

SECTION 004020 - FORM OF PROPOSAL – MECHANICAL CONSTRUCTION

To: _____ Dated: _____

From: _____ (Name of Bidder)
 _____ (Address of Bidder)

1.1 GENERAL

- A. Pursuant to, and in compliance with, the Procurement and Contracting Requirements, Conditions of the Contract, relative thereto and all of the Contract Documents, including any Addenda issued by the Architect and mailed or delivered to the undersigned prior to the opening of Bids, whether received by the undersigned or not, we, _____
 _____ having visited the site and being familiar with all conditions and requirements of the Work, ____hereby propose to furnish all plant, labor, supplies, materials and equipment incidental to MECHANICAL WORK as required by and in strict accord with the applicable provisions of the Drawings and Specifications entitled Phase 2 -2019 Capital Improvements Project all to the satisfaction and approval of the Architect and the Owner in accordance with the terms and conditions of the Contract Documents for the following sum:

_____ Dollars
 (\$ _____)
Base Bid.

1.2 BID GUARANTEE

- A. The undersigned Bidder agrees to execute a contract for this Work in the above amount and to furnish surety as specified within 10 days after a written Notice of Award, if offered within 45 days after receipt of bids, and on failure to do so agrees to forfeit to Owner the attached cash, cashier's check, certified check, U.S. money order, or bid bond, as liquidated damages for such failure, in the following amount constituting five percent (5%) of the Base Bid.
- B. In the event Owner does not offer Notice of Award within the time limits stated above, Owner will return to the undersigned the cash, cashier's check, certified check, U.S. money order, or bid bond.

1.3 TIME OF COMPLETION

- A. It is agreed by the undersigned that after receipt of a Notice of Award and a consummation of a Contract Agreement in accord with the terms of the Contract Documents, he will start work within 10 consecutive calendar days of this notice to proceed and fully complete the work per section 003113

1.4 ALLOWANCES (Reference specification section 012100)

- A. Specified Allowance as indicated in Specification Section 012100. This amount is to be included in the Base Bid above.

1.5 BID SECURITY

- A. Bid Security in the form of a Certified or Cashier's Check or a Bid Bond in the form required by the Contract Documents is attached to and made a part of this Proposal.

1.6 IRAN DIVESTMENT ACT CERTIFICATION

- A. Contractor to submit with the bid, Iran Divestment Act Certification which hereto is made a part of this Form of Proposal and is attached at the end of this Form of Proposal.

1.7 REPRESENTATIONS

- A. By submitting this Proposal the Bidder represents and certifies to the Owner and the Architect that
1. It has examined the Contract Documents, the site of the proposed Work, is familiar with the local conditions at the place where the Work is to be performed and fully comprehends the requirements and intent of the plans and specifications for this Project in accordance with the drawings, specifications and other Contract Documents prepared by Clark Patterson Lee the Owners Consultant, for this Project.
 2. It has examined and reviewed, where applicable, all information and data in the Contract Documents related to existing underground facilities at or contiguous to the site. Bidder shall require of the Owner or Architect no further investigations, explorations, tests or reports with respect to such underground facilities in order for the Bidder to perform the Work of the Proposal within the Contract Time and in accordance with the Contract Documents.
 3. It has given notice to the Architect, as required by the Contract Documents of any and all discrepancies it has discovered and accepts the resolution of those discrepancies offered by the Architect.
 4. Pursuant to New York State General Municipal Law section 103-d, 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:
 - a. The prices in this bid have been arrived at independently without collusion, 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 be knowingly disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or competitor; and
 - c. No attempt has been made or will be made by bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
 5. The proposal is based upon the materials, equipment and systems required by the Contract Documents, without exception, unless otherwise set forth in this Proposal in detail.

1.8 CHANGE ORDERS

- A. We propose and agree that the above lump sum shall be adjusted for changes in the Contract Work not included in unit prices by addition of the following costs:
1. Profit and overhead as permitted in the GENERAL CONDITIONS.

1.9 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 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.

1.10 ACCEPTANCE

- A. When this Proposal is accepted, the undersigned agrees to enter into a Contract with the Owner as provided in the Form of Agreement.

1.11 AFFIRMS

- A. The undersigned affirms and agrees that this Proposal is a firm one which remains in effect and will be irrevocable for a period of forty-five (45) days after opening of Bids.

1.12 TYPE OF BUSINESS

- A. The undersigned hereby represents that it is a ☐ Corporation, ☐ Partnership, ☐ Individual. If a Corporation, then the undersigned further represents that it is duly qualified as a Corporation under the laws of New York State and it is authorized to do business in this State.

1.13 PLACE OF BUSINESS

- A. The following is the name and address of the person to whom all notices required in connection with this Proposal may be telephoned, mailed, or delivered.

Name of Contact Person: _____

Name of Business or Firm: _____

Address: _____

Address: _____

Telephone: _____

Fax _____

Email Address: _____

FEIN: Federal Employer Identification No.: _____

1.14 EXECUTION OF CONTRACT

- A. When written Notice of Acceptance of the Proposal is mailed or delivered to the undersigned within forty-five (45) days after the opening of Bids, or anytime thereafter should the Proposal not be withdrawn, the undersigned, within ten (10) days, will execute the Form of Agreement with the Owner.

1.15 ADDENDA

- A. Any addenda issued by the Architect and mailed or delivered to the undersigned prior to the Bid opening date shall become part of the Contract Documents. The Bidder shall enter on this list any addenda issued after this Form of Proposal has been received and shall fill in the addenda number and date.

Addendum # _____ Dated: _____

Addendum # _____ Dated: _____

Addendum # _____ Dated: _____

Addendum # _____ Dated: _____

1.16 ASBESTOS

- A. The bidder certifies that no asbestos or asbestos-containing materials will be incorporated into the Work of this Contract.

1.17 AUTHORIZED SIGNATURES FOR PROPOSALS

Signature: _____

Name: _____
(Typed or Printed)

Title: _____

Firm: _____
(Legal Name of Person, Single Proprietorship, Partnership, or Corporation)

Date: _____

(if Corporation, provide seal above)

1.18 IRAN DIVESTMENT ACT CERTIFICATION

By submission of this bid, (DL & AV Equip 1315), or by assuming the responsibility of a Contract awarded hereunder, each bidder and each person signing on behalf of any bidders, 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/contractor/assignee is not on the “Entities Determined To Be Non-Responsive Bidders/Offerors Pursuant to The New York State Iran Divestment Act of 2012” list created pursuant to paragraph (b) subdivision 3 of section 165-a of the New York State Finance Law and posted on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended. (See Article 10 in the Instructions to Bidders.)

NAME OF COMPANY: _____
Individual or Legal Name of Firm or Corporation

MAILING ADDRESS: _____

CITY/STATE/ZIP CODE: _____

BY: _____
Signature of Representative of Firm or Corporation

NAME: _____ TITLE: _____
Please Print Please Print

DATED: _____

SWORN to before me this

_____ day of _____ 20__

Notary Public: _____

1.19 SEXUAL HARASSMENT POLICY/TRAINING AFFIRMATION

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 its employees.

Contractor Information:

Name of Contractor: _____

Address: _____

Phone Number: _____ Facsimile: _____

Email Address: _____

Contractor Website: _____

(Signature of Contractor)

(Title)

(Date)

END OF SECTION 004020