



TOWN OF RIVERHEAD

Sean M. Walter, Supervisor

200 Howell Avenue

Riverhead, New York 11901-2596

631-727-3200

BID FOR:

2 (TWO) 90" HEAVY DUTY REAR FLAIL MOWERS

BIDDERS NAME

BIDDERS ADDRESS

CITY, STATE, ZIP

DATE

() _____
PHONE NUMBER

EMAIL ADDRESS: _____

In compliance with your advertisement for bids to be opened at **2:00 pm on AUGUST 31, 2017** and subject to all conditions thereof, the undersigned hereby proposes to furnish the item(s) and/or service(s) itemized in this proposal in accordance with the Notice to Bidders, General Information Agreement and Specifications contained herein on the Bid Proposal Form attached.

Bidder certifies that the prices quoted herein do not include Federal Excise Tax or any Federal, New York State or City Sales Tax and are not higher than prices charged to any governmental or commercial consumer for like merchandise and/or service; and all prices include shipping and freight charges to any Municipal building or site within the Town of Riverhead.

(THIS PAGE MUST BE COMPLETED, SIGNED, AND RETURNED WITH BID)

Respectfully submitted,

Signed By:

Title:

BIDDERS ARE INVITED TO ATTEND BID OPENING

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for **TWO 90" HEAVY DUTY REAR FLAIL MOWERS** will be received by the Office of the Town Clerk at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on or before **2:00 pm on AUGUST 31, 2017** at which time they will be publicly opened and read aloud.

Specifications and guidelines for submission of bids are available on the Town website at www.townofriverheadny.gov, click on "Bid Requests" beginning **AUGUST 10, 2017**.

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation **"EXCEPTIONS TO THE SPECIFICATIONS"** and be attached to the bid form.

All bids must be submitted to the Town Clerk's Office, at the address stated above, in a sealed envelope clearly marked **2- 90" HEAVY DUTY REAR FLAIL MOWERS"**. Proposals must be received by the Office of the Town Clerk by no later than **2:00 pm on AUGUST 31, 2017**. Although the bid is for two movers, it is understood that the Town guarantees no minimum or maximum purchases as a result of this bid.

Please take notice that the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids, and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder. Note: Bid responses must be delivered to the Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely, and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

BY ORDER OF THE RIVERHEAD TOWN BOARD
DIANE M. WILHELM, TOWN CLERK

**TOWN OF RIVERHEAD
BID SPECIFICATION**

2 (TWO) 90" HEAVY DUTY REAR FLAIL MOWERS

General Description

The Town of Riverhead Highway Department is requesting pricing and availability of **2 (TWO) 90" HEAVY DUTY REAR FLAIL MOWERS** or equivalent for use by the Highway Department. The Highway Department will accept delivery at 1177 Osborne Avenue, Riverhead, NY. The mention in the specifications of any unit, component or equipment by brand name and/or model is meant to convey to the potential bidder the type and quality of the product required and desired by the Town. Any unit, component or equipment which is of equal type and quality may be considered as such and may be acceptable to the Highway Department, upon agreement by the Highway Department to that fact. The decision of the Highway Department however, in such circumstance, is final.

The mowers shall meet or exceed the construction and specifications set forth below. All equipment furnished as standard by the manufacturer shall be included, if not stated in the written specifications. Special items needed to bring the mowers up to specifications shall be accepted only if they are the manufacturers regular or approved factory options. Any deviations from the written specifications shown in the bid specifications shall be noted on the form titled "**EXCEPTIONS TO BID SPECIFICATIONS**" annexed to the specifications. In order to receive full consideration, bids must fully follow the specifications described more fully below and the notice to bidders.

II. General Requirements

Bids: Unless prices and all information requested are complete, bid may be disregarded and given no consideration. All prices and bids must be in ink or typewritten. No pencil figures or erasures are permitted. Mistakes may be crossed out and corrections inserted adjacent thereto and must be initialed in ink by person signing the bid. All bids must be signed with the firm's name and by a responsible officer or employee.

Submission of Bids: Each bid must be submitted on the prescribed form in a sealed envelope clearly marked "**(TWO) 90" HEAVY DUTY REAR FLAIL MOWERS**" and filed with the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York on or before **2:00 pm on August 31, 2017**, at which time they will be publicly opened and read aloud.

Information must be furnished complete in compliance with the terms, conditions, and provisions of the bid specifications. The information requested and the manner of submission are essential to permit prompt evaluation of all bids on a fair and uniform

basis. Accordingly, the Town reserves the right to declare as non-responsive and reject any bid in which material information requested is not furnished or where indirect or incomplete answers or information is provided. Bids shall be for the total net price including all applicable taxes and charges, delivered F.O.B., Town of Riverhead.

