

**SECTION A
NOTICE TO BIDDERS**

**TOWN OF KENT
NOTICE TO BIDDERS**

500 GALLON GASOLINE TANK FOR HIGHWAY DEPARTMENT

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town of Kent at the office of the Town Clerk, Kent Town Center, 25 Sybilø Crossing, Kent Lakes, New York 10512 until 12:00 noon on September 28, 2018 and then at said place be publicly opened and read aloud for 500 GALLON GASOLINE TANK for the Highway Department for the Town of Kent.

All of the bids must meet the specifications of the Town of Kent. Copies of the information for bidders, general requirements, bid specifications, non-collusive bidding certification, bid proposal forms, and hold harmless agreement may be obtained at the office of the Town Clerk. Bids must be submitted at the above address in sealed envelopes and must bear on the face thereof the name and address of the bidder and the following inscription:

öBids for Generatoró Highway Departmentö

The Town of Kent reserves the right to reject any and/or all bids and to re-advertise for new bids. Bids shall be awarded in accordance with General Municipal Law § 103.

Dated: September 6, 2018

**BY ORDER OF THE TOWN BOARD
TOWN OF KENT**

YOLANDA D. CAPPELLI, Town Clerk

SECTION B INSTRUCTIONS TO BIDDERS

DOCUMENTS

Complete sets of Bidding Documents will be issued for bidding purposes as stated in the "Notice to Bidders". A complete set of Documents consists of the following:

1. A bound copy of the Specifications
2. A separate set of Bid Sheets
3. Addenda (if any)

PROPOSALS

To be considered, Proposals on the forms included herein, must be in accordance with these Instructions to Bidders. All bids must be submitted on the prescribed forms which are included herein. All blank spaces for bid prices must be filled in, in both words and figures, either typed or in ink.

Proposals that contain any omission, erasures, alterations, additions, or items not called for in itemized Proposal, or that contains irregularities of any kind, may constitute sufficient cause for rejection of the bid. In case of any discrepancy in the price or amount bid in the Proposal, the price, as expressed in words, shall govern. All bids must be submitted in sealed envelopes addressed to the Town Clerk, Kent, New York, Putnam County, New York and be clearly identified with: (1) Bid Name, (2) Name of Bidder and Address. Proposals shall be signed with name typed below signature. The Bidder's seal, if a corporation shall be affixed under the Bidder's signature. Telephone, Facsimile or Telegraphic Bids will not be accepted.

If a separate set of proposal sheets is issued, they may be used with the understanding that all instructions and conditions of the Contract Documents are the same as if these pages were bound herein.

QUALIFICATIONS OF BIDDERS

The Owner may make such investigations as he deems necessary to determine the qualifications of the Bidder to perform the work and the Bidder shall furnish information and data for this purpose as may be required. The Owner reserves the right to reject any bid if the evidence submitted by a Bidder, or the investigation of such Bidder, fails to satisfy the Owner, that such Bidder is properly qualified to carry out obligations of the Contract and to complete the work contemplated therein within the time designated. Fraudulent statements shall cause rejections of Proposal.

The investigation of a Bidder will seek to determine whether the organization is adequate in size, is authorized to do business in the jurisdiction where the project is located, has had previous similar experience and where available equipment and financial resources are adequate to assure Owner that the work will be completed in accordance with the terms of the Agreement. The amount of other work to which the Bidder is committed may also be considered.

ADDENDA AND INTERPRETATION

Every request for information or interpretation of Bidding Documents must be addressed in writing to the Town Superintendent of Highways and to be given any consideration must be received at least five (5) days prior to the date fixed for the opening of bids. Any and all such interpretations, and any supplemental instructions, will be in the form of written Addenda and will be mailed to all prospective

Bidders. The failure of any Bidder to receive any such Addenda will not relieve the Bidder of any obligation under his Bid as submitted. Acknowledgment of Addenda shall be noted on the "Bid Form".

