

MAINTENANCE QPL APPROVAL - FIELD TEST VENDOR AGREEMENT

North Dakota Department of Transportation, Maintenance
SFN 59659 (7-2022)

Vendor Contact Information (Please return with product specifications)

Product Type		
Product Manufacturer		Product Model or Name
Company Name		
Contact Name		Contact Phone Number
Street Address		
City	State	Zip Code
E-Mail Address		

The North Dakota Department of Transportation (NDDOT) has a Maintenance Qualified Products List Approval process in place by which potential bidders may submit products for field testing and evaluation. Upon approval by NDDOT, the product is placed on an Approved Maintenance Qualified Products List and on the appropriate bid specification(s). NDDOT has established this Approved Maintenance Qualified Products List (QPL), in accordance with N.D.A.C. § 4-12-06-04.

NDDOT requires detailed specifications for each product being submitted for evaluation. If the product specifications appear to meet NDDOT specifications upon initial review, potential bidders may be asked to furnish the product for field testing by NDDOT maintenance crews. The field-testing process will vary by equipment or material being submitted. Field testing may require several days to several months to several years, depending upon the type of product being evaluated, weather, and workload. NDDOT reserves the right to waive the field-testing requirement if an adequate evaluation can be made to grant approval. Justification for approval without field testing can include but is not limited to: updated model designation - in which a successor product model or name in good standing on quality and performance replaces an obsolete product model or name no longer in production (grand fathering), out of state inspections by NDDOT of products in use by another entity, or term rental/leasing of products resulting in adequate field testing to evaluate a grant of approval. Waiver of the field-testing requirement is at the sole discretion of the NDDOT.

For products requiring mounting or special attachment fixtures and adapters, potential bidders will be responsible for all costs associated with providing, mounting and removal of the product and any special fixtures and adapters. The potential bidders' company will be liable for any and all damage sustained to any NDDOT owned property caused by their product as a result of normal use during field testing. NDDOT is not liable for consumable or non-consumable wear on the product occurring during the field-testing period.

Potential bidders shall secure and keep in force, during the field testing and evaluation period, commercial general liability insurance covering any and all claims of any nature arising out of this agreement, with minimum limits of liability of \$250,000 per person and \$1,000,000 per occurrence. The above limits may be satisfied through a policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophic formulation. Potential bidders shall provide certificates of insurance or copies of insurance policies upon request by the State.

By furnishing products for field testing and evaluation, potential bidders agree to indemnify, save, and hold harmless the state of North Dakota, its agencies, officers, and employees (State), from any and all claims of any nature, including all costs, expenses, and attorneys' fees, which may in any manner result from or arise out of this agreement, except for claims resulting from or arising out of the State's sole negligence. Potential bidders also agree to indemnify, save, and hold the State harmless for all costs, expenses, and attorneys' fees incurred in establishing and litigating the indemnification coverage provided herein.

Approved products in good standing on quality and performance will remain on the Approved Maintenance Qualified Products List for a period of 10 years from the date of approval at which time the product will be required to be re-evaluated for continued approval.

NDDOT reserves the right to add or remove products from the Approved Maintenance Qualified Products List at any time. The vendor will be provided written notification including the reason for adding or removing the product from the Qualified Products List. This notice could be prior to bidding, during the bid or after bids are opened if determined, by the sole discretion of NDDOT, to be in the best interest of the State.

NDDOT reserves the right to make changes to specifications prior to issuing solicitations and during the bidding process through addendum. Therefore, placement on the qualified products list does not guarantee acceptance for award. Approved products must meet every and all bid specifications stated in the solicitation, and any addendums issued therein. Vendors are required to check product approval status on the NDDOT website Approved Maintenance Qualified Products List. Vendors take sole responsibility of checking the list for their products approval status as well as notifying NDDOT with their intent to get their products evaluated for consideration to be added to the list.

NDDOT appreciates the opportunity to evaluate and field test products for possible addition to the Approved Maintenance Qualified Products List. For information or coordination of product field testing and evaluation, potential bidders may contact:

Shawn Hauck
NDDOT Maintenance Division
608 E Boulevard Ave
Bismarck, ND 58505-0700
Telephone: 701-328-2565, Fax: 701-328-4623, or Email: smhauck@nd.gov

Authorized Signature	Date
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The Maintenance Qualified Products List Approval - Field Testing and Evaluation Form - Vendor Agreement must be signed by a person with authority to do business under the company name. The company does hereby agree to the terms and conditions herein.