BIDDING & CONTRACT REQUIREMENTS

DIVISION 00[3 & 4]

FOR

VILLAGE OF ILION
STAIR SYSTEM REPLACEMENT

CONTRACT NO. 1A – GENERAL CONSTRUCTION

MARCH 2020

PREPARED BY:

BARTON & LOGUIDICE, D.P.C.
443 ELECTRONICS PARKWAY
LIVERPOOL, NEW YORK 13088

BID PACKAGES SUBMITTED BY:

Name of Company:
Address:
Phone:
SECTION 00301

BIDDER'S CHECKLIST

(All pages of this Section to be completed by Bidder PRIOR to Bid Submission)

Bid Prices, Page 00370-1 to 00370-3: All blanks appropriately filled in ink with both words and figures, and signed where applicable.

State and Federal Requirements: Each of the following forms must be executed:

IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATION, Page 00373-1 to 00373-2: Requires Bidder’s signature.

BIDDER’S STATEMENT ON SEXUAL HARASSMENT, Page 00376-1: Requires completion and Bidder’s signature.

NON-COLLUSIVE BIDDING CERTIFICATION, Page 00480-1: Requires Bidder’s signature.

STATEMENT OF SURETY’S INTENT, Page 00481-1: Requires completion and signature by Surety’s Representative.

PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS CERTIFICATION, Page 00484-1 to 00484-2: Requires completion and signature by Bidder.

BID SECURITY, Page 00499-1: Attach Bid Security to page labeled “BID SECURITY” (ATTACH HERE - CERTIFIED CHECK, CASH OR BID BOND).

LIST OF SUBCONTRACTORS: Submit in separate sealed envelope included within the sealed Bid envelope.

NOTE: To Bid all Contracts, the Bidder must fill in all pages this Section.

END OF SECTION
TO THE VILLAGE OF ILION:

Pursuant to and in compliance with your Advertisement for Bids and the Information for Bidders relating thereto, the undersigned hereby offers to furnish all plant, labor, materials, supplies, equipment, allowances and other facilities and things necessary or proper for or incidental to the construction and completion of Contract No. 1A – General Construction, required by and in strict accordance with the applicable provisions of all Contract Documents for the following lump sum price:

Item

1. Lump Sum Contract No. 1A – General Construction

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Price Written in Words</th>
<th>Price Written in Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lump Sum Contract No. 1A – General Construction</td>
<td>(Price Written in Words)</td>
<td>(Price Written in Figures)</td>
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</tbody>
</table>

Acknowledgement of Addenda

<table>
<thead>
<tr>
<th>Addendum No.</th>
<th>Date Received</th>
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</tbody>
</table>
BID

The signer of this Proposal as Bidder declares that the only person, persons, company or parties interested in the proposal are named in this Proposal; that the Bid is made without any connection with any person making another Bid for the same Contract; that the Bid is in all respects fair and without collusion or fraud; that no officer, agent or employee of the Owner is directly or indirectly interested in the Bid; and that he has carefully examined the annexed form of Contract and Contract Documents.

In accordance with Section 139-d of the State Finance Law, Section 103-d of the General Municipal Law, or Section 2878 of the Public Authorities Law, the Bidder further certifies that: (a) the Bid has been arrived at by the Bidder independently and has been submitted without collusion with any other vendor of materials, supplies or equipment of the type described in the invitation for Bids; and (b) the contents of the Bid have not been communicated by the Bidder nor, to its best knowledge and belief, by any of its employees or agents, to any person not an employee or agent of the Bidder or its surety on any bond furnished herewith prior to the official opening of the Bid. Section 620 of the Penal Law makes violation of this statute a crime punishable as perjury.

If written notice of the acceptance of this Bid is mailed or delivered to the undersigned within forty-five (45) days after the date of opening of the Bids, or any time thereafter before this Bid is withdrawn, the undersigned will, within five (5) days after the date of such mailing, or delivering of such notice, execute and deliver a contract in the form of Contract attached hereto.

The undersigned hereby designates as his office to which such notice of acceptance may be mailed, or delivered:

Company Name: ____________________________________________________________
Contact Name: ____________________________________________________________
Address: _________________________________________________________________
City, State, Zip: ___________________________________________________________
Telephone/Fax: ___________________________________________________________
Email: _________________________________________________________________
FEIN: (Federal Employee Identification Number) ________________________________

The undersigned further agrees to comply with the requirements as to conditions of employment, wage rates and hours of labor set forth in the Contract Documents.
This bid may be withdrawn at any time prior to the scheduled time for the opening of
bids or any authorized postponement thereof.

Accompanying this Bid, is a Bid security in the form of a certified check*, cash*, or a bid
bond* for the sum of __________________________________________________________
($______) Dollars. In case this Bid is accepted by the Owner, and the undersigned shall fail to
execute a contract with and give the required bonds to the Owner within five (5) days after the
date of a written notice by the Owner to the undersigned so to do, this Bid security shall be
forfeited and will be retained by the Owner as liquidated damages.

Dated _____________________, 20___ ** ________________________________

___________________________________________________________

Signature of Bidder

Print Name of Signer of Bid ________________________________
Address __________________________________________________________________

* Cross out designations not applicable.

** Insert bidder's name; if a corporation, give the state of incorporation using the phrase "a
corporation organized under the law of"; if a partnership, give the name of the partners,
using also the phrase "co-partners trading and doing business under the firm name and
style of"; if an individual using a trade name, give individual name, using also the phrase
"an individual doing business under the firm name and style of".

