

TOWN OF QUEENSBURY

**PURCHASE OF A NEW KIOTI TRACTOR FOR USE BY THE
QUEENSBURY CEMETERY DEPARTMENT**

BID DOCUMENTS

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BID SPECIFICATIONS**

November 8, 2017

**DEPARTMENT:
DEPARTMENT: Cemetery
Connie Goedert, Cemetery Superintendent
21 Quaker Road
Queensbury, New York 12804
(518) 745-4476**

**PURCHASING AGENT: Joanne Watkins
Town of Queensbury
742 Bay Road
Queensbury, New York 12804
Telephone: (518) 761-8239**

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that the Town of Queensbury Cemetery Department is accepting bids for a new Kioto CK3510 Tractor in accordance with the specifications on file with the Town of Queensbury Purchasing Agent at the address listed below. This is a purchase bid only.

The sealed proposals (no proposal shall be sent via facsimile) will be received by the Purchasing Agent at the Accounting Office, Town of Queensbury, 742 Bay Road, Queensbury, New York until 2:00 PM on Monday, November 27, 2017 and will be then publicly opened and read aloud. The Purchasing Agent will then submit the Bids and the recommendation to the Town Board for consideration and approval, if any, at its next regularly scheduled meeting.

The right is reserved to reject any or all Bids or to waive any informalities and any bids and to accept any considered advantageous to the Town of Queensbury.

Warranties, if any, may be considered by the Town Board in making a final determination as to whom to award the bid to.

No proposal may be withdrawn without the consent of the Town Board for a period of 45 days after the time for opening bids has passed.

Specifications for the new Kioto CK 3510 Tractor may be examined and obtained at the Purchasing Agent's Office, 742 Bay Road, Queensbury, New York 12804 during normal business hours any weekday **until 2:00 PM, Monday, November 27, 2017 or on the town website www.queensbury.net**.

Bidders may request further information by contacting Connie Goedert, Cemetery Superintendent at (518)745-4476.

Proposals must be made upon and in accordance with the form of proposal prepared and obtainable from the Purchasing Agent, which formal proposal will contain accompanying Instructions to Bidders and Specifications. All statements and requirements of the form proposal, this advertisement, the Instruction to Bidders, Certification of Compliance with the Iran Divestment Act and the Affidavit of Non-Collusion shall be deemed a part of the contract to purchase entered into by the Town with the successful bidder.

BY ORDER OF THE QUEENSBURY TOWN BOARD.

Publication Date: November 8, 2017
Joanne Watkins
Purchasing Agent
Town of Queensbury

INSTRUCTIONS TO BIDDERS

1. Receipt of Bids.

Sealed proposals will be received by the Queensbury Town Board at the Office of the Purchasing Agent, Town Office Building, 742 Bay Road, Queensbury, Warren County, New York, until 2:00 PM, Monday, November 27, 2017. The Bids received will be opened and publicly read aloud in the Supervisor's Conference Room. The Purchasing Agent will submit the bid proposals to the Town Board at its next regularly or specially scheduled Town Board Meeting, for its consideration and approval, if any.

2. Payment Procedures.

Full payment for the new Kioto CK 3510 Tractor, shall be made within 30 days of receipt. The Town of Queensbury shall not be obligated to pay for the item until it is received.

3. Procurement of Bidding Documents.

Specifications and bidding documents can be examined and obtained at the Purchasing Agent's Office, Town Office Building, 742 Bay Road, Queensbury, NY during normal business hours, commencing immediately or retrieved on www.queensbury.net.

4. Explanation to Bidders.

Any explanation regarding intent and meaning of bidding specifications or other bidding documents shall be requested in writing to Connie Goedert, Cemetery Superintendent, with sufficient allowance of time for receipt and reply before the time of Bid opening. Any such explanations or interpretations shall be made in the form of addenda to the documents and shall be furnished to all Bidders who shall submit all addenda with their bids. Oral explanations and interpretations made prior to the Bid openings shall not be binding.