AWARD

The Contract will be awarded to the lowest responsible bidder in the manner set forth in the General Municipal Law. The Town Board reserves the right to determine responsibility based on an evaluation of the Contractor's qualifications, experience, organization, finances, past performances, and other applicable factors. The Town Board further reserves the right to reject any or all bids.

The low bidder will be based on the base work alone or the base work with any or all alternate bid items, at the sole discretion of the Town Board.

OWNER

The Town of Kent, Putnam County, New York.

REQUIRED SUBMISSIONS

Following the bid opening, the apparent low bidder shall submit to the Superintendent of Highways within seven (7) days a preliminary schedule, financial information and experience information.

Prior to award, the successful bidder will be required to meet the following requirements:

- a. The successful bidder, if his business is not registered in New York State, must provide the Town with a certificate issued by the Secretary of State of New York stating that the Corporation is authorized to do business within the State and is presently in good standing. If the entity to whom the bid is awarded is not a corporation, it would be required that the entity's certificate of doing business, which should be on file in the County Clerk's Office, be provided. (This would also hold true in the case of joint ventures which would be required to disclose the underlying entities which make up the joint venture and the supplying of the requisite certificate of doing business of each such entity.)
- b. A statement by the successful bidder that no officer, director or stockholder (if less than 10 stockholders) of the successful bidder is an officer or employee of the Town or is a relative of any such Town officer or employee. If such officer, director or stockholder does exist, their names and relationship should be disclosed to the Town.

APPROVALS

There will not be any approvals given for any "or equals" materials, equipment or systems prior to the award of the contract.

**SECTION C
BID PROPOSAL**

**TOWN OF KENT
PUTNAM COUNTY, NEW YORK**

To:	Bid Submitted By:
Town of Kent 25 Sybil's Crossing Kent Lakes, New York 10512	(Name)
	(Address)
	(Telephone Number)

1. I/We do hereby declare that I/We have carefully examined the Notice to Bidders and the Specifications relating to the above entitled matter and the work, and have also examined the site.
2. I/We do hereby offer and agree to furnish materials in accordance with the Specifications relating thereto, for the price/prices as given on the bid forms.
3. I/We agree that if this is a multiple cost line bid, the Town of Kent reserves the right to select any one, combination of, or all the Bid items in this proposal for the Contractor to complete without affecting any of the Bid prices.
4. I/We hereby affirm that by submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under the penalty of perjury, that to the best of knowledge and belief:
 - a. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 - b. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
 - c. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition.
 - d. No member of the Town Board or any officer or employee of the Town of Kent, New York, or person whose salary is payable in whole or in part from the said Town Treasure is, shall be or become interested, directly, as a contracting party, partner, stockholder, surety or otherwise, in this bid, or in the performance of the contract, or in the supplies, materials or equipment and work or labor to which it relates, or in any portion of the profits thereof.
5. I/We do hereby declare that, if this is a corporate bid, I have been duly authorized to act as the signatory on this proposal in behalf of this corporation.

6. I/We hereby affirm, under penalty of perjury, the truth of all statements in this proposal.
7. I/We hereby agree that I/We accept the unit prices on the following pages, for the various items of work.
8. I/We hereby agree that if this is a quantity based bid I/We shall make no claim on account of any variation of the approximate estimate in the quantities of work to be done, whether the actual quantities are greater, smaller or completely deleted. A change in the quantity of any item shall not be regarded as sufficient ground for a change in the price of that item.

	Date:	
(Legal Name of Bidder)		
By:		
(Authorized Signator)		
		Corporate Seal (if incorporated)

Section D
SPECIFICATIONS

The Town of Kent Highway Department is looking for bids for the purchase and installation of a 500 Gallon Gasoline Tank for the Highway Garage located on Smokey Hollow Road.

Scope of Work

The Contractor shall supply, install and include all labor & Material for the replacement of a 500 gallon gasoline tank as further described in the general description, below.

