

NC STATE SURPLUS PROPERTY AGENCY

Director: Mickey Sauls

State Surplus Property Officer: Robert Riddle

Bid/Contract for Pick-Up and Recycling of Lead Acid Battery Cores

Bid # LAB082714

Bid Opening: 8/27/2014

@ 1:00PM

Location: Any, State Agency, Local Government or Municipality

Commodity: @ 350,000 LBS. of Lead Acid Battery Cores

By signature, I certify that all Contractor information is accurate and I agreed to the Instructions, and Terms and Conditions of the Sale, along with the Payment Terms as stated in this Contract. I have made myself familiar with the items I placed a bid for, and I waive any claims against The State of North Carolina, State Surplus Property Agency, based upon any defects in the property I placed a bid for. I agree to submit payment for all items and that it is my responsibility to meet all deadlines for payment and or removal of contracted property.

To Be Furnished By Winning Contractor after Award:

- Proof of Insurance
- A Performance Bond in the Amount of \$10,000.00.
- (3) Business Reference Letters.
- All Valid Current Licenses
- Valid Web Presence and Home Web Page Address

UPS/Fed Ex. Address for Delivery of Bids:

6501 Chapel Hill Road, HWY 54 W
Raleigh, NC 27607

Recycling Manager: Stan Black

Phone Number: (919) 733-2256

Website: www.ncstatesurplus.com

Individual Or Company Name INTERSTATE BATTERIES RECYCLING, LLC	Federal ID # 27-0923524
Street Address: 12770 MERIT DR., SUITE 600	P.O. Box: 75251
City & State & Zip: DALLAS, TX 75251	Fax # 972-455-6091
Company Name Or Principal Place Of Business For Contractor Listed Above Interstate Batteries Recycling, Dallas, TX	
Type Or Print Name & Title Of Person Signing: Tod A. Lyons, Senior Program Manager	Telephone Number: 972-715-6694

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PROPERTY OFFERED FOR SALE:

Estimated Quantities

@ 350,000 LBS of Battery Cores

This is a Contract is for the Pick-Up, Recycle, and Proper Disposal of Lead Acid Battery Cores, at various State Agencies, Local Governments, and Statewide Municipalities. **This Contract will be for 1 Year, with 2 (1) Year Renewals.** The Specific Type of Batteries will be Auto, Truck, and Industrial Type, Lead Acid Battery Cores, generated by State Agencies, Local Governments and Municipalities. Pick-Up should be on a Regular Cycle or on a Call in and Pick-Up on a As Needed Basis.

SERVICES TO BE PERFORMED

The Contractor will be **required to Pick-Up, a Minimum Quantity of at least 10 Batteries.** Contractor may pick up less than 10 batteries at their discretion, but, **The State Should Not Incur a Charge.** Contractor will **Dispose of the Batteries, and Recycle them in an Environmentally Friendly Manner,** that meets all Local, State, and Federal Guidelines for the "Proper Disposal Method for Lead Acid Batteries".

Contractor must disclose to the State in writing what will ultimately happen to the batteries.

Contractor will bear the responsibility of loading Batteries from the Facilities Loading Dock, to the Transport Vehicle. The facility should store batteries in a manner which makes loading them easily accessible for the Contractor. If the Contractor cannot load the batteries onto his transporter with normal effort and a hand cart, then the facility should provide assistance with the loading of the Battery Cores.

At time of pickup, awarded contractor will be required to provide the Custodian a pick-up ticket containing the minimum following information:

- Contractors Name, Phone and Fax #
- Pick-up Location, Name
- Pick-up location, Address
- Pick-up Date and Time
- **Quantity and Total Weight of the (3) Different Size/Types of Batteries being picked up.**
- Date and Signature line for both parties.

The Contractor has (3) Battery Contracted Group Weights...
Automotive Battery = 32 lbs.
Light Commercial = 55 lbs.
Heavy Duty Commercial = 100 lbs.

