

**TOWN OF UNION
REQUEST FOR PROPOSALS
PROFESSIONAL ENGINEERING SERVICES**

PLEASE TAKE NOTICE that pursuant to a motion of the Town Board of the Town of Union, Broome County, New York, sealed proposals for in the Town of Union, New York, will be received by the Town of Union Planning Department at 3111 East Main Street, Endwell, New York until **10:00 am** on **April 19th, 2021**.

Proposals must be submitted in sealed envelopes at the above address and shall bear on the face thereof the name and address of the bidder and shall be marked:

**PROFESSIONAL ENGINEERING SERVICES
FULL DEPTH MILL AND PAVE AND ADA RAMP PROJECT
400, 500, AND 600 BLOCKS OF ODELL AVENUE AND OAK HILL AVENUE
VILLAGE OF ENDICOTT
FFY 2020 CDBG PROGRAM**

Beginning on **Wednesday, April 7th, 2021**, interested parties are invited to examine/obtain a printed Request for Proposals package at the Office of the Town Clerk, 3111 East Main Street, Endwell, New York 13760. A digital version of the RFP package may be viewed on the town webpage. This project is subject to prevailing wage rates for certain job classifications. The RFP package and the Prevailing Wage Rate Schedule for this project is available on the town web page under the Bids/RFPs section here:

<https://townofunion.com/government/public-notices/public-hearings-legal-notices/bids-rfp-s.html>

Questions regarding the RFP must be submitted in writing to: szubalsky@townofunion.com. It is the responsibility of all bidders to check the Town of Union webpage prior to submitting a bid/proposal to determine if any clarifications or update to the specifications have been posted.

The Town of Union is an Equal Opportunity Employer and encourages all Section 3 and minority-owned firms, and women's business enterprises to submit proposals.

The Town Board reserves the right to reject any and all bids/proposals, to waive any irregularities, to re-advertise for bids at its discretion, and to award the contract in the best interests of the Town of Union, New York.

**Sara Zubalsky-Peer
Planning Director**

NON-COLLUSIVE CERTIFICATION

In accordance with Section 103-d of the New York State General Municipal Law, by submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in any 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, consultation, communication or agreement for the purpose of restricting competition 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 other bidder, and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, or any other bidder or to any other competitor; and

c. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit a bid for the purpose of restricting competition.

Name of Firm: _____

Signature: _____

Date: _____

PROPOSAL SUMMARY FORM

Name of Firm _____

| PROJECT | PROPOSED TOTAL COST |
|--|----------------------------------|
| Professional Engineering Services for: 400, 500, AND 600 BLOCKS OF ODELL AVENUE AND OAK HILL AVENUE VILLAGE OF ENDICOTT | \$ _____ (written in words) |
| | \$ _____ (written in figures) |

The Undersigned, having carefully examined the existing conditions of the Project Area affecting the cost of the work, and with the Contract Documents, hereby proposes to furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services and to perform and complete the specified work in strict accordance with the plans and specifications.

In submitting this Bid, the Bidder understands that the right is reserved by the Town and Village to reject any and all Bids. If written notice of the acceptance of this Bid is mailed or delivered to the undersigned within thirty (30) days after the opening thereof, or at any time thereafter before the Bid is withdrawn, the undersigned agrees to sign and return an Agreement within ten (10) days after the agreement is presented to him for signature.

The final completion date for the design phase of this project will be **May 31st, 2021**.

Signature of Bidder _____

Date: _____

**COST BREAKDOWN OF PROFESSIONAL ENGINEERING SERVICES
 FULL DEPTH MILL AND PAVE PROJECT
 400, 500, AND 600 BLOCKS OF ODELL AVENUE AND OAK HILL AVENUE
 VILLAGE OF ENDICOTT
 2020 TOWN OF UNION COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

| PHASE | COST |
|--|----------|
| 1. Design Phase (sum of a. through d.) | \$ _____ |
| a.) Field Survey & Design | \$ _____ |
| b.) Preliminary Cost Estimate | \$ _____ |
| c.) Contract Documents and Plans | \$ _____ |
| d.) Bidding Phase | \$ _____ |
| PROPOSED TOTAL COST (please submit this number in the proposal summary form) | \$ _____ |

The Undersigned, having carefully examined the existing conditions on the Project Area affecting the cost of the work, and with the Contract Documents hereby proposes to furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services and to perform and complete the specified work in strict accordance with the plans and specifications.

