



**COUNTY OF OSWEGO
PURCHASING DEPARTMENT**

County Office Building • 46 East Bridge Street • Oswego, NY 13126
315-349-8234 Fax 315-349-8308 www.oswegocounty.com
Fred M. Maxon, Purchasing Director

October 6, 2009

LEGAL NOTICE

Sealed bids will be received by the Oswego County Purchasing Department, 46 East Bridge Street, Oswego, New York until **2:30 p.m., Wednesday, October 21, 2009** for the purchase of:

FIVE (5) OR MORE PORTABLE LITTER FENCES

Specifications are available at the Purchasing Department at the above address Monday through Friday, 9:00 a.m. to 5:00 p.m. and online at www.oswegocounty.com/purchasing. Bids will be publicly opened and read aloud at the above date, time and place.

THE COUNTY RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS.

Fred M. Maxon
Purchasing Director

INFORMATION FOR BIDDERS
SECTION 1 - GENERAL CONDITIONS

BIDS MUST BE SUBMITTED TO THE OSWEGO COUNTY PURCHASING DEPARTMENT MARKED IN A SEALED ENVELOPE AS FOLLOWS:

BID 34-09 - FIVE (5) OR MORE PORTABLE LITTER FENCES

THESE SPECIFICATIONS ARE DEEMED TO BE MINIMUM STANDARD FOR THE PURPOSE FOR WHICH THE EQUIPMENT IS TO BE USED, BUT ALTERNATE BIDS EQUAL TO OR SUBSTANTIALLY COMPLYING WITH THE SPECIFICATIONS AND STATING THE POINTS OF VARIANCE IN DETAIL ARE INVITED AND SHALL BE CONSIDERED WHENEVER SUCH ACTION IS IN THE BEST INTEREST OF THE COUNTY. POINTS OF VARIANCE FROM THESE SPECIFICATIONS SHALL BE CLEARLY DEFINED BY THE BIDDER.

IT IS UNDERSTOOD AND AGREED THAT IN CASE THERE IS A QUESTION OF INTERPRETATION IN THE SPECIFICATIONS INCORPORATED HEREIN, THE COUNTY DOES EXPRESSLY HAVE THE RIGHT TO DETERMINE THE MEANING AND SHALL CONTROL THE DECISION AND SAID DECISION SHALL BE IN EVERY CASE BINDING AND FINAL.

The right is reserved to reject any and all bids in whole or in part, and to waive technical irregularities in bids; as may be deemed in the best interest of the County.

All prices and discounts are to be quoted firm against increase on an F.O.B. destination, freight prepaid, unless otherwise indicated.

The County is exempt from payment of manufacturers excise and all other taxes imposed by the Federal Government and/or the State of New York. Such taxes must not be included in the bid price. Exempt certificates will be executed upon request.

Each bidder must submit an affidavit of non-collusion signed by an officer of the company.

Only bids from manufacturers and/or authorized dealers will be given consideration.

Bidders shall submit their standard guarantee, including the limit of their liability.

Equipment must be delivered strictly in accordance with specifications. If equipment is delivered with deviations or improper servicing, the bidder must arrange to have the necessary work done within five (5) days (exclusive of Saturdays, Sundays and Holidays) after receipt of written notification from the County. Otherwise, the County may have the corrections made at the bidder's expense.

Each bidder must enclose detailed specification sheets listing all options and specifications being bid.

No bid may be withdrawn for forty-five (45) days subsequent to bid opening date.

Specifications and/or brand names of a certain manufacturer may be quoted in this bid. This is not to be construed as limiting the competition, because proposals by manufacturers and distributors of other equipment that equals or exceeds the performance of the specified item and meets the County's needs will be given full consideration.

The bidder hereby understands and agrees that no plea of ignorance relating to any data, conditions, policies or requirements of the County or its Division of Purchase that may exist or that may reasonably be encountered pursuant to this contract will be accepted as a result of failure or omission on the part of the bidder to fulfill in every respect all the circumstances as a basis for any type of claim whatsoever for extra charges, for start up costs, or for the rendering of proper service hereunder. Further said claims for charges shall be without prejudice to the County or its Division of Purchase not honored by said County or Division of Purchase.

The parties hereto understand and agree that each and every provision of Law or clause required by Law to be inserted in this contract shall be deemed to have been inserted herein, and if through mistake or inadvertence, such provision is not inserted said clause shall be deemed to have been inserted and shall have full force and effect of Law.