5. **Bidders Understanding.**

- A. Inspection of Specifications - Bidders shall inform themselves of the specifications.
- B. Documents - Before submitting a proposal, each contractor shall familiarize him/herself with the Bidding documents which include the Notice to Bidders, Instructions to Bidders, Bid Proposal, Affidavit of Non-Collusion, Certification of Compliance with the Iran Divestment Act and Specifications.
- C. The failure or omission of any Bidder to receive or examine the Bidding documents shall in no way relieve any Bidder from any obligation with respect to his Bid. By submitting a Bid, the Bidder agrees and warrants that he/she has examined the Bidding documents, that the specifications are adequate for bidding purposes, and the required items can be provided under the specifications.
- D. No claim for extra charges will be allowed because of alleged impossibilities or because of inadequate or improper specifications.
- E. Bid Requirements.
 - 1. Each Bidder shall submit one (1) properly completed and signed copy of the following: Bid Proposal, Non-Collusive Affidavit, and Certification of Compliance with the Iran Divestment Act.
 - 2. Each bidder shall satisfy to the Queensbury Town Board his/her ability, financial and otherwise, to so provide the items requested, if requested by the Town Board.
- F. Preparation of Bids.
 - 1. The Bidder shall base his Bid on items complying fully with the Bidding documents and in the event he names or includes in his/her Bid materials which do not conform, if awarded the contract he/she shall be responsible for furnishing items which fully conform, at no change in his/her contract price.

2. Only lump sum, firm bids for the item to be furnished will be accepted.

6. **Submission of Bids.**

- A. Bids shall be submitted as directed in the invitation for bids. All Bids shall be submitted on the form provided and all appropriate spaces shall be fully filled. Proposals shall be submitted in an opaque, sealed envelope marked proposal bearing the title of the work and the name of the Bidder. Bids may not be faxed to the Town Offices.
- B. A Bidder shall not include any retailer, occupation, or use taxes in his Bid. Exemption certificates for these taxes will be furnished by the Town of Queensbury.
- C. Bids shall be submitted prior to the time fixed in the invitation for bids. Bids received after the time so indicated shall be returned unopened.
- D. Upon written request to the Bidder, Bids may be withdrawn at any time prior to the expiration of the time for submitting Bids. Negligence on the part of the Bidder in preparing his/her Bid shall not constitute a right to withdraw his/her Bid subsequent to the Bid opening.
- E. No proposal may be withdrawn without the consent of the Town for a period of 45 days after the time for opening Bids has passed.
- F. At the time and place fixed for opening Bids, the contents of all Bids will be made public for the information of all Bidders and other interested parties who may be present in person or by representative.

7. **Rejection of Bids.**

The right is reserved to reject any and all Bids or to waive any informality in any Bid and to accept any considered advantageous to the Town of Queensbury.

8. Warranties.

Bidders shall supply any and all warranties that apply to the purchase and such may be considered by the Town in determining whether to accept any particular Bid, including a Bid which is higher than another Bid in total sum.

9. Collusive Agreements.

Each person submitting a Bid to the Town of Queensbury for the item contemplated by the Bidding documents shall execute an affidavit in the form herein provided, to the effect that he/she has not colluded with any other person, firm, or corporation in regard to any Bid submitted. Such affidavit shall be attached to the Bid. Failure on the part of the Bidder to observe these conditions shall be cause for rejection of his/her Bid.

10. Certification of Compliance with the Iran Divestment Act

Each person submitting a Bid to the Town of Queensbury for the item contemplated by the Bidding documents shall execute a certification in the form herein provided. Such Certification shall be attached to the Bid. Failure on the part of the Bidder to observe these conditions shall be cause for rejection of his/her Bid.

11. Statement of Bidder's Qualifications.

The Queensbury Town Board hereby reserves the right to request such qualifications of any Bidder submitting a Bid as it deems appropriate concerning the Bidder's financial resources and his/her organization and resources available for the delivery of the items contemplated. This documentation however, need not be submitted with the Bid unless and until such time as required by the Town of Queensbury.