Firm: _____

Signature of Bidder: _____

Title: _____

Date: _____

**REQUEST FOR PROPOSAL – PROFESSIONAL ENGINEERING SERVICES
FULL DEPTH MILL AND PAVE PROJECT
400, 500, AND 600 BLOCKS OF ODELL AVENUE AND OAK HILL AVENUE
VILLAGE OF ENDICOTT
2020 TOWN OF UNION COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

The Town of Union is requesting a single lump sum proposal for engineering services for the design of full-depth mill and pave and installation of ADA ramps for the Odell Avenue and Oak Hill Avenue project. The Engineer shall provide a cost breakdown for the design phase (field survey and design, preparation of preliminary cost estimate, preparation of contract documents and plans) and the bidding phase. Design services must be completed by **May 31st, 2021**.

The project will include the following work for:

The 400, 500, and 600 Block of Oak Hill Avenue:

- Install 4 Handicap Ramps at the Robert Street/Oak Hill Ave Intersection
- Install 4 Handicap Ramps at the Ethel Street/Oak Hill Ave Intersection
- Install 1 Handicap Ramp at the Summit Street/Oak Hill Ave Intersection
- Mill 5” of Existing Asphalt from just North of Pine Street to Village/TOU Line at Summit Street, as well as 25’ East and West of Robert Street and Ethel Street Intersections on Oak Hill Ave
- Install and Compact 3” of 19mm Binder
- Install and Compact 1 ½” of 9.5mm Top

The 400, 500, and 600 Block of Odell Avenue includes:

- Install 4 Handicap Ramps at the Robert Street/Odell Ave Intersection
- Install 3 Handicap Ramps at the Ethel Street/Odell Ave Intersection
- Mill 5” of Existing Asphalt from just North of Pine Street to Village/TOU Line at Summit Street, as well as 25’ East and West of Robert Street and Ethel Street Intersections on Odell Ave
- Install and Compact 3” of 19mm Binder
- Install and Compact 1 ½” of 9.5mm Top

Design Phase:

- A. Field Survey & Design
 - a. Submit monthly reports covering the progress of the design phase
 - b. Perform the necessary fieldwork required for design. Said work shall include sufficient data to confirm proper grades to be established in driveways
- B. Preliminary Cost Estimate
 - a. Supply the Village of Endicott and the Town of Union with two (2) sets of preliminary plans and specifications at 50% and 90% completion.
 - b. Provide the Village of Endicott with a preliminary cost estimate for the streets at approximately 90% completion
- C. Contract Documents/Plans/Review of Submittals

- a. Prepare detailed contract drawings and specifications according to the following final scope. Design specs will be based on Village of Endicott requirements and the cover sheet shall have a signature line "Approves by Village of Endicott"
- b. Furnish ten (10) copies of the final plans and specifications
- c. Furnish a PDF version of the final project to the Town of Union
- d. Supply the Village of Endicott with three (3) sets of final specifications and final plans on 11-inch by 17-inch sheets, and one set for final plans on 22-inch by 34-inch sheets, and the plans in an AutoCAD electronic format
- e. Review submittals for compliance with bid specifications and make recommendations to the Village of Endicott

INSTRUCTIONS TO BIDDERS

1. STATEMENT OF WORK

The Contractor shall furnish all supervision, labor, and materials, machinery, tools and equipment, and services, and complete work in an efficient and workmanlike manner.

2. INTERPRETATIONS OR ADDENDA

No oral interpretation will be made to any Bidder as to the meaning of the Contract Documents or any part thereof. Every request for such an interpretation shall be made in writing to the Owner. Any inquiry received prior to the date fixed for the opening of Bids will be given consideration. Every interpretation made to a Bidder will be in the form of an Addendum to the Contract Documents and when issued will be sent to each person holding Contract Documents, but it shall be the Bidder's responsibility to make inquiry as to the Addenda issued. All such Addenda shall become part of the Contract Documents and all Bidders shall be bound by such Addenda, whether or not received by the Bidders.

Each bidder must inform himself fully of the conditions relating to the 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 set forth in his Bid. Insofar as possible, the Contractor, in the carrying out of his work, must employ such methods or means as will not cause any interruption or interference with the work of any other Contractor. The Contractor shall schedule his work in cooperation with other Contractors and their schedules so that efficient and coordinated progress of all work occurs.

