONS**
   
   4.1. **AUTHORIZED SCRAP TIRE FACILITY**: A facility authorized by TCEQ to accept scrap tires including, but not limited to, a registered scrap tire storage site, scrap tire facility or permitted landfill.
   
   4.2. **LANDFILL**: Landfills are solid waste disposal facilities that are permitted by the TCEQ.
4.3. MANIFEST: The Whole Used or Scrap Tire Manifest (TCEQ 10304 September 22, 1998).

4.4. SCRAP TIRE: A whole tire that can no longer be used for its original intended purpose. A whole used tire that can be used, reused or legally modified to be reused, for its original intended purpose is not a scrap tire.

4.5. SCRAP TIRE FACILITY: A TCEQ-registered facility that processes, conducts energy recovery or recycles used or scrap tires or tire pieces.

4.6. SCRAP TIRE STORAGE SITES: A TCEQ-registered facility with more than 500 used or scrap tires (or weight equivalent tire pieces or any combination thereof) on the ground or more than 2,000 used or scrap tires (or weight equivalent tire pieces or any combination thereof) in enclosed and lockable containers. The term does not include a transportation facility or a scrap tire facility that stores on-site no more than a 30 calendar day supply of used or scrap tires or tire pieces.

4.7. SCRAP TIRE TRANSPORTER: A TCEQ-registered entity that collects and transports used or scrap tires or tire pieces for storage, processing, recycling or energy recovery.

4.8. TIRE PIECE: A particle of a scrap tire or scrap tire piece that has been split, quartered or shredded to a usable size such as two-inch minus, or other size required by an industry user or recycler.

4.9. TIRE PROCESSER: A TCEQ-registered scrap tire facility where used or scrap tires or tire pieces are collected and shredded or baled for delivery to a scrap tire storage site, or to a facility that recycles, reuses or recovers the energy from the tire pieces. Mobile tire processing facilities shall be considered scrap tire facilities and required to comply with all applicable requirements contained in TAC 30, Part 1, Chapter 328, Subchapter F, relating to scrap tire facilities.

4.10. USED TIRE: A whole tire that has been used and may be either a reusable tire or a scrap tire.

5. CURRENT ENVIRONMENT: TxDOT generates used tires from its fleet and collects scrap tires and tire pieces from roadways.

5.1. TxDOT prefers to have these used and scrap tires and tire pieces recycled, where practical, because TxDOT uses large quantities of crumb rubber in paving and other road construction and maintenance activities.

5.2. TxDOT has qualified this service for an environmentally sensitive classification. Efforts have been made to identify any product meeting the criteria definitions of recycled, remanufactured, or environmentally sensitive.

6. RESPONDENT QUALIFICATIONS: The respondent shall be:

6.1. An established company engaged in the business of transporting used tires and scrap rubber tire pieces for a minimum of two years within the last three years, handling at a minimum each year 10,000 STU, each equal to 20 pounds of tire material (Ref. Para. 14.1.4.2.).

6.2. Registered by the TCEQ as a Scrap Tire Transporter and shall provide registration documents (Ref. Para. 14.1.2.5.).
6.3. Be in good financial standing, not in any form of bankruptcy, current in payment of all taxes and fees such as state franchise fees. TxDOT reserves the right to request a copy of the respondent's audited or un-audited financial statement (Ref. Para. 14.1.3.).

When financial statements are requested, TxDOT will review the respondent's audited or un-audited financial statement to this solicitation in accordance with Texas Government Code, Title 10, Subtitle D, Section 2156.007 to evaluate the sufficiency of the respondent's financial resources and ability to perform the contract or provide the service required in the solicitation. TxDOT will be the sole judge in determining the sufficiency of the respondent's financial resources and ability to perform the contract or provide the service. Factors to be reviewed include:

6.3.1. Balance sheets.
6.3.2. Net working capital.
6.3.3. Current asset ratio.
6.3.4. Liquidity ratio.
6.3.5. Auditor(s) notes.
6.3.6. Any notes to the financial statements.