Bids and modifications or corrections thereof received after the closing time specified will not be considered. Note, no telephone, e-mail or facsimile of bids will be accepted. If a photocopy is to be submitted, it must be signed in original, in ink.

The Town reserves the right to accept and/or reject any and all bids and waive and formalities in the bidding procedures to the extent permitted by law and make the award as may be deemed in the best interest of the Town.

III. Vehicle Requirements/Specifications

The Town of Riverhead is requesting pricing and availability of **2 (TWO) 90" HEAVY DUTY REAR FLAIL MOWERS** for use by the Highway Department. See attached Schedule A.

The heavy equipment mowers must include all major standard equipment for the make and model, together with such additional specifications listed at the end of this document:

DELIVERY MUST BE WITHIN 30 DAYS OF BID AWARD

IV. General Bid Specifications

Bid Form

Each bid shall be submitted on the required Bid Sheet; Exceptions to Specifications, Bidder Qualifications, Non-Collusive Bidding Certificate and Iran Divestment Act Certification must be submitted with each bid and must be signed by the same individual entering the bid. All bids or bidders not adhering to any of the requirements herein may be rejected.

Inspection: The Town reserves the right and shall be at liberty to inspect the mowers and all equipment and shall have the right to reject the mowers, equipment, all materials and workmanship which do not conform to the specification provided; however, the Town is under no duty to make such inspection. If the inspection indicates that repairs are necessary for the intended use of the mowers by the town, the bidder may be offered the option to perform the repairs at the bidder's expense prior to the purchase of the mowers by the Town. The Town's judgment of required repairs is not subject to negotiation or challenge.

Prior to delivery, the mowers shall be completely serviced as necessary to assure proper operation and function.

All parts or attachments not specifically mentioned but necessary to complete the mowers must be furnished and must conform to the highest standards of quality of material and workmanship provided in good engineering practice and intended in these

specifications. The mowers will be judged on stability and safety, ability to carry out Town's present operations, ease of operation and maintenance, driver's comfort, price and delivery date. These specifications shall be considered minimum unless otherwise stated. All variations from the stated specification must be clearly noted on the Bid Proposal.

Final inspection and acceptance of the mowers for conformity with the specifications shall be made by George Woodson, Highway Superintendent or such designated representative of said Town Highway Department.

Delivery: The delivery date or term within which the proposed item(s) will be delivered shall be stated in the space provided under Delivery Information. Failure by the successful seller to notify the Town of Riverhead immediately of any delivery beyond the stated date or terms is cause for him to be held responsible for damages incurred as a result of an extended delivery time.

All equipment/material, spare parts and supplies shall be delivered F.O.B. destination, delivery charges prepaid and added, to the following location, unless otherwise indicated on the Bid Sheet labeled "V. Bid".

Material and Equipment Specified by Name: Whenever any material or equipment is specified by patent or proprietary name or by the name of the manufacturer, unless stated differently, such specification shall be considered as if followed by the words "or acceptable equal", whether or not such words appear. The seller may offer material or equipment with equal or better qualities and performance in substitution for those specified which he considers would be in the Town's interest to accept. No verbal offers for substitution will be acknowledged or considered from sellers, distributors, manufacturers or subcontractors. Any such offers shall be made in writing to the Highway Superintendent for his consideration with the submission of the proposal and the seller shall include sufficient data which, together with any other data the Town may require, will enable the Town to assess the acceptability of the material or equipment. Such acceptance by the Town shall not relieve the seller from full responsibility from the efficiency and quality and performance of the substitute material or equipment, in the same manner and degree as the material and equipment specified by name.

It should be understood that specifying a brand name, components and/or equipment in these specifications shall not relieve the seller from full responsibility to produce the products in accordance with the performance warranty and contractual requirements. The seller is responsible for notifying the Town of any inappropriate brand name, component and/or equipment that may be called for in the specifications, and to propose a suitable substitute for consideration.

Bid Postponement and Amendment: The Town of Riverhead reserves the right to revise or amend the specifications up to the time set for opening the bids. Such revisions and amendments, if any, shall be announced by amendments to this solicitation. Copies of such amendments shall be furnished to all prospective sellers. Prospective sellers are defined as those sellers listed on the Town's bids list for this material, or who have obtained bid documents subsequent to the bid advertisement. If the revisions and amendments require changes in quantities or prices proposed, or both, the date set for opening bids may be postponed by such number of days as in the opinion of the Town

shall enable sellers to revise their bids. In any case, the bid opening shall be at least two (2) working days after the last amendment, and the amendment shall include an announcement of the new date, if applicable, for the opening of bids.