END OF SECTION
SECTION 00373

IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATION

1. Contractor/proposer hereby represents that said contractor/proposer is in compliance with New York State General Municipal Law Section 103-g entitled “Iranian Energy Sector Divestment”, in that said contractor/proposer has not:

   a) Provided goods or services of $20 million or more in the energy sector of Iran including but not limited to the provision of oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran; or

   b) Acted as a financial institution and extended $20 million or more in credit to another person for forty-five (45) days or more, if that person’s intent was to use the credit to provide goods or services in the energy sector in Iran.

2. Any contractor/proposer who has undertaken any of the above and is identified on a list created pursuant to Section 165-a (3) (b) of the New York State Finance Law as a person engaging in investment activities in Iran, shall not be deemed a responsible bidder pursuant to Section 103 of the New York State General Municipal Law.

3. Except as otherwise specifically provided herein, every contractor/proposer submitting a bid/proposal in response to this request for bids/request for proposals must certify and affirm the following under penalties of perjury:

   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 its knowledge and belief, that each bidder is not on the list created pursuant to NYS Finance Law Section 165-a (3) (b).”

   The County will accept this statement electronically in accordance with the provisions of Section 103 of the General Municipal Law.

4. Except as otherwise specifically provided herein, any bid/proposal that is submitted without having complied with subdivision (a) above, shall not be considered for award. In any case where the bidder/proposer cannot make the certification as set forth in subdivision (a) above, the bidder/proposer shall so state and shall furnish with the bid a signed statement setting forth in detail the reasons therefore. The County reserves its rights, in accordance with General Municipal Law Section 103-g to award the bid/proposal to any bidder/proposer who cannot make the certification, on a case-by-case basis under the following circumstances:
SECTION 00373

IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATION

a) The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012 and the bidder/proposer has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

b) The County has made a determination that the goods or services are necessary for the County to perform its functions and that, absent such an exemption, the County would be unable to obtain the goods or services for which the bid/proposal is offered. Such determination shall be made by the County in writing and shall be a public document.

____________________________  ______________________________
Signature                        Title

____________________________  ______________________________
Company Name                    Date

State of __________________________)
)   SS:
County of __________________________)

On this _____ day of _____________, 20___, before me personally came and appeared ________________________________ to me known and known to me to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

____________________________

END OF SECTION
IN ACCORDANCE WITH NEW YORK STATE FINANCE LAW §139-1

In accordance with State Finance Law §139-1, which generally prohibits the Owner from entering into contracts pursuant to the Bid process with persons who fail to submit a certification affirming compliance with New York Labor Law §201-g, the Bidder submits the following certification under the penalty of perjury:

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 the Bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the Labor Law.

Dated: ______________, 20____

____________, New York

__________________________________
Name of Bidder

__________________________________
Signature of Authorized Official

__________________________________
Printed or Typed Name of Official and Title

Sworn to before me this
________ day of________, 20____
SECTION 00480

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 his 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 with 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; and

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) A bid shall not be considered for award nor shall any award be made where (a) 1., 2., and 3., above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a) 1., 2., and 3., above have not been complied with the bid shall not be considered for award nor shall any award to be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee determines that such disclosure was not made for the purpose of restricting competition.

(c) The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph (a) of this certification.

(d) Any bid hereafter made to any political subdivision of the State or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one of the section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

FIRM: __________________________________________

By: __________________________________________

Title: __________________________________________

(CORPORATE SEAL IF ANY) END OF SECTION
To: ________________________________________________________________

We have reviewed the Bid of __________________________________________

(Contractor)

of ________________________________________________________________

(Address)

for ________________________________________________________________

(Project)

Bids for which will be received on ______________________________________

(Bid Opening Date)

and wish to advise that should this Bid of the Contractor be accepted and the Contract awarded to him, it is our present intention to become surety on the Performance Bond and Labor and Materials Payment Bond required by the Contract.

Any arrangement for the bonds required by the Contract is a matter between the Contractor and ourselves, and we assume no liability to you or third parties if for any reason we do not execute the requisite bonds.

We are duly authorized to transact business in the State of New York, and we appear on the U.S. Treasury Department's most current list (Circular 570 as amended).

Attest:

______________________________________________________________

Surety's Authorized Signature(s)

Attach Power of Attorney

(Corporate seal if any. If no seal, write "No Seal" across this place and sign.)

END OF SECTION
PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS CERTIFICATION

1. Contractor hereby certifies and warrants that all wood products to be used under this Contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods).
   
a) Which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State of any government agency or political subdivision or public benefit corporation.

b) In addition, when any portion of this Contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor certifies through the submitted bid proposal that any and all subcontractors have been informed and are in compliance with the specification’s and provisions regarding use of tropical hardwoods as detailed in Section 165 of New York State Finance law.

2. Qualifications for an exemption under this law will be the responsibility of the Contractor to establish to meet with the approval of the State. Otherwise, the bid may not be considered responsive. Upon executing this certification the bidder acknowledges that proof of qualifications for exemption are the responsibility of the Contractor to meet with the approval of the state.

3. Except as otherwise specifically provided herein, every contractor/ proposer submitting a bid/proposal in response to this request for bids/request for proposals must certify and affirm the following under penalties of perjury:
   
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 its knowledge and belief, wood to be used under this contract award complies with NYS Finance Law Section 165”.

FIRM:  

By:  

Title:  

(CORPORATE SEAL IF ANY)
SECTION 00484

PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS CERTIFICATION

STATE OF )
COUNTY OF )

On this_______________ day of___________________, 20____, before me personally came and
appeared ___________________________________________ to me known and known to me to
be the person described in and who executed the foregoing instrument and acknowledged that he executed
the same.

END OF SECTION
SECTION 00499

BID SECURITY

(ATTACHED HERE - CERTIFIED CHECK, CASH OR BID BOND)

END OF SECTION