7. VENDOR REQUIREMENTS: The vendor shall:

7.1. Adhere to the TxDOT Terms and Conditions identified on the solicitation.
7.2. Provide a designated POC for TxDOT to contact for all service requirements.
7.3. Provide all labor, equipment, materials and supplies required to perform the service requirements.
7.4. Obtain, maintain and comply with all federal and local licenses and permits, regulations or ordinances required for the disposition or recycling of scrap tires and tire pieces.
7.5. Comply with TCEQ’s Scrap Tire Management of Used or Scrap Tire Regulations contained in TAC 30, Part 1, Chapter 328, Subchapter F, which includes as a minimum the following:

7.5.1. A vehicle used for transporting scrap tires, including trailers, shall be operated safely and marked on both sides and the rear using numbers and letters at least two-inches tall. The identification shall include the name and location of the business and the TCEQ registration number (Ref. Section 328.54(d)).
7.5.2. Vendor shall maintain records using a manifest system as required in 328.58 and notify the generator of any changes to a manifest (Ref. Section 328.57(c)(2)(4)).
7.5.3. Vendor is required to submit an annual report of the manifest information to the TCEQ. This annual report lists the number of tires collected from each generator and the number of tires delivered to each authorized facility (Ref. Section 328.57(e)).
7.5.4. Vendor shall not stockpile more than 500 scrap tires. Tires shall be hauled to an authorized facility such as a permitted landfill or a registered scrap tire facility (Ref. Section 328.57(c)(3)).
7.6. Ensure that used or scrap tires or tire pieces are transported to a TCEQ permitted landfill or an authorized scrap tire facility in accordance with TAC 30, Part 1, Chapter 328.54(c), Subchapter F.
7.6.1. Landfills are permitted by TCEQ to accept only split, quartered, or shredded tires for disposal. No whole tires are allowed to be landfilled except for off-the-road tires used on heavy equipment. Any permitted municipal solid waste landfill site may store or process whole tires or tire pieces. Storage or processing activities shall be specified in a landfill’s permit. A separate permit is not required within the permit boundary at a municipal solid waste landfill site (Ref. Para. 4.2.).

7.6.2. Scrap Tire Facilities are processing operations that shred, bale, recycle or recover energy from scrap tires. Scrap tire facilities shall complete and sign an application to register with the TCEQ and submit an annual report. Scrap tire facilities that store more than 500 tires shall also register as a storage site (Ref. Para. 4.4.).

7.7. Submit current copies of required licenses, registrations and permits to TxDOT for the duration of the purchase order. The vendor shall maintain each license, registration and permit as TxDOT may at anytime during the contract period request a current copy of a license, registration or permit.

7.8. Not charge TxDOT for disposal fees, weight measurements, or installation, removal, maintenance, theft or use of storage receptacles. Disposal fees are negotiated between vendor and authorized facilities.

8. SERVICE REQUIREMENTS: The vendor shall:

8.1. Provide and maintain storage receptacles of the type and size necessary to meet the service requirements for the TxDOT locations designated by TxDOT.

8.2. Complete each service request within 14 calendar days from date of verbal or written notification for pick-up, unless otherwise mutually agreed upon.

8.3. Remove storage receptacles from specified locations within seven calendar days after notification in writing by TxDOT for cancellation of service at the specified location(s).

8.4. Remove whole tires from rims if required by TxDOT.

8.5. Load scrap tires and tire pieces from stockpiles into vendor’s own transport containers or vehicles at locations where TxDOT has not requested storage receptacles, removing all water from the inside tire casings and pieces prior to loading.

**VENDOR NOTE:** TxDOT will not provide personnel or equipment to load tires where the vendor has not provided a storage receptacle.