3. INSPECTION OF SITE

It is understood and agreed that the Contractor has, by careful examination, satisfied himself as to the nature and location of the work, the conformation of the ground, the character, quality and quantity of the materials to be encountered, the character of equipment and facilities needed preliminary to and during the prosecution of the work, the general and local conditions, and all other matters which can in any way affect the work under this Contract, including unfavorable conditions that may be encountered in the work, whether apparent upon surface inspection or disclosed only in the process of progressing the work. The Owner makes no representation as to the soil conditions to be encountered. No verbal agreement or conversation with any officer, agent or employee of the Owner, either before or after the execution of this Contract, shall affect or modify any of the terms or obligations herein contained.

4. AGREEMENT

The winning bidder will be notified of the award and will be given copies of the agreement to sign and return. Once returned, town officials will inspect and sign the agreement upon which the Notice to Proceed will be given.

5. ALTERNATIVE BIDS

No Alternative Bids will be considered unless specifically requested.

6. BIDS

a. All bids must be submitted on forms contained herein and shall be subject to all requirements of the Contract Documents including the INSTRUCTIONS TO BIDDERS. All Bids must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the Proposal Form by the Bidder.

b. Bid Documents including, but not limited to, the Bid, the Non-Collusion Affidavit and the Statement of Bidder's Qualifications shall be enclosed in envelopes (outer and inner) both of which shall be sealed and clearly labeled with the project name, name of Bidder, and date and time of bid opening in order to guard against premature opening of the bid.

c. Any Bid on which there is an alteration of or departure from the Bid form hereto attached may be considered irregular and as such may be rejected as informal.

d. If the Contract is awarded it will be awarded to the Bidder on the basis of the Bid most favorable to the Owner. In most cases the Contract shall be awarded based upon the lowest bid. The Contract will require the completion of work according to the Contract Documents.

e. Each Bidder shall include in his Bid, in the appropriate spaces therefore, the estimated cost of performing the work including all items of overhead, and without credit for salvaged materials.

7. COLLUSIVE AGREEMENTS

a. Each bidder submitting a bid for any portion of the work contemplated by the documents on which bidding is based shall execute and attach thereto, an affidavit substantially in the form herein provided, to the effect that he has not colluded with any other person, firm, or corporation in regard to any bid submitted.

b. Before executing any subcontract, the successful bidder shall submit the name of any proposed subcontractor and an affidavit for prior approval.

8. STATEMENT OF BIDDER'S QUALIFICATIONS

Each Bidder shall upon request of the Owner submit on the form furnished for that purpose, a copy of which is included in the Contract Documents, a statement of the Bidder's qualifications, his construction experience, and his organization and equipment available for the work contemplated; and when specifically requested by the Owner, a 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 information and data for this purpose as he may request. The right is reserved to reject any Bid where an investigation of the available evidence or information does not satisfy the Owner that the Bidder is qualified to carry out properly the terms of the Contract.

9. CORRECTIONS

Erasures or other changes in the Bid must be explained or noted over the signature of the Bidder.

10. TIME FOR RECEIVING BIDS

a. Bids received prior to the time of opening will be securely kept unopened. The officer whose duty it is to open them will decide when the specified time has arrived, and no Bid received thereafter will be considered; except that when a Bid arrives by mail after the time fixed for opening, but before the reading of other bids is completed, and it is shown to the satisfaction of the Owner that the non-arrival on time was due solely to delay in the mails for which the Bidder was not responsible, such Bid will be received and considered.

b. Bidders are cautioned that, while telegraphic modifications of Bids may be received as provided above, such modifications, if not explicit and if in any sense subject to misinterpretation, shall make the Bid so modified or amended, subject to rejection.

11. OPENING OF BIDS

At the time and place fixed for the opening of Bids, the Owner will cause to be opened and publicly read aloud every Bid received within the time set for receiving Bids, irrespective of any irregularities therein. Bidders and other persons properly interested may be present, in person or by representative.

12. WITHDRAWAL OF BIDS

Bids may be withdrawn on written or telegraphic request dispatched by the Bidder in time for delivery in the normal course of business prior to the time fixed for opening; provided, that written confirmation or any telegraphic withdrawal over the signature of the Bidder is placed in the mail and postmarked prior to the time set for Bid. The Bid guaranty of any Bidder withdrawing his Bid in accordance with the foregoing conditions will be returned promptly.

