

GENERAL INFORMATION FOR BIDDERS
HUMANE SOCIETY OF PORT JERVIS, 202 US ROUTE 209, TOWN OF DEERPARK, NY

Enclosed is a bid package for the Humane Society of Port Jervis to be constructed at 202 US Route 209, Port Jervis, NY 12771.

The 140' x 40' structure shall be a pole barn with an office and kennel area. Please note that the bid shall be for construction of the building only. The Site Plan is provided for reference. The following items shall be excluded from the bid:

- Parking Lot, Pavement, Striping
- Rain Garden, Landscaping
- Site Lighting
- Dumpster Enclosure
- Septic Tank, Drywells

Additionally, the interior and exterior kennel cages with guillotine doors shall be excluded from the bid as well as any shelving, counters, fire extinguishers, awning, and sign.

Please include the site and excavation work that is only necessary for the building construction. All other items provided on the plans for the Pole Barn shall be included. The contractor may submit specifications for windows, doors, equipment, etc. other than the make and models specified on the plans for approval.

As a bid alternate, please provide a quote for an epoxy coating on the concrete floors in both the office and kennel areas.

Important Dates:

Friday, August 5, 2022	Plans are available for review*
Friday, August 19, 2022, 1:00pm	Bid Walk at site
Friday, August 19, 2022, 5:00pm	All RFI's are due%
Tuesday, August 23, 2022, 5:00pm	Response to RFI's#
Friday, September 2, 2022	Bids to be received by the Humane Society (mail)+
Friday, September 2, 2022, 1:00pm	Bids hand delivered to Humane Society
Friday, September 2, 2022, 5:00pm	Bid opening at Humane Society

* Plans can be picked up at the office of John D Fuller PE PC, 4 South Street, Port Jervis, NY 12771 for a fee of \$100.00 per set. They can also be obtained as a PDF without charge via email. Requests for plans can be made via email to johndfullerpe@gmail.com.

%All RFI's shall be submitted to the project engineer, John D Fuller, PE PC via email.

#Responses to RFI's shall be provided via email.

+The Bullville Post Office is located at 652 Lybolt Rd, Bullville, NY 10915.

THE OWNER AND/OR PROJECT ENGINEER RESERVES THE RIGHT TO AMEND THE PLANS, SPECIFICATIONS AND SCOPE OF WORK AND REQUEST ADDITIONAL BID ALTERNATES PRIOR TO THE BID PROPOSAL DEADLINE.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that the Humane Society of Port Jervis will receive sealed bids in accordance with the plans and specifications obtained from the Humane Society of Port Jervis, 202 US Route 209, Port Jervis, NY 12771, (845) 856-3677 for the following items:

For the work known as the Humane Society of Port Jervis Pole Barn / Kennel as indicated in the Construction Drawings prepared by John D. Fuller, P.E. P.C., 4 South Street, Port Jervis, NY 12771 dated August 5, 2022 and the Site Plan prepared by John D. Fuller, P.E., P.C., 4 South Street, Port Jervis, NY 12771 dated October 29, 2021.

Copies of the Information for Bidders, Construction Drawings and Site Plan may be obtained at the office of John D. Fuller, P.E. P.C. located at 4 South Street, Port Jervis, NY 12771 beginning Friday, August 5, 2022, for a fee of \$100.00 in the form of check or money order only, for each set, payable to John D Fuller PE PC. Persons shall leave their name, mailing address, phone number, fax number and email address upon receipt of same. Electronic files can be obtained via email without charge.

Sealed proposals for the "Humane Society of Port Jervis" are to be mailed to the Humane Society of Port Jervis, 202 US Route 209, Port Jervis, NY 12771 to be received no later than Friday, September 2, 2022. Or, sealed proposals may be hand delivered to the Humane Society of Port Jervis, 202 US Route 209, Port Jervis, NY 12771 by 1:00 p.m. on Friday, September 2, 2022. Bids shall be opened at 5:00 P.M. on Friday, September 2, 2022.

The Bidder will execute the Contract and Certificate (s) of Insurance within ten (10) days after the award of the Contract.

OWNERS RIGHTS RESERVED:

The Humane Society of Port Jervis, hereinafter called the Owner, reserves the right to reject any and all Bids and to waive any formality or technicality in any bid in the interest of the Owner.