8.6. Transport all scrap tires and tire pieces to a TCEQ permitted landfill or an authorized scrap tire facility.

8.7. Ensure that all trailers and trucks transporting used or scrap tires in excess of the sidewall height of the vehicle shall be covered with a tarp during transit. Trailers and trucks transporting any amount of tire pieces shall be covered with a tarp during transit (Ref. Section 328.54(d)).

8.8. Provide to TxDOT the Manifest so that TxDOT can maintain a record of each individual load of used or scrap tires or tire pieces hauled off from their business location. The vendor shall complete the manifest including the number and type of scrap tires removed from the TxDOT location and delivered and the location of any whole used or scrap tires removed from the load and delivered. The vendor shall maintain a manifest record of each individual collection and delivery. The vendor shall sign the manifest acknowledging that the information on the manifest if true and correct (Ref. Section 328.58(b)).

8.9. Make sure the authorized facility accepting the delivery of the used or scrap tires or tire pieces complete the information on the manifest pertaining to the authorized facility identification and number or weight of tires or tire pieces accepted for delivery. A representative of the authorized facility shall sign the manifest acknowledging that the information on the manifest is true and correct (Ref. Section 328.58(c)).
8.10. Ensure that TxDOT receives the completed manifest within 60 days after the scrap tire or tire pieces were transported off-site (Ref. Section 328.58(d)).

9. MEASUREMENT OF SCRAP MATERIALS

9.1. When requested by TxDOT, report the number of whole passenger, truck, and oversized tires picked up.

9.2. When requested by TxDOT, report the net weight of the material removed as determined by deducting the tare weight from the gross weight.
   9.2.1. Gross weight is the total weight of transport vehicle, with all its equipment, all passengers and driver, and the material payload and its containers.
   9.2.2. Tare weight is the total weight of the empty transport vehicle including all equipment, empty containers, and all passengers and driver.

9.3. Weight measurements shall be conducted at the vendor’s expense on a public scale bearing a current and valid Texas Department of Agriculture Weights and Measure approval seal. TxDOT will not reimburse vendor(s) for this cost.

9.4. TxDOT reserves the option to have the weight measurement be conducted in the presence of a designated TxDOT representative.

10. SAFETY: The vendor shall provide their personnel with all required safety equipment and instruct personnel to observe all safety policies, rules and requirements at all times, including, but not limited to, wearing hard hats, safety shoes, goggles, etc.

11. TxDOT RESPONSIBILITIES: TxDOT will:
   11.1. Provide a designated POC.
   11.2. Load scrap tires and tire pieces into vendor provided storage receptacles at the locations requested by TxDOT.
   11.3. Request service only when vendor provided storage receptacles are projected to be full.
   11.4. Separate non-rubber materials from scrap rubber stockpiles.
   11.5. Complete the Generator section of a manifest for each load.

12. SUBCONTRACTING: Subcontracting is allowed under the following circumstances.
   12.1. Subcontractors providing service under the purchase order shall meet the same service requirements and provide the same quality of service required of the vendor.
   12.2. No subcontract under the purchase order shall relieve the primary vendor of responsibility for the services.
   12.3. The vendor shall be the only contact for TxDOT and subcontractor(s).
   12.4. The vendor shall maintain all project management, schedules, performance and responsibilities for subcontractors. The vendor shall be held solely responsible and accountable for the completion of all work for which the vendor has subcontracted.
   12.5. TxDOT reserves the right to request the removal of vendor’s subcontractor staff deemed unsatisfactory by TxDOT.
   12.6. Subcontracting shall be at the vendor’s expense.
   12.7. SOLICITATIONS OVER $100,000: TxDOT will make an initial determination of whether subcontracting is probable. It is the respondent’s determination if they choose to subcontract any of the work under this purchase order with a Texas Certified Historically Underutilized Business (HUB) or other businesses.
12.7.1. If TxDOT has determined that subcontracting opportunities are probable, the class and items in which HUBS may be registered will be noted in the solicitation.