13. AWARD OF CONTRACTS: REJECTION OF BIDS

a. The Contract will be awarded to the responsible Bidder complying with the conditions of the INVITATION FOR BIDS provided such Bid is reasonable and it is to the best interest of the Owner. The Owner, however, reserves the right to reject any and all Bids and to waive any informality in Bids received whenever such rejection or waiver is in its interest. The Bidder to whom the award is made will be notified at the earliest possible date.

b. The Owner reserves the right to consider unqualified to perform the Contract any Bidder who does not habitually perform with his own forces the major portions of his work.

c. The owner must award the contract within 30 days of the bid opening. Bidders have the right to withdraw their bids and receive the full amounts their bid bonds if the owner does not award the bid within 30 days.

14. EXECUTION OF AGREEMENT

a. Subsequent to the award within ten days after the prescribed forms are presented for signature, the successful Bidder shall sign and return to the Owner three (3) copies of the Agreement.

b. The failure of the successful Bidder to execute such Agreement within ten days after the prescribed form are presented for signature, or within period as the Owner may grant, based upon reasons, determined sufficient by the Owner, shall constitute a default, and the Owner may either award the Contract to the lowest responsible Bidder or re-advertise for Bids, and may charge against the Bidder the difference

between the amount for which a Contract for the work is subsequently executed. If a favorable Bid is received by re-advertising, the defaulting Bidder shall have no claim for a refund.

15. WAGES AND SALARIES

a. Attention of Bidders is particularly called to the requirements concerning the payment of not less than the prevailing wage and salary rates specified in the Contract Documents and the condition of employment with respect to certain categories and classifications of employees.

b. The rates of pay set forth are the minimum to be paid during the life of the Contract. It is, therefore, the responsibility of Bidders to inform themselves as to the local labor conditions such as the length of the work day and work week, overtime compensation, health and welfare contributions, labor supply and prospective changes or adjustment of rates.

16. EXEMPTIONS FROM SALES AND USE TAXES

The Municipality is exempt from paying State or local sales taxes on any materials, which it purchases. In computing their bids, Bidders shall not include the sales and compensating use taxes of the State of New York or County in the State of New York for any supplies or materials to be used by the Contractor for and on behalf of the Owner which are exempt from such taxes in accordance with the provisions of Section 132 of the GENERAL CONDITIONS.

17. EQUAL EMPLOYMENT OPPORTUNITY

a. Attention of Bidders is particularly called to the requirement for ensuring that employees and applicants for employment are not discriminated against because of their race, creed, color, or natural origin.

b. Special attention is directed to the Affirmative Action requirements which shall apply to the Contractor and any Subcontractor under the terms of this Contract. The Contractor will be required to make a good faith effort in awarding work to minority-owned and women owned business enterprises.

18. SEXUAL HARASSMENT

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. Such policy shall, at minimum, meet the requirements of section two hundred one-g of the labor law.

19. APPROXIMATE ESTIMATE OF QUANTITIES

The approximate estimates will be used as a basis in determining the lowest Bidder. They are based upon an approximate estimate of the quantities of work to be performed, stated with as much accuracy as is possible in advance and must be understood as being approximate only; and the Contractor must not, at any time, after the execution of this Contract, dispute the accuracy of the estimate, or make any claims whatever against the Owner, its agents, or representatives based upon their alleged accuracy, or claim any misunderstanding in regard to the nature of the conditions, or the amount of work to be done, or the quantities of materials to be furnished under this Contract.

20. PREPARATION OF PROPOSAL

The Bidder shall prepare a proposal that consists of a proposed total cost and cost breakdown for the engineering services. These costs must consider all phases of the service contract including the design and bidding phases.

The Bidder shall note that this proposal includes a "Non-collusive Bidding Certificate". This form must be properly filled out and submitted with the sealed bid. No proposal will be considered unless accompanied by this certificate.

21. FORM REQUIREMENTS

The Bidder shall also complete the following form requirements as part of the Bidding Documents. Forms may be found in the bid packet.

- A. Non-Collusive Certification
- B. Company Info and Qualifications
- C. Time of Essence Clause

22. BID BOND

A Bid Bond for this project is NOT required .

COMPANY INFO AND QUALIFICATIONS

All questions must be answered and the data given must be clear and comprehensive. If necessary, the questions may be answered on separate attached sheets. The bidder may submit any additional information (he/she) desires.

COMPANY NAME: _____

DATE OF INCORPORATION: _____ WHERE INCORPORATED: _____

COMPANY HEAD/TITLE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ FAX: _____

CONTACT FOR THE APPLIED BID: _____

CONTACT PHONE OR EXTENSION: _____ CONTACT EMAIL: _____

FEDERAL EMPLOYER ID #: _____ DUNN & BRADSTREET (DUNS) NUMBER: _____

(NOTE: If you do not have a DUNS number, you will need to apply for a number and provide it to the Town before the first payment can be processed.)

