

**BOROUGH OF GLASSBORO
COUNTY OF GLOUCESTER
STATE OF NEW JERSEY**

Instructions to Bidder, Specifications and Bid Form for furnishing and delivering to the Borough of Glassboro – Case 580N Series III Loader Backhoe or Approved Equal.

INSTRUCTIONS TO BIDDERS

Pursuant to published Notice to Bidders, a copy of which is attached hereto, the Borough of Glassboro will receive bids at the Municipal Building, 1 South Main Street, Glassboro, New Jersey 08028-2592 on Thursday, February 23, 2012 at 11:00 A.M. in the Court Room.

All bids must be submitted on the prescribed Bid Form and be delivered to the Borough Clerk not later than the time advertised. Each bid must be enclosed in a sealed envelope which must set forth on the outside of the envelope the name and address of the bidder and the name of the bid.

Bidders must comply with all requirements of the Notice to Bidders.

Bids will be awarded on a category-by-category basis. The bidder which complies with all bid requirements and specifications, which submits the lowest bid for the total price in each category (based upon the approximate quantity for each item) will be awarded the bid for that category. The Borough reserves the right to reject all bids, to reject any bid or bids not complying with the specifications and bid requirements and waive any informality in any bid or bids.

All bidders must comply with the Law against Discrimination and the Prevailing Wage Act, together with any and all rules, regulations and orders pertaining to same.

The quantities set forth in the specifications are estimated quantities only. The Borough is under no obligation to purchase any particular quantity of any particular item. The contract shall be for a period of twelve (12) months from award of bids. The successful bidder in each category shall be obligated to sell whatever number of items within the category the Borough orders for a period of twelve (12) months from award of bid.

All bidders must comply with the provisions of Exhibit A, attached hereto, entitled “Mandatory Equal Employment Opportunity Language”.

Bidders are not required to bid on all categories.

**FORM OF
PUBLIC DISCLOSURE INFORMATION**

Pursuant to N.J.S.A. 55:25-24.2, if the bidder is a partnership or corporation, the following names and addresses are hereby furnished as the owners of an interest equal to 10% or more of such partnership or corporation. If one or more such stockholders or a partner is itself a corporation or partnership, the stockholders or partners hold 10% or more of the corporation or partnership shall also be listed. The disclosure shall be continued until names and addresses of every non-corporate stockholder and individual partner exceeding the 10% ownership criteria established by the above referenced statute has been listed.

STOCKHOLDER DISCLOSURE CERTIFICATION

This Statement Shall Be Included with Bid Submission

Name of Business _____

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list attached.

Signature _____

Title _____

(Corporate Seal)

Sworn to and subscribed before

Me this _____ day of

_____, 20____

My Commission expires:

STOCKHOLDERS OR PARTNERS

Name _____

Name _____

Address _____

Address _____

Name _____

Name _____

Address _____

Address _____

Name _____

Name _____

Address _____

Address _____

Name _____

Name _____

Address _____

Address _____

Name of Company

Signature _____

Title _____

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY:

: SS

COUNTY OF GLOUCESTER:

I, _____ residing in _____,
in the County of _____, in the State of _____, of full
age, being duly sworn according to law upon my oath depose and say that:

I am _____, (Name & Title) of the firm of
_____, the Bidder making this Proposal for the Bid entitled
_____; 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 taken any action in restraint of free, competitive bidding in connection
with the above named project; and that all statements contained in said Proposal and in this
affidavit are true and correct, and made with full knowledge that the Borough of Glassboro relies
upon the truth of the statements contained in said Proposal and in the statements contained in this
affidavit in awarding the contract for the said project.

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 bona fide employees or bona fide established commercial or
selling agencies maintained by _____ (N.J.S.A. 52:34-25).

Name of Bidder

Please sign before a Notary Public

Signature

Sworn to and subscribed before me this _____ day of _____, 2_____.

Notary Public of the State of New Jersey
My Commission expires _____

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq (P.L. 1975, C.127)

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27

GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27 and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

COMPANY: _____ SIGNATURE: _____

PRINT NAME: _____ TITLE: _____

DATE: _____

APPENDIX A
AMERICANS WITH DISABILITIES ACT OF 1990
Equal Opportunity for Individuals with Disability

The contractor and the _____ of _____, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (*42 U.S.C. 5121 01* et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

BID PROPOSAL FOR

CASE 580N SERIES iii LOADER BACKHOE OR APPROVED EQUAL

The undersigned hereby declares and acknowledges that they have carefully examined and fully understand the specifications and conditions of this proposal.

The undersigned hereby certifies that this proposal is genuine and is made without collusion with any person, firm or corporation making a proposal for the same contract.