12.7.2. The respondent shall identify all proposed subcontractors at the time of response submittal. The required forms with video instructions can be found at the following website:

http://www.tbpc.state.tx.us/communities/procurement/prog/hub/hub-subcontracting-plan

12.8. HSP PRIME CONTRACTOR PROGRESS ASSESSMENT REPORT: After award the vendor shall report all HUB and non-HUB subcontractor information using the HSP Prime Contractor Progress Assessment Report form. One copy of this report shall be submitted monthly to TxDOT’s Business Opportunity Programs Office, and one copy shall be submitted with the invoice. Only actual payments made to subcontractors are to be reported. These reports will be required monthly even during months when no payments to subcontractors have been made. TxDOT may verify the amounts being reported as paid by requesting copies of cancelled checks paid to subcontractors.

12.9. TxDOT retains the right to check subcontractor's background and make a determination to approve or reject the use of submitted subcontractor(s). Any negative responses may result in disqualification of the subcontractor.

13. INVOICING INSTRUCTIONS: The vendor shall provide a comprehensive and detailed invoice with reference to the basis for each item charged. Original documentation that validates the charges shall be attached. The original and one copy of the invoice shall be mailed to the address shown on the purchase order and shall include the following:

13.1. Purchase order number.

13.2. Vendor EIN.

13.3. Date, time and location of each service.

13.4. Address for location of service.

13.5. Documentation for each load shall include either the number of tires by size category or the following:

13.5.1. Copies of certified weight ticket(s).

13.5.2. Gross weight of loaded vehicle.

13.5.3. Net weight of scrap tires and tire pieces payload.

13.5.4. Destination where material was unloaded.

13.5.5. A completed Manifest.

13.6. A completed Manifest.

13.7. Invoices shall be submitted no more than once a month and no less than every three months.

13.8. Invoice prices shall correspond to the unit prices as bid.

13.9. Invoices that require correction(s) shall be re-submitted with a new invoice date.

14. RESPONSE SUBMISSION: Failure by the respondent to submit the documentation listed below may disqualify the respondent from further consideration. The response submission shall be submitted in the following format:

14.1. ORIGINAL RESPONSE: The original response shall include the following:

14.1.1. Section 1 – Signed, Dated, and Completed Invitation for Bid.

14.1.2. Section 2 – Schedule 1 – Company Profile and History: Shall include the following:
14.1.2.1. A brief description of the company, including the company name, address, phone number, legal status (i.e., corporation, partnership, etc.).

14.1.2.2. Name, phone number and email address of the person TxDOT should contact with any questions regarding the response submission.

14.1.2.3. Number of years in business, size and scope of operation.

14.1.2.4. Name and title of person submitting response.

14.1.2.5. TCEQ Scrap Tire Transporter Registration documents.

14.1.3. Section 3 – Financial Standing: The respondent shall submit a statement from the president, owner or financial officer on company letterhead certifying that the company is in good financial standing, not in any form of bankruptcy, current in payment of all taxes and fees (Ref. Para. 6.3.).

14.1.4. Section 4 – Company Qualifications and Experience: The respondent shall demonstrate successful past performance through submission of documentation of relevant qualifications and experience by providing:

14.1.4.1. A brief description of related or similar services performed within the last two years within the last three years.

14.1.4.2. At least two Scrap Tire Transporter Annual Activity Reports, Form TCEQ-10311, that demonstrates respondent transported at least 10,000 STU each year for two of the last three years.

14.1.5. Section 5 – Schedule 2 – Company References: Respondent shall submit all references (for all identical and similar services, which are alike in size and scope) that can verify the qualifications and experience requirements for services completed within the past 24 months (Ref. Schedule 2 – Company References). References shall illustrate respondent’s ability to provide the services outlined in the specification. References shall include name, point-of-contact, telephone number, and dates services were performed. The response may be disqualified if TxDOT is unable to verify qualification and experience requirements from the respondent’s references. In addition, the response may be disqualified if TxDOT receives negative responses. TxDOT will be the sole judge of references.