STATEMENT OF NON-COLLUSION:

Bidders on the Contracts are required to execute a non-collusion bidding certificates pursuant to Section 103d of the General Municipal Law of the State of New York.

The Humane Society of Port Jervis hereby notifies all Bidders that it will affirmatively insure that in regard to any Contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

**BY ORDER OF
HUMANE SOCIETY OF PORT JERVIS**

Date: Friday, July 29, 2022

II. INFORMATION TO BIDDERS

A. RECEIPT AND OPENING OF BIDS

The Humane Society of Port Jervis, herein called "Owner" invites Bids on the forms attached hereto, all blanks which must be appropriately filled in. Envelopes containing the Bids must be sealed, addressed to:

Humane Society of Port Jervis, 202 US Route 209, Port Jervis, NY 12771 and designated as **"Humane Society of Port Jervis"** and must be received no later than the time and date specified in the Notice to Bidders.

The Owner may consider informal any Bid not prepared and submitted in accordance with provisions hereof and may waive any informalities in or reject any and all Bids. Any Bid may be withdrawn prior to the above-scheduled time for the opening of the Bids or authorized postponements thereof. Any bid received after the time and date specified shall not be considered. No Bidder may withdraw a Bid within 45 days after the actual date of the opening thereof.

B. PREPARATION OF BID

Each envelope containing a Bid must bear on the outside, the name and address of the Bidder, and the name of the project for which the Bid is submitted. If forwarded by mail, the sealed envelope containing the Bid must be enclosed in another envelope addressed as specified above.

Each Bid must be submitted on the prescribed form. All blank spaces for bid prices must be completed in ink or typewriter, in both words and figures, with the unit price for the item or the lump sum for which the Bid is made. In addition to the prescribed form, each Bid must be accompanied by the following:

1. Statement of Bidder's Qualifications
2. Non-Collusive Bidding Certificate
3. Certification of Bidder Regarding Equal Employment Opportunity

The contractor shall not include in the Bid price any sales and compensating use taxes of the State of New York or of any Town or County in the State of New York for any materials which are to be incorporated in the work. The Humane Society of Port Jervis has a tax exemption number and forms which will be made available to the successful bidder to the extent permitted under the present applicable statutes.

C. BID MODIFICATION AND WITHDRAWAL

Any Bidder may modify his Bid by telegraphic or written communication at any time prior to the scheduled closing time for receipt of Bids, provided such telegraphic communication is received by the Owner prior to the closing time, and provided further, the Owner is satisfied that a written confirmation of the telegraphic modification over the signature of the Bidder was mailed prior to closing time. The telegraphic communication should not reveal the Bid price but should provide the addition or subtraction or other modification so that the final prices or terms will not be known by the Owner until the sealed Bid is opened. If written confirmation is not received within two (2) calendar days from the closing time for receipt of bids, no consideration will be given to the telegraphic modification. Modifications submitted by facsimile via telephone will be considered if such a service exists and the transmission is received prior to the closing time at the offices of the Owner designated herein and the written confirmation is received as noted hereinabove.

D. STATEMENT OF NON-COLLUSION

All bidders are required to execute a non-collusion bidding certificate pursuant to Section 103d of the General Municipal Law of the State of New York.

E. OWNERS RIGHTS RESERVED

OWNER reserves the right to reject any or all bids and to waive any informality or technicality in the bid in the interest of the Owner.

F. BIDDER'S QUALIFICATIONS

Each Bidder shall submit, on the form furnished, a Statement of Bidder's Qualifications, his experience record in constructing the type of improvements embraced in this Contract, his organization and equipment available for work contemplated, and detailed financial statement. The Owner shall have the right to take such steps as it deems necessary to determine the ability of the Bidder to perform his obligations under the contract and the Bidder shall furnish the Owner all such additional information and data for this purpose as the Owner may request. The right is reserved by the Owner to reject any Bid where an investigation of the available evidence or information does not satisfy the Owner that the Bidder is qualified to properly carry out the terms of the contract.

G. BID SECURITY

Each bid must be accompanied by certified check of the Bidder, in the amount of 5% of the total contract bid. Such checks will be returned to all except the three lowest bidders within three days after the opening of bids, and the remaining checks will be returned promptly after the Owner and accepted bidder have executed the contract, or, if no award has been made within 45 days after the dated of the opening of bids, upon demand of the bidder at any time thereafter, as long as he has not been notified of the acceptance of his bid. Certified checks shall be made payable to Humane Society of Port Jervis (Owner).