This specification as well as any contract, plans, drawings, exhibits or schedules to which it is attached and made a part of constitutes the entire agreement and understanding between the parties hereto and shall be binding upon each party and their successors. Any additions, changes or deviations to or from said specifications, contracts, plans, drawings, exhibits, or schedules will invalidate the agreement between the parties in its entirety unless in every case such changes shall be previously agreed upon by the parties hereto in consideration of all applicable legislation.

- END OF SECTION 1 -

SECTION 2 - INFORMATION FOR BIDDERS

COMMUNICATIONS

Communications with the County shall be solely through the officials indicated below. Firms are specifically directed not to contact any other County or City officials or employees in any fashion regarding this bid, without prior approval from the County Purchasing Director. The County will not be responsible for any oral representations or instructions.

General questions regarding bid process:	Questions regarding specifications:
Fred Maxon Purchasing Director 46 East Bridge Street Oswego, NY 13126 (315) 349-8307	Mark Powell Division of Solid Waste 2801 St. Rt. 481 Fulton, NY 13069 (315) 591-9221

BID AWARD

The award will be made to the bidder who submits the lowest responsible and responsive bid meeting all specifications. The County reserves the right to award in any configuration deemed to be in the best interest of the County.

DEVIATIONS

Any deviations from bid specifications must be noted with bid.

PRICING

All prices and discounts are to be quoted on an F.O.B. delivered basis, unless otherwise indicated in the bid sheet. The County reserves the right to negotiate lower pricing, or to advertise for bids, any unanticipated excessive purchase. Excessive is defined as exceeding the original estimate by more than twenty-five (25) percent of purchased amount.

DELIVERY

Delivery of all materials must be made to the Oswego County Bristol Hill Landfill, 3125 State Route 3, Fulton NY 13069.

MATERIALS QUALITY

All materials delivered by the Contractor are to be new and unused. Any material delivered by the Contractor which is not in accordance with the specifications or is otherwise unsatisfactory, in the opinion of the Department, may be retained and, if necessary, used until it is replaced with satisfactory material.

METHOD OF PAYMENT

Payment shall be made at the Contract price for the actual quantities or material furnished and verified by the receiving agency. A delivery slip stating quantities shall accompany each shipment. The Vendor shall promptly submit an invoice to the Solid Waste Department, 3125 State Route 3, Fulton, NY 13069. Terms are net 30 days upon inspection and approval by the department.

BIDDER'S RESPONSIBILITY

Bidders shall carefully examine the terms herein and shall judge for themselves all the circumstances and conditions affecting their bid proposal. Failure on the part of any bidder to make such examination and to investigate thoroughly shall not be grounds for any declaration that the bidder did not understand the conditions of this bid.

CANCELLATION

This contract may be cancelled by either party with good cause (not in an arbitrary or capricious manner) stating the reason for such cancellation. Any such notice must be sent by registered mail or given personally to an officer of the respective parties.

REQUIREMENTS OF CONTRACT

The Contract requirements as well as the statements and specifications that accompany the bids which are accepted by the County, shall be in such form and contain such terms and conditions as approved by the County's Attorney.

CITIES, TOWNS AND VILLAGES

The Contractor agrees to supply this product to the Cities, Towns and Villages in Oswego County, who desire, according to the terms and conditions of these specifications at the same unit prices.

- END OF SECTION 2 -

SECTION 3 - SPECIFICATIONS

Overall Dimensions (Minimums) Each Unit:

Width: 24 ft

Height with Canopy: 15 feet

Depth: 8 ft minimum, 13 ft minimum with outriggers, mobile fence must be capable of withstanding 70 MPH wind loading without overturning with a litter covered net.

Side nets: Full height of back net and full width of base at the bottom, full width of the canopy at the top.

Approximate Weight: 3,000 lbs

Netting:

Strong galvanized steel mesh net with black vinyl coating to protect it from the elements and allows the litter to slide to the ground easily.

Dozer-Blade Hooks:

Fences shall be equipped with adjustable hooks, welded integral to the frame so that the entire frame and fence can be picked up by either a dozer blade or loader bucket.

Vertical height adjustment: minimum 6 ft to a maximum of 11ft

Horizontal hook adjustment, each hook: 5 increments from 11 inches to 2 ft-7inches

General:

Heavy walled steel tubing must be used for the construction of the frame to prevent the units from freezing to the ground or sinking in soft mud.

Rugged steel construction with full welds; all steel framing shall be factory primed followed by an enamel finish.

