



WHARTON COUNTY, TEXAS OIL BASED ROAD MATERIALS BID SPECIFICATIONS

GENERAL INFORMATION

Submit to: Commissioners' Court of Wharton County
Barbara A. Starling, County Auditor
Wharton County Courthouse Annex
309 E. Milam, Suite 300
Wharton, Texas 77488

For: Road materials for Wharton County Precincts 1, 2, 3 and 4

- A. MC-30 Prime Oil (160 degrees at delivery)
- B. AC-5 (360 degrees at delivery)
- C. AE-P
- D. CRS-2
- E. EC-30 Prime Oil
- F. RC-250

Due Date: **Wednesday, October 22, 2025 at 1:00 p.m.** in the County Auditor's Office when bids will be opened and publicly read. All bids will be date and time stamped. Bids received after the specified time will not be considered.

Presentation: November 10, 2025 at 9:30 a.m. during the regular session of the Commissioners' Court in the Courthouse Annex, 309 E. Milam, Suite 602, Wharton, Texas.

Published: *Leader- Journal* issue of October 8th and October 15th, 2025

GENERAL CONDITIONS

Bids will be accepted from suppliers wishing to furnish oil based road materials for the calendar year 2026. Bids must be submitted on the bid form included in this package. All pages are to be initialed and returned. Bids must be sealed and clearly marked **"Oil Based Road Materials"** on outside of envelope with bidder's name and return address prominently displayed. This bid shall be on a unit price method as allowed under §262.028 of the Local Government Code. All material must conform to specifications.

All bidders must complete the **"Conflict of Interest Questionnaire"**. **The form is attached with this bid package.** Chapter 176 of the Texas Local Government code requires that any vendor or person conducting business or wishing to conduct business with a county complete the questionnaire. The completed conflict of interest questionnaire must be turned in with your bid proposal to the Auditors office. Any questions can be directed to the Texas Ethics Commission in Austin.

Wharton County Commissioner's Court will not consider for action any contract with a business entity unless the business entity submits a Certificate of Interested Parties (Form 1295). A business entity will generate Form 1295

<H:\Audit\Bids\ANNUAL BIDS-Road, Oil base, Fuel, Chemical\Annual Bid Forms\Oil Based Road Materials\2026 Oil Based Road Materials\Oil Based Road Materials 2026.docx>

Bidder's Initials_____

online AFTER notification of awarding of the bid. The Texas Ethics Commission promulgated rules to implement the law and established an online portal at: <https://www.ethics.state.tx.us/filinginfo/1295/>

The successful bidder must complete this form and submit the signed and notarized form before the contract is executed. **Contract number is 102225**

This bid shall be in effect January 1, 2026 - December 31, 2026.

Wharton County reserves the right to award this bid to the responsible bidder who submitted the lowest and best bid or reject any and/or all bids and act in the best interest of the County.

If awarded bidder cannot supply the product or accommodate the delivery schedule, the County reserves the right to spot purchase the product from the alternate bidder.

Commissioners have the right to reject, at any time, any material that is undesirable for either road or stockpile location. Wharton County legally accepts delivery of road materials after it is unloaded and approved by each Commissioner.

Bidder must furnish invoice when delivered and monthly statements to each Precinct, not later than the 10th day of the month covering all charges for the previous month. Wharton County will pay in a timely manner upon satisfactory delivery and acceptance by Precinct Commissioner.

SALES TAX – Wharton County is exempt from sales tax by law. Wharton County will furnish, upon request, sales tax exemption forms to the bidder that is awarded bid. Bidder shall bear the responsibility of any sales or use tax if any product or supply is deemed to be taxable by state.

BID CONDITIONS AND SPECIFICATIONS

1. Items shall be bid in three parts: (1) cost of material per ton/gallon, (2) specific distribution location and/or pit and (3) cost of material delivered on a ton/gallon-mile basis with all applicable charges listed.
2. Any additional charges for material or delivery must be listed out in the comments section.
3. Material shall be delivered to the job site for Wharton County as directed by Commissioner of applicable Precinct. Job site can be road, field location, or stockpiled at designated locations. Precincts will supervise the dumping of loads. Precincts will put out needed signs and barricades for traffic control.
4. Miles from pit to job site will be the shortest legal route as determined by bidder and Commissioner of Precinct; mileage shall be recorded on the delivery ticket, signed by Commissioner or representative of the County and returned with invoice. All hauling will be paid on actual miles hauled.
5. Material shall be ordered in quantities as determined by each Commissioner.
6. Loaded weight of truck, trailer and material cannot exceed legal state and county weight limits on roads and bridges that approach the designated job sites. Bidder shall check with Precinct Commissioner for such limits.
7. **INSURANCE REQUIREMENTS:**

The awarded bidder **must** furnish certificates of insurance or other acceptable evidence from a reputable insurance company or companies acceptable to the County, licensed to write insurance in the State of Texas, showing the contractor is covered by insurance with the following minimum limits of liability:

- a. Statutory Worker's Compensation and Employer's Liability Insurance with a **Waiver of Subrogation in favor of the County**. In the event any work is sublet, the contractor shall require each subcontractor similarly to provide the same coverage and shall acquire evidence of such coverage of the subcontractor.
- b. General Public Liability, including Product Liability Insurance as follows:
\$250,000 for injuries to one person, \$500,000 for injuries to all persons in a single occurrence,
\$100,000 for property damage or \$600,000 combined single limit

The policy shall be on the commercial general liability form and shall include coverage for acts of independent contractors. The County shall be covered as an additional insured under this policy.