H. LIQUIDATED DAMAGES FOR FAILURE TO ENTER INTO CONTRACT

The successful bidder, upon his failure or refusal to execute and deliver the contract and bonds required within 15 days after he has received notice of the acceptance of his bid, shall forfeit to the Owner, as liquidated damages for such failure or refusal, the security deposited with this bid.

I. OBLIGATION OF BIDDER/CONDITIONS OF WORK

Each Bidder must inform himself fully of the conditions relating to the construction and labor under which the work is now being or will be performed. Failure to do so will not relieve a successful Bidder of his obligations to furnish all material and labor necessary to carry out the provisions of the Contract Documents and to complete the contemplated work for the considerations set forth in his Bid. Insofar as possible, the Contractor in carrying out his work must employ such methods or means as will not cause any interruption or interference with the work of any other contractor or the Owner's forces.

At the time of the opening of the Bids, it is understood that each Bidder will have inspected the site and has read and is thoroughly familiar with the drawings, specifications and contract documents (including all addenda). Failure of any Bidder to inspect the site conditions, receive

or examine any form instrument or document shall in no way relieve any Bidder from any obligation in respect to his Bid.

J. ADDENDA AND INTERPRETATIONS

No interpretations of the meaning of the drawings, specifications or other pre-bid documents will be made to any bidder orally. Every request for such interpretation should be in writing with a subject of Humane Society of Port Jervis and to be given consideration must be received by the project engineer John D Fuller PE PC by Friday, August 19, 2022 at 5:00 p.m. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications which, if issued, will be e-mailed no later than Tuesday, August 23, 2022 at 5:00 p.m. Failure of any bidder to receive any such addendum or interpretation shall not relieve such bidder from any obligation under his bid as submitted. All addenda so issued shall become part of the contract documents.

K. SECURITY FOR FAITHFUL PERFORMANCE

Simultaneously with his delivery of the executed contract, the contractor shall furnish a construction performance bond and a construction payment bond in amounts equal to 100% of contract price, as security for faithful performance of this contract and for the payment of all persons performing labor on the project under this contract and furnishing materials in connections with this contract, as specified in the General Conditions included herein. The surety on such bond or bonds shall be a duly authorized surety company satisfactory to the Owner and shall be prepared on the forms found in these contract documents.

L. MAINTENANCE GUARANTEE

The contractor shall guarantee his work for a period of one year after final acceptance by Humane Society of Port Jervis. The contractor shall provide a guarantee against defective workmanship or material for the performance of the one year guarantee provided in the contract. The Owner may elect the option to retain 10% of the completed works cost during this one year period or require a maintenance bond.

M. POWER OF ATTORNEY

Attorneys-in-fact who sign Bid Bonds or Payment Bonds and Performance Bonds must file with each Bond a certified and effective dated copy of their power of attorney.

N. INSURANCE

During the life of the contract, the contractor shall maintain in full force and effect the following:

1. Workers Compensation Insurance and New York State Disability Insurance in conformity with the applicable laws of the State of New York.
2. Contractor's Comprehensive General Liability and Property Damage Insurance.
3. Contractor's Protective Comprehensive General Liability and Property Damage Insurance in his own name for sub-contractor operations.

4. Contractor's Protective Comprehensive General Liability and Property Damage Insurance in the name of the Owner.
5. Bodily Injury Liability and Property Damage Liability Insurance for all automotive equipment utilized for this contract.

The Humane Society of Port Jervis must be named as "**Additional Insured**" and "**Certificate Holder**" on all applicable policies. Proof of Liability, Workers Compensation and Disability Insurance will be required in a format acceptable to the Owner.

O. TIME OF COMPLETION

1. Time is of the essence of this contract. The bidder agrees to commence work within 10 days of the issuance of the Notice to Proceed but no later than November 1, 2022. The anticipated completion date of this project is November 1, 2023.

P. LAWS AND REGULATIONS

The bidder's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the contract throughout, and they will be deemed to be included in the contract the same as though herein written out in full.

Q. LABOR STANDARDS

Davis Bacon Requirements - The contractor and subcontractor agree to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Federal Labor Standards, Contract Work Hours, the Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C. 276, 327-333) and all other applicable Federal, State and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this contract. The contractor shall maintain documentation which demonstrates compliance with hour and wage requirement of this part.