General Description

The 500 Gallon Tank shall be a fire rated above ground double walled 2085 tank for gasoline storage, with emergency vents, spill container, delivered not unloaded-8000#~~g~~, including, GPI pump, meter register, pulsar, hose and automatic unleaded nozzle, OPW Petro Vend fuel management system for 10 users.

All electrical hookups will be the Contractor's responsibility,

The Highway Department will provide all electrical conduits and concrete pad and bidders can make an appointment with Highway Superintendent Richard T. Othmer for pre-bid site inspection.

Wage Rates

The Contract is subject to the prevailing wage rates in effect during the Contact Period as determined by the New York State Department of Labor. Certified payrolls will be required to be submitted with each payment requisition

Insurance Requirements

1. Notwithstanding any terms, conditions or provisions in any other writing between the parties, the contractor hereby agrees to effectuate the naming of the municipality as an unrestricted additional insured on the contractor's insurance policies, with the exception of worker's compensations. Before any of the work is started under this contract, the contractor shall file with the municipality a certificate(s).
2. The policy naming the municipality as an additional insured shall:
 - a. Be an insurance policy from an A.M. Best rated ~~6~~ secured+or better, New York State admitted insurer.
 - b. Provide for 30 days notice of cancellation.
 - c. State that the contractor's coverage shall be primary coverage for the municipality, its Board, employees and volunteers.
 - d. The municipality shall be listed as an additional insured by using endorsement CG 2026 or broader. The certificate must state that the endorsement is being used. If another endorsement is used, a copy shall be included with the certificate of insurance.
3. The contractor agrees to indemnify the municipality for any applicable deductibles
4. Required insurance:
 - a. Commercial General Liability Insurance
 - i. \$1,000,000 per occurrence/\$2,000,000 general and products/completed operations aggregates. The general aggregate shall apply on a per-project basis

Workers Compensation Insurance:

Before performing any work on the contract, the contractor shall procure Workers Compensation insurance in accord with the laws of the State of New York on behalf of all employees who are to provide labor or service under the contract. Insurance certificates, policies and endorsements must be sent to the following address:

The Town of Kent
25 Sybil Crossing
Kent Lakes, NY 10512

Payments:

1. Payment will be made only after correct presentation of a Town of Kent Voucher with invoices attached, as may be required.
2. Payment on any claim shall not preclude the Town of Kent from making claim for adjustment on any item found not to have been in accordance with the contract.

SECTION E

**STATEMENT OF NON-COLLUSION
(To be Completed by Each Bidder)**

In accordance with Section 103-d General Municipal Law, effective September 1, 1966, every bid or proposal hereafter made to a political subdivision of the State or any public department, agency or official thereof or to a fire district or any agency or official thereof for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed to by the bidder and affirmed by such bidder as true under the penalties or perjury; non-collusive bidding certification.

- a. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
 - (1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or any competitor.
 - (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor.
 - (3) No attempt has been made or will be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a bid for the purpose of restricting competition.

- b. The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the bidder, as well as the person signing in its behalf.

- c. That attached hereto (if a corporate bidder) is a certified copy of resolution authorizing the execution of this certificate by the signature of this bid or proposal in behalf of the corporate bidder.

Signed: _____

Firm: _____

Title: _____

Date: _____

RESOLUTION

Resolved that _____ be
(Name of Corporation)

authorized to sign and submit the bid or proposal of this corporation for the following materials

(Describe Project)

and to include in such bid or proposal the certificate as to non-collusion required by section one-hundred-three-d (103-d) of the General Municipal Law as the act and deed of such corporation, and for any inaccuracies or misstatements in such certificate this corporate bidder shall be liable under the penalties of perjury.

The foregoing is a true and correct copy of the resolution adopted by _____

_____ corporation at a meeting of the

Board of Directors held on the _____ day of _____, 20____.

(SEAL OF THE CORPORATION)

(SECRETARY)