Single Bid Response: If only one bid is received in response to the invitation for bids, a detailed cost proposal may be requested of the single Seller. A cost/price analysis and evaluation and/or audit may be performed of the cost proposal in order to determine if the price is fair and reasonable.

Bid Withdrawal: After the bids are opened, bids may not be withdrawn for thirty (30) calendar days. Prior to the date/time set for the bid opening, however, bids may be modified or withdrawn by the Seller's authorized representative in person, or by written telegraphic notice. If bids are modified or withdrawn in person, the authorized representative shall make his identity known and shall sign a receipt for the bid.

Award: The Town of Riverhead reserves the right to accept bids, award bids and/or not award bids based on one vehicle or more than one vehicle or award separate (more than one) bids based upon the type of vehicle set forth in the specifications; to reject any and all bids, to waive any informality in the bids, and to accept the bid that appears from all consideration to be for the best interest of the Town of Riverhead.

In determining and evaluating the best bid, the prices will not necessarily be controlling, but quality, equality, efficiency, utility, general terms, delivery, suitability of the equipment/material offered, and the reputation of the equipment/material in general use will also be considered with any other relevant factors. The Highway Superintendent and/or the Purchasing Agent shall be the judges in the determination of these matters.

Notice of bid award, if bid be awarded, will be made within thirty (30) days of opening of bids to the lowest responsive and responsible seller, whose bid proposal complies with all the requirements in the bid specifications.

Title: Title to the mowers and all equipment shall pass to the Town at the F.O.B. point designated under Delivery, subject to the right of the Town to reject upon inspection.

Acceptance and Payment: Acceptance shall be made at the time all equipment/material is operational and in proper working order as determined by and to the satisfaction of the Town of Riverhead. Acceptance of the equipment/material shall be determined on the basis of technical completeness, performance and adherence to the operational requirements and functions of the specifications.

Payment will be scheduled within thirty (30) days upon complete delivery and acceptance of all material/equipment and receipt of an original and one (1) copy of an invoice complying with the terms and conditions of the award. The Town reserves the right to withhold up to ten percent (10%) of the purchase price in the event there is a conditional acceptance. Non-compliance with any one of the following requirements shall constitute a conditional acceptance:

- a) Adherence to the general construction and performance specifications.

- b) Reasonable opportunity for mowers and equipment/material inspection by Highway Superintendent and/or Town Purchasing Agent.
- c) Receipt of manuals (if applicable).

Guarantee: All vehicles, equipment and materials including all parts and assemblies, if applicable, shall be guaranteed against defects in material and workmanship for a period of at least one (1) year after acceptance. Guarantee shall commence at the time of official acceptance by the Town. Where it is required to repair, replace, resurface, replant or to modify, alter, add or remove hardware, parts, components, or related accessories for the purpose of insuring proper appearance, performance or operation, such operations shall be done as required until such time as acceptable performance has been established.

Note, Seller shall be responsible for any costs related to repairs necessary to pass New York State Inspection.

Problems which occur shall be corrected in an appropriate fashion under guarantee. Seller shall be responsible to attend to and remedy such items within a reasonable amount of time. Appropriate logs and schedules shall be maintained to reflect these items and their redress.

New York Law: The Notice to Bidders and Bid Specifications shall be governed according to the laws of the State of New York.

V. Bid Sheet

2 (TWO) 90" HEAVY DUTY REAR FLAIL MOWERS

The heavy equipment mowers must include all major standard equipment for the make and model **2 (TWO) 90" HEAVY DUTY REAR FLAIL MOWERS** together with such additional equipment listed below:

I, _____, certify that the mowers described above and all components are fully operational.

BID PRICE: \$ _____

Delivery Date: _____

Name of Bidder: _____

Address of Bidder: _____

Telephone Number: _____

Email: _____

VI. Exceptions to Specifications

REQUIRED DATA

(Please complete for any exception to the specifications)

(Identify on the line above Year, Model)

Please identify the exceptions to the specifications by checking the appropriate box (see VI (A) below) and provide description of item(s) offered for consideration and/or as and for "equivalent" (see VI (B) below).

A. Please check appropriate boxes to identify exception to bid specifications set for in Part III of these specifications:

☐

Engine (cylinders), speed, gears, etc.

☐

Hydraulic system, hitch, etc.