Would you like to be contacted for future bids? Yes No

Please list the types of projects your company would be interested in bidding on:

| | |
|--|--|
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Years in Construction (under current name): _____

COMPANY INFO AND QUALIFICATIONS (cont.)

| CONTRACTS ON HAND: | GROSS AMOUNT: | ESTIMATED COMPLETION DATE: |
|--------------------|---------------|----------------------------|
| | | |
| | | |
| | | |

| UNCOMPLETED WORK (IF ANY): | WHERE? | WHY? |
|----------------------------|--------|------|
| | | |
| | | |
| | | |

| DEFAULTED CONTRACTS (IF ANY): | WHERE? | WHY? |
|-------------------------------|--------|------|
| | | |
| | | |
| | | |

| RECENT IMPORTANT CONTRACTS COMPLETED: | GROSS AMOUNT: | COMPLETION DATE: |
|---------------------------------------|---------------|------------------|
| | | |
| | | |
| | | |

| MAJOR EQUIPMENT AVAILABLE FOR CONTRACT: |
|---|
| |

| MOST RECENT EXPERIENCE SIMILAR TO THIS BID: |
|---|
| |

| PRINCIPALS AND OFFICERS OF THE COMPANY: | | |
|---|------------------------|--------|
| NAME: | BACKGROUND/EXPERIENCE: | TITLE: |
| | | |
| | | |
| | | |

BANK REFERENCE: _____

The undersigned hereby authorizes and requests any person, firm or corporation to furnish any information requested by the Town of Union or the Village in verification of the recitals comprising this Statement of Bidder's Qualifications. The undersigned will also, upon request, fill out a detailed financial statement and furnish any other information that may be required by the Town of Union.

Signature of Bidder: _____ Date: _____

CERTIFICATION OF BIDDER REGARDING EQUAL EMPLOYMENT OPPORTUNITY

In accordance with Executive Order 11246 (30 C.F.12319) as amended by Executive Order 11275, and the implementing rules and regulations thereof, and orders of the Secretary of Labor, Certificate regarding Equal Employment Opportunity is required of the contractor or prospective contractor and their proposed subcontractors prior to the award of contractor or subcontracts.

CERTIFICATION OF CONTRACTOR

Contractor's Name: _____

1. Participation in previous contract or subcontract:

a. Contractor has participated in previous contract or subcontract subject to the Equal Opportunity Clause. Yes No

b. Compliance reports were required to be filed in connection with such contract or subcontract. Yes No

2. Dollar Amount of Bid: _____ 3. Anticipated Performance Period (in days) _____

4. Expected total number of employees who will perform the proposed work: _____

5. In the event of the Bidder's non-compliance with non-discrimination clauses of this contract or with any such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the BIDDERS MAY be declared ineligible for further Government contracts in accordance with procedures, authorized in Executive Order 11246 of September 24, 1965, or by BIDDER rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

6. The BIDDER shall include the provisions of this paragraph entitled "EQUAL EMPLOYMENT OPPORTUNITY" unless exempted by rules, regulations or orders from the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The BIDDER will take such action with respect to any subcontract or purchase order as the property owner may direct as a means of enforcing such provisions including sanctions for non-compliance, provided however, that in the event the BIDDER becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the property owner, the BIDDER may request the United States to enter into such litigation to protect the interests of the United States.

Remarks:

Certification - The information is true and complete to the best of my knowledge and belief:

Name and Title of Signer: _____

Signature

Date

**THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY
RENDER THE MAKER SUBJECT TO PROSECUTION UNDER TITLE 18, U.S.C. 10.**

CERTIFICATION OF LOBBYING

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an officer or an employee of Congress, or employees of a Member of Congress, in connection with the awarding of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid the person for influencing or attempting to influence on officer or employee of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352 Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for such failure.

The information above is true and complete to the best of my knowledge and belief.

Name and Title of Signer: _____

Signature

Date

**TOWN OF UNION DEPARTMENT OF PLANNING
CERTIFICATION OF NON-DEBARMENT**

| | |
|-----------------------|--|
| COMPANY NAME: | |
| PRINCIPAL(S) NAME(S): | |
| COMPANY ADDRESS: | |

I hereby certify by signature below that neither myself, nor any other company principals, are debarred, suspended, voluntarily excluded, or otherwise ineligible from participation in Federally Funded projects.