14.1.6. Section 6 – HUB Subcontracting Plan: If required on IFB.

15. RESPONSE EVALUATION: Only complete responses with the required submittal documents (Ref. Attachment A – Minimum Response Submission Requirements) and meeting minimum qualifications will be considered. Failure to meet the minimum qualifications and submit the required documents will result in a response being declared non-responsive.

16. AWARD: TxDOT reserves the right to award a purchase order to the company that provides the best service and value to TxDOT in performance of this service. Multiple purchase orders may be awarded from this solicitation. A multiple award is the award of multiple purchase orders for the same line item(s) from a single solicitation to two or more vendors to provide the same or similar goods services.

17. POST AWARD MEETING: Vendor(s) may be required to attend a post award meeting with TxDOT within ten calendar days after the award of the purchase order. The purpose of the meeting is to discuss the terms and conditions of the purchase order and to discuss specific service requirements.

18. CONTRACT ADMINISTRATION: Administration of the purchase order is a joint responsibility of the TxDOT Division and TxDOT Purchasing. TxDOT Purchasing staff will be responsible for administering the contractual business relationship with the vendor.
18.1. Any proposed changes to work to be performed, whether initiated by TxDOT or the vendor, must receive final written approval in the form of a Purchase Order Change Notice signed by the authorized TxDOT purchasing agent.

18.2. Upon issuance of purchase order, TxDOT will designate an individual who will serve as the Contract Manager and point-of-contact between the agency and the vendor. The Contract Manager does not have any express or implied authority to vary the terms of the purchase order, amend the purchase order in any way or waive strict performance of the terms or conditions of the purchase order. This individual’s contract management and contract administration responsibilities include, but are not limited to:

18.2.1. Monitoring the vendor’s progress and performance and ensuring services conform to established specification requirements.

18.2.2. Managing the financial aspects of the contract including approval of payments.

18.2.3. Meeting with the vendor as needed to review progress, discuss problems, and consider necessary action.

18.2.4. Identifying a breach of contract by assessing the difference between contract performance and non-performance.

ATTACHMENT A

MINIMUM RESPONSE SUBMISSION REQUIREMENTS
(Provided for Information Only)

Respondent: ____________________________________________

Reviewed Minimum Response Submission Requirements: ____________________________________________

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<tr>
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<td>1. Section 1 – Signed, dated and completed Invitation for Bid (Ref. Para. 14.1.1.).</td>
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<td>2. Section 2 – Schedule 1 – Company Profile and History (Ref. Para. 14.1.2.).</td>
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<td>4. Section 4 – Company Qualifications and Experience (Ref. Para. 14.1.4.).</td>
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<td>5. Section 5 – Schedule 2 – Company References (Ref. Para. 14.1.5.).</td>
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<td>6. Section 6 – HUB Subcontracting Plan, if required (Ref. Para. 14.1.6.).</td>
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# SCHEDULE 1
COMPANY PROFILE AND HISTORY

Respondent shall use this schedule or a facsimile to clearly show how they meet the requirements set forth in the response submission (Ref. Para. 14.1.2.).

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<td>of person to contact with questions regarding the solicitation</td>
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<td>Number of years in business and scope of operation</td>
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<td>Name and title of person signing the response</td>
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## DOCUMENTATION OF RESPONDENT HISTORY AND QUALIFICATIONS:

Experience and capabilities in the areas of services to be provided.

This form may be modified as needed to comply with the requirement to document company information.

**THIS PAGE OR A REASONABLE FACSIMILE SHALL BE RETURNED WITH THE RESPONSE. FAILURE TO RETURN THIS PAGE OR A REASONABLE FACSIMILE WILL RESULT IN THE RESPONSE BEING CONSIDERED NON-RESPONSIVE. ANY NEGATIVE RESPONSE(S) MAY RESULT IN DISQUALIFICATION OF THE RESPONSE.**
### SCHEDULE 2
#### COMPANY REFERENCES

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