The Contractor will be required at the time of the pick-up, to provide the Generating Agency with a **Weight Ticket with the Approximate Quantity Weight Total** clearly defined on the pick-up ticket.

Pickups must occur within a maximum of Ten (10) calendar days from date of request by the Generating Agency or the State Surplus Property Agency.

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CONTRACT BID PRICE

Reference Data

Pricing will be calculated using the AMM, Smelters Lead Scrap "Whole Battery" Price/Lb.

Computation Method

The Contractor agrees to pay the State for the life of the Contract - \$.XXX Below the Fair Market Price based on the AMM Pricing Index. Price paid will be based on the price/lb. of the 1st trading day of the Prior Month...

Billing will be based on 1st trading day of AMM from the Prior Month.

Example Scenario

You make pick-ups at locations during the month totaling 8,129 lbs of Battery Cores. The example we will use will be based off the AMM price/lb. for.....Smelters Lead Scrap Whole Batteries, will be \$.32/lb.

Your bid for this example is \$(-.082) below the published AMM Margin.

Here is the math w/Calculations:

AMM Whole BatteryPrice/Lb.	.32/lb.
Contract Bid Fixed Amount	-.082
State Surplus's Margin (AMM Price – Contractors Fixed Price)	.32/lb -.082 = .238/lb.
Total Lbs/Batteries Picked-up in May	8,129
State Surplus Margin x Total/lbs. Batteries	.238 / lb x 8,129 lbs = \$1,934.70

May's Invoice Payout Amount Paid to the State..... \$1,934.70

Bidders Payout Fixed (+/-) to the Index \$ ___ - .082___

AUTHORIZED SIGNATURE: 	TITLE Sr. Program Manger	DATE 8/25/2014
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INSURANCE COVERAGE

It is required that the contractor provide and maintain in full effect at no additional cost to the State for the duration of this contract the following minimum amounts of insurance:

- Commercial General Liability Insurance with a minimum limit of **\$1,000,000 per occurrence**
- Excess Umbrella Liability Insurance minimum Limit of **\$3,000,000 per occurrence, 5,000,000 aggregate**
- Automobile Liability Insurance, Minimum Limit of **\$500,000.**
- Contractor's Pollution Liability Insurance with a minimum Limit of **\$1,000,000 per occurrence.**
- The Proper Amount of Worker's Compensation Insurance as specified by State Law.

The contractor shall require its insurance carrier to provide a Certificate of Insurance verifying these coverage's to the State Surplus Property Agency, and that State Surplus be listed on the Certificate as an additional insured.

The Contractor will Hold and Save the State, its Officers, Agents and Employees harmless from liability of any kind while performing under this contract.

PERFORMANCE BOND

The Contractor will be required to post a **\$10,000.00 Performance Bond** in the form of a **Certified Check, or Money Order**, made payable to the State Surplus Property Agency. All or a portion of the Performance Bond may be withheld should the contractor not perform the requirements as stated herein for the amount of loss to the agency requesting services and/or the State Surplus Property Agency. **Indemnity Bonds will not be an accepted form of payment of the Performance Bond.**

LICENSES

The contractor will be responsible for and must hold any license or permits required by any Local, State or Federal Regulatory Agency that governs the pick-up, transport, storage and/or processing of the items offered in this bid.

ACTIVITY REPORTS

The Contractor may be required to **submit by Excel, a Quarterly Summary, and a Year ending Summary, detailing the Account Activity and Totals.** Required Information should include Agency, Location, Product Type Picked-Up, and Quantity Detail, Billing Rate, and Amount Billed. **Year End Totals are due (15) days after June 30th, the end of the Business Year Calendar.**

PAYMENT TERMS

1. Payments are to be made Payable to the **State Surplus Property Agency**, reference to above address.
2. **Payment will be required by the tenth (10th) of each month for the previous month's activity.**
3. **Invoices and Check should be mailed to 1310 Mail Service Ctr. Raleigh NC 27699...**

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CANCELLATION CLAUSE

The State or the Contractor may cancel the Contract upon a sixty (60) day written notice. Should the awarded contractor fail to perform the services per the terms of the contract, the state may cancel the contract immediately with a written notice.