Name: _____ Title: _____

Signature

Date

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PROSECUTION UNDER TITLE 18, U.S.C. 10.**

FAIR TRADE CERTIFICATION

I, _____ being a principal of _____

herein after known as the "Offeror" certify by signature below that:

- 1.) The Offeror has read and understands the Notice to Bidders entitled "Fair Trade Practice."
- 2.) The Offeror is not a contractor of a foreign country included on the list of countries that discriminate against U.S. firms as published by the U.S. Trade Representative (USTR);
- 3.) The Offeror has not or will not enter into any subcontract with a subcontractor or a foreign country included on the USTR list;
- 4.) The Offeror will not provide any product of a country included on the USTR list;
- 5.) An Offeror unable to certify in accordance with paragraphs 1, 2, 3, and 4 above shall submit with its offer a written explanation fully describing the reasons for its inability to make the certification; and
- 6.) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time before the contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Name: _____ Title: _____

Signature

Date

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PREVAILING WAGE CERTIFICATION

PRINCIPAL NAME:

PRINCIPAL TITLE:

COMPANY NAME:

I hereby certify by signature that I understand and will comply with the Federal Labor Standard Provisions and agree to pay the current Federal and State prevailing wage rates and agree to follow all appropriate labor regulations for work to be performed.

I also agree to submit Certified Payroll to the Town of Union in a timely manner as determined by the New York State Department of Labor.

For any questions regarding specific labor practices, please contact the Bureau of Public Works at:

State Office Bldg
44 Hawley St - Rm. 908
Binghamton, NY 13901
Tel. (607) 721-8005 / Fax (607) 721-8004

This project is funded in whole or in part with Federal Community Development Block Grant Funds.

Signature

Date

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RENDER THE MAKER SUBJECT TO PROSECUTION UNDER TITLE 18, U.S.C. 10.**

**CONTRACTING OPPORTUNITIES FOR MINORITY AND WOMEN OWNED
BUSINESSES**

| | |
|---------------|--|
| COMPANY NAME: | |
|---------------|--|

PERIOD OF CONSTRUCTION: FROM: _____ MONTH/YEAR
TO: _____ MONTH/YEAR

IS YOUR COMPANY FEMALE OWNED? YES NO

RACE DESIGNATION OF BIDDER. PLEASE CHECK ALL APPROPRIATE BOXES:

- AMERICAN INDIAN/ALASKA NATIVE
- ASIAN
- BLACK/AFRICAN AMERICAN
- HAWAIIAN/PACIFIC ISLANDER
- WHITE

ETHNICITY OF BIDDER. PLEASE CHECK THE APPROPRIATE BOX:

- HISPANIC OR LATINO
- NOT HISPANIC OR LATINO

PRINCIPAL NAME, TITLE: _____ DATE: _____

SIGNATURE: _____
PRINCIPAL NAME, TITLE

AFFIRMATIVE ACTION PLAN

The objective of the Affirmative Action Plan of the above designated contractor to provide maximum job opportunities for minority residents in the Town of Union area and other areas in which the company is engaged in substantial work activity. The company will estimate the total number of minority and /or low-income persons it plans to employ in each job category and will develop and maintain a labor force by job categories, which reflects the minority and/or low-income residential labor force characteristic of the Town of Union, Broome County, New York. Furthermore, it is proposed that the company formulate a proportioned percentage of apprentices and/or trainees employed on each project. These objectives shall remain uniform throughout the year. It is further agreed that these objectives will not be met by transfers within the company for such transfers would violate the intent of the program.

To assist in implementation of this plan, the above organization has designated that:

_____ act as the company's Equal Employment Officer.

All managerial personnel of the above-designated contractor are aware of its Equal Opportunity Policy and its objectives. In addition, all employees in the organization have been given a verbal explanation of the policy. Special meetings for discussion of problems relative to the Affirmative Action procedures and its implementation are initiated as needed.

An estimate of peak manpower needs for the submitted project is as follows:

| | |
|---------------------|-------|
| Equipment Operators | _____ |
| Truck Drivers | _____ |
| Laborers | _____ |
| Other | _____ |

The above mentioned labor force will be drawn from employees currently working for the above designated contractor and no new hiring is anticipated for the above project.

At this time, the above-designated contractor does not have a minority deficiency, nor does it plan on hiring additional workers in the immediate future. However, should a deficiency develop or should there be a labor shortage, the following steps will be taken to insure Equal Employment Opportunity hiring.