- c. Motor Vehicle Liability Insurance on all vehicles used in connection with the contract, whether owned, non-owned or hired as follows with the County shall be covered as an additional insured under this policy.
\$250,000 for injuries to one person, \$500,000 for injuries to all persons in a single occurrence,
\$100,000 for property damage or \$600,000 combined single limit
 - d. The certificates of insurance furnished to the County shall contain a provision that coverage under such policies shall not be cancelled or materially changed unless at least 30 days prior written notice has been given to the County.
8. Precincts will accept the number of trucks necessary to do the job on a most cost efficient basis, which could require various numbers of trucks.
 9. Commissioners will give 24 hours minimum notice prior to required delivery. Upon initial contact, awarded bidder shall advise, at that time, if required delivery schedule can be met. Cooperation and coordination between Commissioner and bidder is essential to make contract work. Commissioner has right to stop hauling at anytime due to weather, road conditions and machinery breakdowns.
 10. Bidder shall have the right to bid any part of bid for any or all precincts. Bidder must be able to furnish bid items under terms of these specifications.

MATERIALS SPECIFICATIONS AND REQUIREMENTS

All materials must meet the Texas Department of Transportation Specifications as of 1993 or later.

ESTIMATED TONS/GALLONS USAGE OF OIL BASED ROAD MATERIALS

- | | |
|--------------------------|----------------|
| A. MC-30 Prime Oil..... | 120 Tons |
| B. AC-5 | 250 Tons |
| C. AE-P..... | unknown |
| D. CRS-2 | 75,000 Gallons |
| E. EC-30 Prime Oil | unknown |
| F. RC-250 | unknown |



BID FORM

Items shall be bid in two parts: (1) cost of material only per ton/gallon, (2) specific distribution location and (3) cost of material delivered on a ton/gallon-mile basis. If bidding rack price, list information in comments section and attach the current rack price.

	PRODUCT/BIDDER	PIT LOCATION	MATERIAL ONLY PER TON	DELIVERED PER TON	DELIVERY MINIMUM TONS	MATERIAL ONLY PER GALLON	DELIVERED PER GALLON	DELIVERY MINIMUM GALLONS
A.	MC-30 PRIME OIL							
			\$	\$		\$	\$	
B.	AC-5							
			\$	\$		\$	\$	
C.	AE-P							
			\$	\$		\$	\$	
D.	CRS-2 (1 Ton/2,000 Gallon Max.Delivery)							
			\$	\$		\$	\$	
E.	EC-30 Prime Oil							
			\$	\$		\$	\$	
F	RC-250							
			\$	\$		\$	\$	

Comments and any additional charges, please explain:

I have read the bid specifications and shall carry out the requirements of the bid.

This bid submitted by:

Company Name

Signature

Street, P.O. Box No.

Printed Name

Title

City

State

Zip Code

Phone Number

Fax Number

E-Mail Address

.....

If you are registered with SAM.GOV please send your registration status or a copy of your registration. Thank you.

SAM.GOV registration expiration date: _____

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐

Yes

☐

No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐

Yes

☐

No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

- (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

- (a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

- (2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

(To be Completed by Awarded Vendor)

CERTIFICATE OF INTERESTED PARTIES		FORM 1295																																							
Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.		OFFICE USE ONLY Must file online at www.ethics.state.tx.us/File																																							
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.																																									
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.																																									
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.																																									
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th rowspan="2" style="width: 35%; padding: 5px;">Name of Interested Party</th><th rowspan="2" style="width: 25%; padding: 5px;">City, State, Country (place of business)</th><th colspan="2" style="width: 40%; padding: 5px;">Nature of Interest (check applicable)</th></tr><tr><th style="width: 50%; padding: 5px;">Controlling</th><th style="width: 50%; padding: 5px;">Intermediary</th></tr></thead><tbody><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr></tbody></table>				Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)		Controlling	Intermediary																																
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5 Check only if there is NO Interested Party. ☐																																									
6 UNSWORN DECLARATION My name is _____, and my date of birth is _____. My address _____ (street) _____ (city) _____ (state) _____ (zip code) _____ (country) I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of _____, on the _____ day of _____, 20____. (month) (year) _____ Signature of authorized agent of contracting business entity (Declarant)																																									
ADD ADDITIONAL PAGES AS NECESSARY																																									

Form provided by Texas Ethics Commission

www.ethics.state.tx.us

Revised 12/22/2017