The contractor and each and every subcontractor performing work at the site of the project to which this contract relates shall comply with the applicable provisions of Part 53 Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (12NYCRR53) Industrial Code Rule 53 and any amendments thereto.

In the hiring of employees for the performance of work under this contract or subcontract hereunder, neither the contractor or any subcontractor, shall by reason of race or color discriminate against any citizen of the State of New York who is qualified and available to perform the work to which the employment relates, nor shall the contractor, any subcontractor, or any person acting on behalf of the contractor or subcontractor discriminate in any manner against or intimidate any employee hired for the performance of work under this contract on account of age, race, creed, color, national origin or sex, in accordance with Executive Law 296, Sections 20 through 23.

There may be deducted from amount payable to the contractor by the Owner under this contract a penalty of five dollars (\$5.00) for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of this contract; provided that for a second or any subsequent violation of the terms or conditions of this

Paragraph Q, this contract may be canceled or terminated by the Owner and all monies due or to become due hereunder may be forfeited.

R. EQUAL OPPORTUNITY CLAUSE

The bidder agrees to abide by the requirements under Executive Order No. 11246, as amended, including specifically, the provisions of the equal opportunity clause.

S. SUBCONTRACTS

The Bidder is specifically advised that any person, for or other party to whom it is proposed to award a subcontract under this contract:

1. Must be acceptable to the Owner after verification of the current eligibility status; and
2. Must submit items #1 - #3 outlined in Paragraph B. Approval of the proposed subcontract award cannot be given by the Owner unless and until the proposed subcontractor has submitted their Certifications and/or other evidence showing that it has fully complied with any reporting requirements to which it is or was subject. Although the bidder is not required to attach such Certifications by proposed subcontractors to his bid, the bidder is hereby advised of this requirement so that appropriate action can be taken to prevent subsequent delay in subcontract awards.

T. SCHEDULE OF VALUES

Each bid must be accompanied by a Schedule of Values (SOV) and payment schedule.

U. ADDITIONS AND DELETIONS

The Owner may elect to delete from the contract any portion of the work described. Any major alterations, either subtractions or additions, will be made prior to contract award.

V. METHOD OF AWARD - LOWEST QUALIFIED BIDDER

If at the time this contract is to be awarded, the lowest base bid submitted by a responsible bidder does not exceed the amount of funds then estimated by the Owner as available to finance the contract, the contract will be awarded on the base bid only. If such bid exceeds such amount, the Owner may reject all bids or may award the contract on the base bid combined with such deductible alternates applied in numerical order in which they are listed in the Form of Bid, as produces a net amount which is within the available funds.

W. ACCESS TO RECORDS

The contractor shall furnish and cause each of its subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Owner, or its agent, or other authorized Officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

III. STATEMENT OF BIDDERS QUALIFICATIONS

The Undersigned certifies under oath the truth and correctness of all statements and of all answers to questions made hereinafter. Answer all questions in a clear and comprehensive manner. This form must be completed in full and sealed (if corporation) or signed by all partners. The bidder may submit any additional information he/she desires.

NOTE: THIS STATEMENT MUST BE NOTARIZED.

SUBMITTED BY:

Name of Bidder: _____

Federal Identification Number: _____

Permanent Principal Office Address: _____

Federal ID# _____

DUNS# _____

Corporation ___ Partnership ___ Individual ___ Joint Venture ___ Other _____

1. Date When Firm Organized:
2. State of incorporation:
3. How many years has your organization been engaged in contracting under your present firm or trade name?
4. Have you ever failed to complete any work awarded to you? If so, note when, where, and why:
5. Has any office or partner of your organization ever been an officer or partner of another organization that failed to complete a construction contract? _____ If so, state circumstances:

6. List name of project, owner, architect, contract amount, percentage complete and scheduled completion of the major construction projects your organization has in process on this date:

7. List name of project, owner, architect, contract amount, date of completion the major construction projects your organization has completed in the last five years:

8. List your major equipment available for this contract:

9. Experience in work similar in scope and scale to this project:

10. List the construction experience of the principle individuals of your organization:

11. Trade References:

12. Bank References:

State of New York Name of Bidder:

County of () Date:

On this _____ day of _____, 20__ before me came

_____ to me known to be the individual(s)

described in and who executed the foregoing instrument and acknowledged

that he/she executed the same.