AFFIDAVIT OF NON-COLLUSION

I, _____, being duly sworn, do depose and state:

1. That in connection with this procurement,

(A) The prices in this bid have been arrived at independently, without 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; and

(B) 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 or firm to submit or not to submit a bid for the purpose of restricting competition.

2. The undersigned further states:

(A) Affiant is the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein and that Affiant has not participated, and will not participate, in any action contrary to (1) (A) through (1) (C) above; or

(B) (1) Affiant is not the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein but that Affiant has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (1) (A) through (1) (C) above, and as their agent does hereby so certify; and

(2) Affiant has not participated and will not participate, in any action contrary to (1) (A) through (1) (C) above.

3. It is expressly understood that the foregoing statements, representations, and promises are made as a condition to the right of the bidder to receive payment under any award made hereunder.

Signed

Subscribed and sworn to before me this ____ day of _____, 20 ____.

Notary Public

CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (the "Act"), Chapter 1 of the 2012 Laws of New York, a new provision has been added to State Finance Law (SFL) § 165-a and New York General Municipal Law § 103-g, both effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) (the "Prohibited Entities List"). 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, each Bidder/Contractor, any person signing on behalf of any Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under penalty of perjury, that once the Prohibited Entities List is posted on the OGS website, that to the best of its knowledge and belief, that each Bidder/Contractor and any subcontractor or assignee is not identified on the Prohibited Entities List created pursuant to SFL § 165-a(3)(b)

Additionally, Bidder/Contractor is advised that once the Prohibited Entities List is posted on the OGS Website, any Bidder/Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this 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 receive information that a Bidder/Contractor is in violation of the above-referenced certification, the Town will offer the person or entity an opportunity to respond. If the person or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Town shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor in default.

The Town reserves the right to reject any bid or request for assignment for a Bidder/Contractor that appears on the Prohibited Entities List prior to the award of a contract and to pursue a responsibility review with respect to any Bidder/Contractor that is awarded a contract and subsequently appears on the Prohibited Entities List.

I, _____, being duly sworn, deposes and says that he/she is the _____ of the _____ Corporation. 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 paragraph (b) of subdivision 3 of §165-a of the State Finance Law.

SIGNED

SWORN to before me this
_____ day of _____ 201____

Notary Public: _____

BID PROPOSAL

To: TOWN OF QUEENSBURY:

1. The undersigned hereby declares that he/she is the only person interested in this Bid; that it 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; and that no official of the Town, or any person in the employ of the state, is directly or indirectly interested in the Bid or in the supplies or work to which it relates, or in any portion of the profits thereof.

2. The undersigned also declares that he/she has carefully examined the annexed form of Bid documents and specifications and will provide the following item at the prices indicated, immediately upon request, to be fully paid within 30 days of receipt by the Town.

3. PRICE including delivery to 21 Quaker Road, Queensbury, NY:

New Kioti CK3510 Tractor: \$ _____

4. **CONTRACT - AGREEMENT:** By execution of this Bid Proposal, Bidder agrees to execute a further agreement if requested by the Town of Queensbury and agrees, in any event, that all understandings, conditions, provisions and specifications referred to in and a part of this Bid Proposal, the Notice to Bidders, the Instructions to Bidders, the Specifications and the Affidavit of No Collusion, shall constitute the terms and conditions of an agreement and actually be an agreement, if no other agreement is entered into, between the Bidder and the Town of Queensbury.

X _____
DATE

X _____
*SIGNATURE OF AUTHORIZED COMPANY
OFFICIAL - PRINT NAME NEXT TO SIGNATURE

X _____
COMPANY NAME

BID SPECIFICATIONS

New CK3510 Kioti Tractor

Hydrostatic Transmission

KL4010 66in. Bucket

3 Hooks Welded On Bucket

400wBlock Heater

Turf Tires Rear Tires Loaded

Bolt On Cutting Edge Installed

Delivered to Pine View Cemetery