☐

Service area location

☐

Delivery must be within 30 days of bid award

B. Exceptions to the specifications of any bid items stated herein shall be fully described in writing by the contractor in the space provided below:

DATE: _____

SIGNED: _____

TITLE: _____

BIDDER QUALIFICATIONS

All questions must be answered and the information given must be clear and comprehensive. If necessary, questions may be answered on separate attached sheets.

Section A.

1. Name of Offeror/Organization: _____
2. Main Office Address: _____

3. When Organized: _____
4. If a Corporation, Indicate State Incorporated In: _____

- | | |
|-----------------------------------|--|
| 5. <u>NAME OF PARTNERS</u> | <u>HOME ADDRESS OF PARTNERS</u> |
|-----------------------------------|--|

(If Bidder is a FIRM, state here the name and home address of each member thereof)

If Bidder is a CORPORATION, complete the information below:

Name and Address of President:

Name and Address of Vice President:

Name and Address of Secretary:

6. Does any other contractor, vendor or person have, hold, or may derive any actual or beneficial percentage of interest in any other form of ownership of the Offeror in an amount of 5% or more? Yes/No _____

If yes, please provide:

Name: _____

Address: _____

Section B.

Provide information below regarding similar contracts held:

Organization Name:

Contact Person (Name and Phone Number):

Amount of Contract:

Date Completed:

Section C.

D:\Users\TC2\AppData\Local\Microsoft\Windows\Temporary Internet
Files\Content.Outlook\GU0BSX0N\17.BID.MOWERS.HWY.2017.THISONE..docx.docx

1. Have you ever failed to complete any contract awarded to you? Yes/No _____
2. Have you ever defaulted on a contract? Yes/No _____ If yes, state where and why:

3. Has any officer or partner of your organization ever been an officer or partner of some other organization that failed to complete a contract? Yes/No _____

If yes, state name of individual, other organization and reason:

4. Has any officer or partner of your organization ever failed to complete a contract in his/her own name? Yes/No _____ if yes, state name and reason:

5. In what other lines of business are you financially interested?

6. Who will personally supervise this contract?
Name and Phone Number _____

Title _____

7. Do you have, or can you obtain, sufficient personnel and equipment to perform this contract as required by the "Bid Proposal"? Yes/No _____

8. Provide names and phone numbers of local (Long Island) government references:

9. Provide contact names and phone numbers for emergencies that require an immediate response:

Day: _____ Night: _____

10. List all major equipment you will utilize to perform all work. Indicate whether you currently own or lease the equipment, or will lease it (attach a separate sheet if necessary).

11. Successful Offeror shall provide the Town, at the signing of the contract, the following information:

- a. Table of Organization of the CONTRACTOR showing the names and addresses of all individuals serving on the Board of Directors or comparable body of the CONTRACTOR.
- b. Proof of financial capability and a detailed financial statement.

Section D.

(*Delete phrases that are not applicable)

I, _____ the *(applicant herein), (an officer or agent of the corporate applicant) namely its _____, (list corporate interest) (swears) or (affirms) under the penalties of perjury that:

1. The following persons have a direct or indirect interest in this bid:

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE OF BIRTH</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

_____ (In case of

corporations, all officers of the corporation and stockholders owning more than 5% of the corporate stock must be listed. Attach an additional sheet, if necessary).

2. The following person(s) listed immediately above are related by blood or marriage to an officer or employee of the OWNER. Attach an additional sheet, if necessary.

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>NAME/POSITION OF EMPLOYEE/OFFICER</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

False statements made herein are punishable as a Class A misdemeanor pursuant to 210.45 of the Penal Law.

Legal Name of Person/Firm/Corporation

By: _____

GENERAL MUNICIPAL LAW – SECTION 103-d

Non-Collusive Bidding Certificate

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 his knowledge and belief:

- (A) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement, and for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor or potential competitor;
- (B) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder prior to the opening, directly or indirectly to any other bidder, competitor or potential competitor;
- (C) No attempt has been 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.

I hereby affirm, under the penalty of perjury, the foregoing statement is true:

Signed by: _____

Title: _____

Date: _____

Affix corporate seal if contractor is a corporation.

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act’s effective date, at which time it will be posted on the OGS website.

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor is advised that once the list is posted on the OGS website, any Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to the solicitation, must certify at the time the Contract is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract, should the TOWN OF RIVERHEAD receive information that a person is in violation of the above-referenced certification, the TOWN OF RIVERHEAD will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the TOWN OF RIVERHEAD shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The TOWN OF RIVERHEAD reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

Signature: _____

Print Name: _____

Title: _____

Company Name: _____

Date: _____