



PROPOSAL AND CONTRACT
(WHEN EXECUTED)

THIS PROPOSAL INCLUDES
INSTRUCTIONS TO BIDDERS

A. DEPOSIT OF PROPOSALS.

All envelopes containing Bid proposals shall
be clearly marked "Bid Proposal for letting of
07/05/13."

DATE

Prompton Borough

MUNICIPALITY (NAME & TYPE)

Mike Wolfe

SECRETARY

Sealed Proposals will be received on or before
8:00 PM on the above Letting Date.

TIME

P.O. Box 13 Prompton PA 18456

ADDRESS

Bids will be opened and read at approximately
8:00 PM, on the above Letting Date.

TIME

PROPOSALS MUST BE MAILED OR OTHERWISE
DELIVERED TO THE ABOVE ADDRESS.

- 1 The contractor proposes to furnish and deliver all materials (including Form CS-4171, CERTIFICATE OF COMPLIANCE) and to do and perform all work on the following project as more specifically set forth in the Schedule of Prices (Attachment), in accordance with drawings and specifications on file at Prompton Borough as well as the supplements and special requirements contained herein and/ or attached hereto and current PennDOT Specifications (Publication 408), except (a) bidders need not be prequalified by PennDOT (Sec.102.01), and (b) Volumetric testing of bituminous paving materials is not required (Sec. 409).
- 2 If designated as the successful bidder, the contractor will begin work on the date specified in the notice to proceed, or as otherwise provided in the special requirements, and will complete all work within see Attachment 1-A calendar days.
- 3 Accompanying this proposal is a certified check or bid bond in the amount of 10% made payable to the municipality as a proposal guarantee which, it is understood, will be forfeited in case the contractor fails to comply with the requirements of the proposal.

B. PROPOSAL OF:

Wayco, Inc.

198 O'Connell Road

Waymart, PA 18472

NAME / ADDRESS OF CONTRACTOR

CONTRACTORS CERTIFICATION

It is hereby certified as follows:

- 1 The only person interested in the proposal as principal (s) is (are):
Gary Podunajec
- 2 None of the above persons are employees of the municipality.
- 3 This proposal is made without collusion with any other person, firm or corporation.
- 4 All plans and specifications referred to above and the site of the work have been examined by the contractor. The contractor understands that the quantities indicated herein are approximate and are subject to change as may be required; and that all work is payable on the basis of the unit price listed on the Schedule of Prices. (Attachment 1).

- 5 The contractor will comply with all requirements of the laws and implementing regulations of the Commonwealth of Pennsylvania and the United States relating to human relations, equal opportunity and non-discrimination in employment, and will pay to workmen employed in the performance of the contract the wages to which they may be entitled.

- 6 The contractor will provide the municipality with a performance bond, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions thereof, and a payment bond, conditioned on the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work, in accordance with the Public Works Contractors' Bond Law of 1967; and an affidavit accepting the provisions of the Workmen's Compensation Act of 1915, as amended.

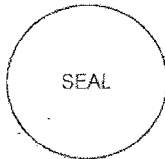
Wayco, Inc.

CONTRACTOR

WITNESSED OR ATTESTED BY:

Alton D. E. Jones

(SEAL)



Gary R. Deegan
 TITLE President

(SEAL)

TO BE EXECUTED ONLY IN THE EVENT THE ABOVE PROPOSAL IS ACCEPTED

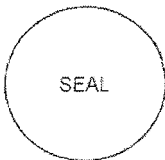
ACCEPTED ON :

7/5/13
 DATE

Prompton Borough
 MUNICIPALITY

ATTESTED BY:

Michael Wolfe
 NAME



Dennis M. Linn
 NAME

ROBERT MIKULWICZ
 NAME

**SPECIAL PROVISIONS TO CONTRACT MS-944 (Attachment 1-A)
CONTAINS IMPORTANT INFORMATION FOR THE CONTRACTOR**

The Prime Contractor and subcontractors must comply with all of the following provisions that are marked with an "X".

- X Traffic Control and Safety Devices to be provided by the Contractor.
(PA. DEPART. Of TRANS. Publication 203, WORK ZONE TRAFFIC CONTROL, CURRENT EDITION.)
- X Delivery tickets for all materials.
- X CS-4171 Certificate of Compliance and/ or TR-465 Daily Bituminous Mixture Certification required for all materials.
- X Notify the Municipality five working days prior to start of project.
- X Work to be completed on or before _____ . After _____ Liquidated damages apply at the rate of \$ 250.00 per calendar day.
- X Roadway to be power broomed by (contractor X municipality)prior to start of project.
- X Excess material to be removed by (contractor X municipality .)
- X Municipality to inspect project.
- X Need Bill of Lading for each shipment of bituminous material per Section 702.1(c) of Specifications 408.
- X Tack Coat required per Section 460, or 409 for superpave, of Specifications 408 and is incidental to paving item unless noted otherwise.
Prime Coat required per Section 461 of Specifications 408.
- X Bituminous Seal on all abutting pavement and curbs required.
- X Saw cut or Milled Paving Notch required and incidental to paving item unless noted otherwise.
- X Scratch/ Leveling Courses to be placed at the discretion of appointed inspector(s).
- X Full width pavement with one pass required.
- X Municipality reserves the right to limit work completed.
Taper pavement the last 3 feet to curb.
For FOB Source bids, hauling distance will determine selection of bid award.
- X Municipality reserves the right to procure material which best suits their requirements after all bids and items are reviewed.
- X Completion of NON-COLLUSION AFFIDAVIT required.
- X Incidental Preparation and clean up required. (Project Construction Materials)
- X The municipality reserves the right to make an award on the basis of the aggregate total for all like items on which quotations are received.
- X Provide design, which meets Specifications Form 408 to the municipality 5 days prior to start of work.
- X Contractor responsible for defects that occur within one year of applications.
- X Contractor required to review proposed project with Municipality's Representative prior to bidding.
Oil Samples required from each distributor truck by contractor (1) one quart : A.M. & P.M. and witnessed by municipality and retained by municipality.(Oil samples must be placed in an approved type container that is compatible with oil sample.)
At least three random stone samples to be taken by contractor on project site witnessed by municipality and retained by municipality.
- X Complete all testing in accordance with Specification Form 408 Section 409 except for superpave volumetric testing.
- X Notice to Proceed will be the date of Contract acceptance.
- X Final Completion Certificate & Notice of Completion required.
- X Future award of Contract will be based on quality of work as determined by the municipality.
Contractor, notify all residents of pending work to be performed.
- X All work to be preformed / completed in accordance to PennDOT Specifications.
- X Milled Paving Notch required at all adjoining bituminous access points.