Company Name

Federal I.D. # or Social Security #

Address

Signature of Authorized Agent

Type or Print Name

Title: _____

Telephone Number

Date

Fax Number

E-mail address

Accepted by: _____, Mayor

Date: _____

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

<u>Addendum Number</u>	<u>Dated</u>	<u>Acknowledge Receipt</u> (initial)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

No addenda were received:

Acknowledged for: _____
(Name of Bidder)

By: _____
(Signature of Authorized Representative)

Name: _____
(Print or Type)

Title: _____

Date: _____

STATE OF NEW JERSEY DEBARRED LIST AFFIDAVIT

STATE OF NEW JERSEY:

: SS

COUNTY OF GLOUCESTER:

I, _____ of the _____ of _____, in the County of _____, and the State of New Jersey of full age, being duly sworn according to law, on my oath depose and say that:

I am _____, and 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 so to do; that said Bidder at the time of making this Bid is not included on the State of New Jersey, State Treasurer's List of Debarred, Suspended and Disqualified Bidders; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with the full knowledge that the Borough of Glassboro, 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 undersigned further warrants that should the name of the firm making this Bid appear on the State Treasurer's List of Debarred, Suspended and Disqualified Bidders at anytime prior to, and during the life of this Contract, including Guarantee period, that the Borough of Glassboro shall be immediately notified by the signatory of this Eligibility Affidavit.

The undersigned understands that the firm making the Bid as Contractor is subject to disbarment, suspensions and/or disqualification in contracting with the State of New Jersey, if the Contractor, pursuant to N.J.A.C. 7:1-5.2, commits any of the acts listed therein, and as determined according to applicable law and regulations.

(Insert Name and Address of Contractor) _____

Please sign before a Notary Public

Signature

Sworn to and subscribed before me this _____ day of _____, 2_____.

My Commission expires _____

The Bid Bond must be 10% of the Bid Amount, but not to exceed \$20,000.00

PROPOSAL BOND

KNOWN ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED

AS PRINCIPAL, AND _____

WITH UNDERWRITING OFFICE AT _____

TO WHICH ALL COMMUNICATION IN REGARD TO THIS BOND SHOULD BE
ADDRESSED, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF
THE STATE OF _____ AND DULY AUTHORIZED TO DO BUSINESS IN
THE STATE OF NEW JERSEY, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO
THE CONTRACTING AGENCY IN THE PENAL SUM OF FIFTY PERCENT (50%) OF THE
AMOUNT BID FOR THE PROJECT LISTED BELOW, FOR THE PAYMENT OF WHICH
WELL AND TRULY TO BE MADE, WE HEREBY JOINTLY AND SEVERALLY BIND
OURSELVES, OUR HEIR, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND
ASSIGNS.

SIGNED, SEALED AND DATED THIS _____ DAY OF
_____, TWO THOUSAND AND _____.

THE CONDITIONS OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS
THE PRINCIPAL IS HEREWITH SUBMITTING A PROPOSAL FOR:

(NAME OF PROJECT)

(MUNICIPALITY)

(COUNTY)

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, IF THE SAID PRINCIPAL SHALL PROPERLY EXECUTE A CONTRACT SECURED BY SATISFACTORY BONDS IN ACCORDANCE WITH THE PROVISIONS OF NJSA 2A:44-143 TO NJSA 2A:44-147 AND THE SPECIFICATIONS FOR THE PROJECT FOR THE FAITHFUL PERFORMANCE THEREOF WITHIN TEN (10) STATE BUSINESS DAYS AFTER BEING NOTIFIED IN WRITING OF THE AWARD OF SUCH CONTRACT TO THE PRINCIPAL, OR IF THE PRINCIPAL OR SURETY SHALL PAY THE CONTRACTING AGENCY THE SUM, NOT EXCEEDING THE PENALTY HEREOF, BY WHICH THE AMOUNT OF THE CONTRACT, COVERING THE SAID PROPOSAL, PROPERLY AND LAWFULLY EXECUTED BY AND BETWEEN THE CONTRACTING AGENCY AND SOME THIRD PARTY, MAY EXCEED THE AMOUNT BID BY THE PRINCIPAL; THEN THIS OBLIGATION SHALL BE VOID; OTHERWISE IT SHALL REMAIN IN FULL FORCE AND EFFECT.

WITNESS OR ATTEST:

(Signature)

(Print Name)

(Print Address)

SECRETARY:

(Signature)

(Print Name)

(Print Address)

PRINCIPAL:

(Signature)

(Print Name)

(Print Address)

(AFFIX CORPORATE SEAL OF PRINCIPAL)

WITNESS OR ATTEST:

(Signature)

(Print Name)

(Print Address)

SURETY:

(Signature)

(Print Name)

(Print Address)

(AFFIX CORPORATE SEAL OF SURETY)

CERTIFICATION TO THE AUTHORITY OF THE
ATTORNEY IN FACT TO COMMIT THE SURETY
COMPANY MUST ACCOMPANY THIS BOND, AND
A TRUE AND CORRECT STATEMENT OF THE
FINANCIAL CONDITION OF SAID SURETY COMPANY.

FOR CONTRACTING AGENCY USE ONLY:

SURETY CHECKED BY _____

TREASURY CIRCULAR 570 \$ _____

LICENSED IN NEW JERSEY _____