

**TOWN OF WASHINGTON  
Dutchess County, New York**

**BID SPECIFICATIONS**

**Highway Department Materials**

**For the Town of Washington & the Village of Millbrook**

**Period of November 1, 2020 - October 31, 2021**

DUE: October 7, 2020

1. Sealed Proposals for “Highway Department Materials 2020/2021” will be received by the Town Clerk of the Town of Washington at the Town Hall, 10 Reservoir Dr., P O Box 667, Millbrook, New York 12545 at or before 12:00 noon on Wednesday, October 7, 2020. All Proposals received will be publicly opened and read aloud by the Town Clerk immediately thereafter in the Town Clerk’s at the Town Hall.
2. Bidders should read all documents contained in this bid package. The following documents are attached to and made a part of these Bid Specifications:
  - a. Bid Proposal Form; and
  - b. Certificate of Non-Collusion
3. Bidders are responsible for submitting their Proposals to the appropriate location at or prior to the time indicated in the instructions. **NO BIDS WILL BE ACCEPTED AFTER THE DESIGNATED TIME OR DATE INDICATED IN THESE SPECIFICATIONS.** It is suggested that express mail or hand delivery during regular business hours be used to submit Proposals. Late proposals, emails, facsimile, or telephone proposals will not be considered.
4. Any questions regarding the materials requested in this bid package should be directed to Highway Superintendent Joe Spagnola at 914-489-2029.
5. Bidders are responsible for reporting, in writing, any errors in these Bid Specifications to the Town Clerk at the address shown above. Questions or clarifications to these Bid Specifications must be made in writing to the Town Clerk at least ten (10) days prior to the proposal opening. The Town will not assume responsibility for any oral instructions or interpretations of the meaning of the specifications or other contract documents to any bidder by any person or persons.
6. The Town reserves the right to postpone or cancel a scheduled proposal opening, or to amend or supplement the proposal package. Any addenda or corrections to these Bid Specifications will be made in writing and posted on the Town of Washington website.
7. All Proposals shall be submitted on the proposal form attached to these Bid Specifications. All Proposals must be signed and all the attached certificates must be completed and signed in compliance with the provisions of the General Municipal Law.

The forms necessary to be submitted as a Proposal are the following:

- a. Proposal Form, including all items required by the specifications.
- b. Certificate of Non-Collusion, sworn to, signed and dated.

All Proposals shall be sealed and distinctly marked on the outside of the envelope: "Highway Department Materials 2020/2021".

8. Bidders shall submit only one (1) Proposal that meets or exceeds the minimum Bid Specifications.
9. All information required by the Bid Specifications must be supplied on the forms or in the format specified. No alteration, erasure, or addition is to be made to the bid documents. All Proposals must be typewritten or printed in black/blue indelible ink. Proposals which have been corrected by white out or cross out, and have not been initialed and dated will be rejected as unresponsive.
10. The Town reserves the right to reject any and all Proposals, parts of all Proposals, or all Proposals for any one or more supplies or contractual services included in the proposed contract, when such rejection is in the best interests of the public. The Town reserves the right to waive technicalities, irregularities, or omissions in the best interests of the Town. Any claim of proposal mistake must be made in writing in accordance with the conditions expressly set forth in Section 103 of the General Municipal Law.
11. The contract will be awarded to the lowest responsive and responsible bidder in accordance with the requirements of Section 103 of the General Municipal Law.
12. The Town may award to more than one bidder based upon availability and length of haul.
13. No bidder may withdraw a Proposal within forty-five (45) days after the actual date of the bid opening thereof. If an award is not made within the forty-five (45) day period, Proposals remain firm until a contract is awarded or the Town Clerk receives written notice from the bidder that the bidder is withdrawing its Proposal.
14. There is no required deposit for the copy of Bid Specifications.
15. By submission of its Proposal, each bidder certifies that it is in compliance with the provisions of Article 18 of the General Municipal Law.
16. The submission of a Proposal will constitute an incontrovertible representation by the bidder that such bidder has complied with every requirement of the Bid Specifications, that without exception the Proposal is premised upon performing and furnishing the product required by the specifications, that the bidder has given the Town of Washington written notice of all conflicts, errors, ambiguities, and discrepancies that the bidder has discovered in the bidding documents and the written resolutions thereof by the Town of

Washington are acceptable to the bidder, and that the bidding documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the product.

17. All Proposals must be signed. Failure to do so shall cause the Proposal to be nonresponsive and rejected.
18. A Proposal by a corporation shall be executed in the corporate name by the president or a vice-president or other corporate officer **accompanied by evidence of authority to sign**. If required by the State where work is to be performed, the corporate seal shall be affixed and attested by the secretary or an assistant secretary. The corporate address and state of incorporation shall be shown below the signature.

A Proposal by a partnership shall be executed in the partnership name and signed by a partner (whose title must appear under the signature), **accompanied by evidence of authority to sign**. The official address of the partnership shall be shown below the signature.

A Proposal by a limited liability company shall be executed in the name of the firm by a member and **accompanied by evidence of authority to sign**. The state of formation of the firm and the official address of the firm must be shown below the signature.

A Proposal by an individual shall show the Bidder's name and official address. A Proposal by a joint venture shall be executed by each joint venturer in the manner indicated on the Bid form. The official address of the joint venture must be shown below the signature.

All names shall be typed or printed in ink below the signatures.

A Proposal by an agent in the name of a particular manufacturer shall be accompanied by evidence of authority to sign, satisfactory to the Town. The address of the agent must be shown below the signature. The address of the manufacturer must also be shown. The Bidder must be qualified to do business in the State of New York and enclose proof of such qualification with the Bid Proposal.
19. Confidential, trade secret or proprietary materials as defined by the laws of the State of New York must be clearly marked and identified as such upon submission. Bidders intending to seek an exemption from the Freedom of Information Law must request the exemption in writing at the time of submission, setting forth the reason for the claimed exemption. Any determination on the exemption request will be made in accordance with the Freedom of Information Law.
20. The quoted price should exclude New York State sales taxes; a New York Exempt Organization Letter will be supplied to the successful Bidder. All other taxes applicable to the transaction shall be included in the quoted price.
21. The Town is not responsible for any costs incurred by a bidder in the preparation of its Bid or for any work performed prior to contract execution.

22. Any bidder, contractor or manufacturer who, in the course of his work uses or supplies products which are toxic substances as defined in Section 875 of the Labor Law, **shall provide Material Safety Data Sheets as required by Section 876 of the Labor Law to the Town Clerk with the bid documents.**
23. If the successful bidder pays wages to their employees, a certificate of insurance evidencing statutory worker's compensation coverage is to be filed with the Town Clerk upon notification of the bid award.
24. The successful bidder shall provide to the Town Clerk the required insurance which is detailed in the attached document.
25. Payment for goods and services will be made in accordance with the Town's adopted audit procedures. The Town Board reviews all claims on the second Thursday of the month. All claims must be submitted on a voucher by the Thursday preceding the second Thursday of the month.
26. Upon acceptance of the successful bidder's Proposal, the bidder agrees that it will provide the materials indicated on the bid form at the price set forth in the Proposal, in the quantity requested from time to time by the Town of Washington Highway Superintendent or the Village of Millbrook Department Manager of Public Works for Highway Department purposes. Materials requested will be provided upon request by the Town Highway Superintendent or Manager of Public Works. The purpose of this proposal is to determine prices for such materials available to the Town for 2020/2021. The Town is not obligated to purchase any given quantity of materials or services from the successful bidder.

Joseph Spagnola  
Highway Superintendent  
Dated: September 17, 2020