My signature signifies that I have read and understand the above special provisions to this contract, and by being authorized by this company to act as their authorized representative, and on their behalf hereby agree to adhere to any and all of the provisions pertaining to this contract.

[Signature] 07/05/13
Contractor's Representative Date

[Signature] 7/5/13
Municipality's Representative Date

COUNTY

Wayne

MUNICIPALITY

Prompton Borough

PROJECT #

SUPERPAVE ASPHALT MIXTURE DESIGN

LOCATION OF WORK	FROM	TO	LENGTH	WIDTH	DEPTH	SQ. YD.	TONS	MIX in mm	PERF. GRADE	CYRA- TIONS	MATERIAL TYPE	REMARKS
Church Street	Prompton Road	As Marked	1175	18.0	0.50	2,350	71	9.5	PG 64-22	50	S&L 9.5	60lbs Scratch & Leveling
Church Street	Prompton Road	As Marked	1175	18.0	1.50	2,350	212	9.5	PG 64-22	50	WEARING 9.5	Compact to 1.5 inches 0 to 0.3 Million ESAL'S

ANTI-COLLUSION AFFIDAVIT



County Wayne

Municipality Prompton Borough

Project Number _____

State of Pennsylvania

Fed. Project No. _____
(If Applicable)

County of Wayne

The undersigned deponent deposes and says that he is the President

of the Wayco, Inc. Company; that he is authorized to make this affidavit on behalf of said company in compliance with section 102.06 (e) of Department Specifications, Publication 408, as amended and that the said company has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

Wayco, Inc.
(Contractor)

BY

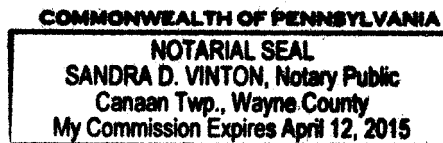
[Signature]

Sworn to and subscribed before me the undersigned notary public this

5th day of July, 2013.

[Signature]
Notary Public

My Commission expires 4-12-15



THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we Wayco, Inc.

198 O'Connell Rd., Waymart, Pa. 18472

(Here insert full name and address or legal title of Contractor)

as Principal, hereinafter called the Principal, and **RLI Insurance Company**

(Here insert full name and address or legal title of Surety)

P.O. Box 3967, Peoria, Illinois 61612-3967 a corporation duly organized under the laws of the State of Illinois as Surety, hereinafter called the Surety, are held and firmly bound unto

Prompton Borough as Obligee, hereinafter called

(Here insert full name and address or legal title of Owner)

the Obligee, in the sum of Ten percent of amount bid Dollars (-10%), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for paving Church St.

(Here insert full name and address and description of project)

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contact with another party to perform the Work covered by said bid, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed and sealed this 5th. day of July, 2013.

How D. Eddred (Witness) { Wayco, Inc. (Principal) (Seal)
Jay Reday (Title) President

[Signature] (Witness) { RLI Insurance Company (Surety) (Seal)
Joan M. Evans (Title) Attorney-in-Fact



RLI Surety
 P.O. Box 3967 | Peoria, IL 61612-3967
 Phone: (800)645-2402 | Fax: (309)689-2036
 www.rlicorp.com

POWER OF ATTORNEY

RLI Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company**, a(n) Illinois corporation, does hereby make, constitute and appoint:
Ronald M. Metcho, Joan M. Evans, Mary Jo Davis, jointly or severally

in the City of Taylor, State of Pennsylvania its true and lawful Agent and Attorney in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, the following described bond.

Any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million Dollars (\$10,000,000) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

The **RLI Insurance Company** further certifies that the following is a true and exact copy of the Resolution adopted by the Board of Directors of **RLI Insurance Company**, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** has caused these presents to be executed by its Vice President with its corporate seal affixed this 15th day of March, 2013.



RLI Insurance Company

Roy C. Die

Vice President

State of Illinois }
 County of Peoria }

SS

On this 15th day of March, 2013, before me, a Notary Public, personally appeared Roy C. Die, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

Jacqueline M. Bockler
 Jacqueline M. Bockler Notary Public



CERTIFICATE

I, the undersigned officer of **RLI Insurance Company**, a stock corporation of the State of Illinois, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** this 5th day of July, 2013

RLI Insurance Company

Roy C. Die

Vice President