When the AMM Market Price and the Contractors Bid Price Equals the Bid Price, if both parties agree, pick-ups will continue, as a service to the state and at no cost to the vendor. If and When the Combined AMM Market Price and Contractors Price Exceeds Bid Price, the Contractor Payments will resume again per the Terms and Agreement of the Contract.

QUANTITIES

The quantities listed above are estimates only, and the state is not liable for amounts less than expected or amounts that exceed the expected quantities. This Contract will be made available for use by all State Agencies, Local County Governments, and Statewide Municipalities, so therefore these totals are not guaranteed and are based solely on historical totals.

CONTRACT PERIOD AND EFFECTIVE DATE

This bid is offered on a contractual basis for a period of One (1) year with the option for a Renewal for (2) one year renewals, provided Both parties are mutually satisfied with the current Terms and Agreements. The Maximum Term Length of this Contract will end on 9/1/2017.

EMERGENCY RESPONSE AND CONTACT PHONE

The Contractor must be able to provide Emergency Response Services with the ability to respond to any facility covered by this bid (24/7) within two hours plus reasonable drive time in the event of a (Contractor Caused) Haz-Mat spill associated with this contract.

Contractors must provide access to the following resources, and they be readily available and ready to respond to any emergency:

- A Contact Phone Number for the purpose of requesting a pickup....
- A valid, working, **24 hr. Emergency Response Phone Number...**
- Adequate personnel with all required certifications
- Industrial wet/dry vacuum trucks and or trailers to aid in Spill Recovery
- Absorbent materials on-hand

The Agency may or may not elect to use your services for a spill response. This will be determined by the agency, location, and the type of environmental hazard or any reason that the affected Agency deems necessary.

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STANDARD TERMS AND CONDITIONS:

- 1. Read, review and comply:** It shall be the contractor's responsibility to read this entire document, review all enclosures and attachments, and comply with all requirements specified herein.
- 2. Notice to Contractors:** All provisions in the Instructions to Contractors, Special Term and Conditions, are specific to this Contract and follow the standard North Carolina General Contract Terms and Conditions.
- 3. Modifications:** **Modifications to this Contract are not permitted.** The contractor is cautioned that the requirements of this Contract cannot be altered and **verbal communications from whatever source cannot change the Terms and Conditions..**
- 4. Acceptance of contractor:** State Surplus Property Agency reserves the right to reject any and all contracts and consider the contracts invalid.
- 5. Time for consideration:** Unless otherwise indicated on the first page of this document, contractor's offer shall be valid for 15 days from the date of awarding the contract.
- 6. Contractor Guidelines:**
 - **The Contractor agrees to operate within all applicable Federal, State, and Local Laws.**
 - The Contractor agrees to indemnify and hold harmless the Seller, The State of North Carolina, and The NC State Surplus Property Agency and its employees and Agents against all personal injury or property damage that may arise from negligence or omission of the Contractor or its employees and agents in the performance of this contract.

BASIS OF THE AWARDED CONTRACT

This Contract award was primarily based upon the **Highest Total Dollar/Yield Amount for the State.**

The State may also take into consideration, other factors, and in its judgment, as to whether or not the Winning Bidder has the ability to perform the services stated herein. The State reserves the right to reject any and all Bidder or Contractors.

If you have Questions about this Contract, Please contact:

Stan Black
Recycling Manager
(919) 733-2256 Phone
(919) 733-2882 Fax
stanley.black@doa.nc.gov

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IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, this on the

September 4, 2014

WINNING

CONTRACTOR:

INTERSTATE BATTERIES RECYCLING, LLC

Tod A. Lyons

Authorizing Agent and Title

SR PROGRAM MGR.

Witness

CUSTODIAN:

The State of North Carolina
Department of Administration
N C State Surplus Property Agency

Robert Riddle

9-4-14
State Surplus Property Officer

Stan Black

9/4/2014
Recycling Products Manager