Bid price must **include delivery** to the Bristol Hill Landfill, 3125 St Rte 3, Fulton NY 13069.

- END OF SECTION 3 -

VENDOR BID REPLY SHEET

Bids are due at **2:30 p.m., Wednesday, October 21, 2009** at the Oswego County Purchasing Department, 46 East Bridge Street, Oswego, NY 13126.

THE COUNTY RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS.

The undersigned hereby certifies that he has examined and fully comprehends the requirements and intent of the specifications for the purchase of **Five (5) or More Portable Litter Fences** as recited in the specifications and offers to furnish the following equipment for the **PER UNIT COST OF:**

\$ _____ **EACH (US DOLLARS)**

WARRANTY INFORMATION: _____

DEVIATIONS FROM BID SPECIFICATIONS: _____

DELIVERY DATE: _____ FEDERAL ID # _____

The under signed declares that he has examined the Notice, Information, Specifications and Proposal and will furnish equipment, materials or services in compliance with same for the price set forth.

Type or Print Name

Company

Title

Address

Authorized Signature

Date

() / ()
Telephone Number / Fax

RESOLUTION FOR CORPORATIONS ONLY

Resolved that _____
(Individual) is authorized to sign and submit the bid or proposal of this corporation for the following project:

FIVE (5) OR MORE PORTABLE LITTER FENCES

and to include in such bid or proposal the certificate as to non-collusion required by Section 103-D of the General Municipal Law as the act and deed of such corporation and for any inaccuracies or misstatements in such certificate this corporate bidder shall be liable under the penalties of perjury, and to enter into the contract if awarded to this corporation:

The foregoing is a true and correct copy of the resolution adopted by _____
_____ Corporation at a meeting of its Board of Directors
held on the _____ day of _____, _____, and is still in
force on this _____ day of _____, 2009.

Secretary

(Seal of Corporation)

NON-COLLUSIVE BIDDING CERTIFICATION

General Municipal Law § 103-d

- (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;
 - (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.
- (b) A bid shall not be considered for award nor shall any award be made where (a)-(1), (2) and (3) have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a)-(1), (2) and (3) have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same time prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph (a) of this certification.

By submission of this bid, the undersigned hereby affirms the truth of the foregoing certification under the penalties of perjury.

Company

Type or Print Name

Date

Title

Authorized Signature

VENDOR INFORMATION REQUIREMENTS

IN ADDITION TO THE INFORMATION SUPPLIED ON THE BID SHEET, PLEASE COMPLETE THE FOLLOWING, WHICH WILL BE USED IF YOU ARE AWARDED A CONTRACT.

PAYMENT TERMS: _____ FEDERAL ID NUMBER: _____

DELIVERY WILL BE MADE _____ DAYS A.R.O.

SEND ORDERS TO:

Address: _____

Phone: (_____) _____

INVOICES WILL BE FROM:

Address: _____

PERSON TO CONTACT IN REFERENCE TO CONTRACT:

Name: _____

Address: _____

Phone: (_____) _____ Fax (_____) _____

WARRANTY SERVICE WILL BE PROVIDED BY:

Name: _____

Address: _____

Phone: (_____) _____ Fax (_____) _____

ANY SPECIAL ORDERING INFORMATION: _____

SALES REPRESENTATIVES WHO WILL SERVE OSWEGO COUNTY AREA:

Name: _____

Phone: _____

Website: _____

E-Mail: _____

Name: _____

Phone: _____

Website: _____

E-Mail: _____

COMPANY NAME

SIGNATURE

NON-BIDDERS RESPONSE

The Oswego County Purchasing Department is interested in the reasons why prospective bidders fail to submit bids. Failure to submit a bid without explanation may result in removal of your firm from our bidder's list. If you are NOT submitting a bid on this proposal, please indicate the reason(s) by checking off one or more of the items below and return this form to the above address.

- 1. Unable to bid at this time, but would like to receive future bid proposals.
- 2. Items or material not manufactured, distributed, stocked, furnished.
- 3. Materials or items we have to offer do not fully meet all the requirements of standards specified.
- 4. Specifications not clearly understood or applicable as follows: (ex.: too vague, too rigid, etc.) _____

- 5. We cannot meet the time of delivery of items or materials specified.
- 6. Insufficient time allowed for preparation and submission of bid.
- 7. Other reasons: _____

You may remove our name from the bid list for:

This Commodity Group This Item or Material All Bids

Type or Print Name

Company

Title

Address

Authorized Signature

Telephone Number