Notary Public

III. BID PROPOSAL

_____ (Bidder), a (corporation, partnership, sole proprietorship) organized under the laws of the State of _____, having examined the documents and specifications in compliance with the Humane Society of Port Jervis Invitation For Bids hereby proposes to furnish the following items at the prices set forth:

1. CONTRACT #1 _____:

- Total Bid Price in Words*: _____
- Total Bid Price in Figures*: _____

The above price is completed and includes all costs and charges. The bid price must be held for a minimum of ninety (90) days. Acceptance of this bid by the OWNER constitutes a contract.

No contract will be awarded to any corporation not incorporated in the State of New York, unless and until such corporation shall have qualified to do business within the State of New York, pursuant to the applicable statutes.

Bidder agrees that this bid is made in accordance with the construction specifications and documents.

Bidder acknowledges receipt to the following addenda:

_____ (insert "none" if applicable)

Respectively submitted,

Bidder:

By: _____ Seal of Corporation

Accepted by:

Date: _____ Witness:

Bidder's Mailing Address: _____ Bidder's Telephone Number: _____
()

**STATEMENT OF NON-COLLUSION BY BIDDER
PURSUANT TO SECTION 103-D
GENERAL MUNICIPAL LAW
PROJECT TITLE:**

STATE OF NEW YORK)

) SS:

COUNTY OF)

I, _____ of the (Town, Village, City) of _____ in the County of _____ and the State of _____ of full age, being duly sworn according to law on my oath depose and say that:

I am _____, an officer of the firm of _____ the bidder making the Proposal for the above named work, and that I executed the said Proposal with full authority to do so; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise in connection with the above named work; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with the full knowledge that _____ as Owner relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for said work.

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 bidder, with any competitor;

Unless otherwise require 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;

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;

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bonafide employees or bonafide established commercial or selling agencies maintained by

.(Name of Contractor)

Subscribed and sworn to

(Also type or print name and title of affiant under signature)

before me this _____ day of _____ 20____

Notary Public of

My commission expires _____ ,

CERTIFICATION OF BIDDER REGARDING EQUAL EMPLOYMENT OPPORTUNITY

INSTRUCTIONS

This certification is required pursuant to Executive Order 11246 (30 F.R. 12319-25). The implementing rules and regulations provide that any bidder or prospective contractor, or any of their proposed subcontractor, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause: and, if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicates that the bidder has not filed a compliance report due under applicable instructions, such bidder shall be required to submit a compliance report within seven calendar days after bid opening. No contract shall be awarded unless such report is submitted.

CERTIFICATION BY BIDDER

NAME AND ADDRESS OF BIDDER (*INCLUDE ZIP CODE*)

1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause.

☐

No

☐

Yes

2. Compliance reports were required to be filed in connection with such contract or subcontract.

☐

No

☐

Yes

3. Bidder has filed all compliance reports due under applicable instructions, including SF-100.

☐

No

☐

Yes

4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?

☐

No

☐

Yes

NAME AND TITLE OF SIGNER (Please print)

SIGNATURE

DATE

IV. NOTICE OF AWARD

TO:

PROJECT DESCRIPTION:

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated _____, 20__ and Information to BIDDERS.

You are hereby notified that your BID has been accepted for the amount of
\$_____.

You are required by the Information to Bidders to execute the contract and furnish the required CONTRACTORS Performance Bond and Labor and Material Bond within the period of time specified herein.

If you fail to execute said CONTRACT and to furnish said BONDS within said specified period of time, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

1. You, are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER within fourteen (14) calendar days of the date of this Notice by certified mail, return receipt requested.
2. The Contract Signing has been scheduled for
day of _____, 20__, at
prevailing local time at the

NOTICE OF AWARD, dated this _____ day of
_____, 20__.

Owner

By:

Title:

ACCEPTANCE OF NOTICE:
Receipt of the above NOTICE OF AWARD
is hereby acknowledged by
_____ this the ____ day of
_____, 20__.

By:

Title:

V. NOTICE TO PROCEED

To: _____ Date: _____

Project:

You are hereby notified to commence WORK in accordance with the Agreement dated _____, 20__, on or before _____, 20__, and you are to complete the WORK within ____ consecutive calendar days thereafter. The date of completion of all WORK is therefore _____, 20__.

Owner

By

Title

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby acknowledge by _____ this the day of _____, 20__

By

Title