- (1) All job openings will be listed with the New York State Employment Service for inclusion in the job bank.
- (2) All jobs will be listed in the local press, indicating all relevant details associated with the job.
- (3) Notification will be sent to all local agencies concerned with Equal Employment Opportunity.

In the Implementation of the three items above, it will be made clear that _____
is an Equal Opportunity Employer.

Executive Officer Signature

TOWN OF UNION DEPARTMENT OF PLANNING OSHA REQUIREMENTS FOR CAPITAL PROJECTS

_____, agrees to adhere to the guidelines of the Occupational Safety and Health Act, in particular Part 1926 of the Safety and Health Regulations, for construction of this project.

Date: _____ Name: _____

Title: _____

Signature

IMPORTANT PLEASE READ
PURPOSE OF THE SECTION 3 PLAN

This plan exists in order to ensure that, to the greatest extent feasible, a good faith effort will be made to:

- 1.) Provide an opportunity for training and employment to low-moderate income residents of the project area.
- 2.) Provide businesses located in the project area with the opportunity to become sub-contractors and/or vendors.

In order to accomplish the above, *all* potential contractors must sign the Contractor's Compliance Form contained in this section. In addition, *all* potential contractors must complete the Contractor's Section 3 Plan. This plan indicates what actions, if any, are proposed for hiring project area residents and for sub-contracting with project area businesses. A list of organizations concerned with the employment of project area residents is included in this Section in order to assist you when filling out the Contractor's Section 3 Plan.

Also included in this Section is a Trainee Utilization Plan and a Skilled Employee Utilization Plan. The successful bidder must complete these two forms.

PLEASE NOTE: The Successful bidder is the one with the lowest responsible bid. Each bidder, however, must sign the Contractor's Compliance Form and complete the Contractor's Section 3 Plan.

STATEMENT OF COMPLIANCE

TRAINING, EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS

A.) The project assisted under this agreement is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part, by persons residing in the area of the project.

B.) Notwithstanding any other provision of this agreement, the Company shall carry out the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (Published in 38 Federal Register 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by Section 3; and incorporation of the "Section 3 clause" specified by Section 135.20(b) of the regulations in all contracts for work in connection with the project. The Company certifies and agrees that it is under no contractual or other disability, which would prevent it from complying with these requirements.

C.) Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this agreement shall be a condition of the Federal financial assistance provided to the project, binding upon the Company and assigns. Failure to fulfill these requirements shall subject the Company, its contractors and sub-contractors, its successors, and assigns to the sanctions specified by this agreement, and to such sanctions as are specified by 24 CFR 135.135.

CONTRACTOR'S INFORMATION

| | |
|-------------------|--|
| FIRM NAME: | |
| ADDRESS: | |
| TELEPHONE NUMBER: | |

CONTRACTOR'S SECTION 3 PLAN

| | |
|-------------------|--|
| FIRM NAME: | |
| ADDRESS: | |
| TELEPHONE NUMBER: | |

EMPLOYMENT

A. DO YOU EXPECT TO HIRE ANY PROJECT AREA RESIDENTS? YES NO

B. IF YES, HOW MANY? TRAINEEES: _____ SKILLED EMPLOYEES: _____ TOTAL: _____

C. WHAT ORGANIZATION(S), IF ANY FROM THE ATTACHED LIST DO YOU INTEND TO NOTIFY? _____

D. WHAT PUBLICATION(S) WILL YOU USE FOR EMPLOYMENT NOTICES? _____

SUB-CONTRACTORS

A. DO YOU EXPECT TO USE PROJECT AREA BUSINESSES AS SUB-CONTRACTORS OR VENDORS? YES NO

B. IF YES, HOW MANY? _____

C. WHAT BUSINESSES, IF ANY, FROM THE PROJECT AREA WILL YOU REQUEST BIDS FROM? _____

PLAN PREPARED BY: _____ DATE: _____

SIGNATURE OF PREPARER

TRAINEE EMPLOYEE UTILIZATION PLAN

FIRM NAME:

ADDRESS:

TELEPHONE NUMBER:

TOTAL NUMBER OF TRAINEES TO BE UTILIZED ON THIS PROJECT

WORK CATEGORY

NUMBER OF TRAINEES

TOTAL NUMBER OF TRAINEES CURRENTLY ON COMPANY'S PERMANENT WORK FORCE

WORK CATEGORY

NUMBER OF TRAINEES

TOTAL NUMBER OF TRAINEES TO BE RECRUITED AND HIRED FROM THE PROJECT AREA

WORK CATEGORY

NUMBER OF TRAINEES

PLAN PREPARED BY: _____ DATE: _____

SIGNATURE OF PREPARER

SKILLED EMPLOYEE UTILIZATION PLAN

| | |
|-------------------|--|
| FIRM NAME: | |
| ADDRESS: | |
| TELEPHONE NUMBER: | |

TOTAL NUMBER OF SKILLED EMPLOYEES TO BE UTILIZED ON THIS PROJECT

| <u>WORK CATEGORY</u> | <u>NUMBER OF SKILLED EMPLOYEES</u> |
|----------------------|------------------------------------|
| | |
| | |
| | |

TOTAL NUMBER OF SKILLED EMPLOYEES CURRENTLY ON COMPANY'S PERMANENT WORK FORCE

| <u>WORK CATEGORY</u> | <u>NUMBER OF SKILLED EMPLOYEES</u> |
|----------------------|------------------------------------|
| | |
| | |
| | |

TOTAL NUMBER OF SKILLED EMPLOYEES TO BE RECRUITED AND HIRED FROM THE PROJECT AREA

| <u>WORK CATEGORY</u> | <u>NUMBER OF SKILLED EMPLOYEES</u> |
|----------------------|------------------------------------|
| | |
| | |
| | |

PLAN PREPARED BY: _____ DATE: _____

SIGNATURE OF PREPARER

**ORGANIZATIONS CONCERNED WITH THE EMPLOYMENT OF
PROJECT AREA LOW INCOME RESIDENTS**

OPPORTUNITIES FOR BROOME
5 W. STATE STREET
BINGHAMTON, NEW YORK 13901
(607) 723-6493

NEW YORK STATE DEPARTMENT OF LABOR
BROOME-TIOGA WORKFORCE DEVELOPMENT BOARD
171 FRONT STREET
BINGHAMTON, NEW YORK 13905
(607) 778-6499

BROOME COUNTY URBAN LEAGUE
43-45 CARROLL STREET
BINGHAMTON, NEW YORK 13901
(607) 723-7303

NAACP BROOME-TIOGA BRANCH
P.O. BOX 741
BINGHAMTON, NY 13902
(607) 231-6488 OR (607) 777-2123

NEW YORK STATE DIVISION OF MINORITY
AND WOMEN'S BUSINESS DEVELOPMENT
(855) 373-4692
MWBEBUSINESSDEV@ESD.NY.GOV

SUBCONTRACTOR REQUIREMENTS

Any contractor awarded a Community Development project shall submit the names of subcontractors for Town approval at the time of the bid award or Preconstruction Conference.

No subcontractor can begin work on a Community Development project until the following requirements are met:

1. Attend a Preconstruction Conference with the Town of Union Planning Department representative to review the following:

- a. OSHA Regulations
- b. Prevailing Federal and State Wage Rates Requirements
- c. Certificate of Lobbying
- d. Equal Employment Opportunity
- e. Affirmative Action Plan
- f. Weekly Payroll Sheets
- g. Section 3 Compliance
- h. Contractor's Eligibility

A subcontractor cannot work on any Community Development project without written permission from the Town of Union Planning Department to the contractor.

Any subcontractor found working at a job site without meeting the above requirements shall be requested to leave the work site.

Name: _____ Title: _____

Signature

Date

TIME OF THE ESSENCE CLAUSE

Bidders submitting proposals for this work hereby acknowledge the following:

Completion of all work on this project with the time specified is essential to the operations of the Town of Union and the Engineer. Therefore, work must be completed within the time specified. The circumstances where the contractor may have other work to be completed will not be considered as justification for not completing the project within the time specified, nor will it be justification for granting an extension to the time of completion or for waiving liquidated damages.

BIDDERS ARE REQUIRED TO ACKNOWLEDGE THIS SPECIAL NOTICE BY INCLUDING A SIGNED COPY WITHIN THEIR BID PROPOSAL.

Name: _____ Title: _____

Signature

Date: _____

TIME OF THE ESSENCE CLAUSE

Bidders submitting proposals for this work hereby acknowledge the following:

Completion of all work on this project with the time specified is essential to the operations of the Town of Union and the Engineer. Therefore, work must be completed within the time specified. The circumstances where the contractor may have other work to be completed will not be considered as justification for not completing the project within the time specified, nor will it be justification for granting an extension to the time of completion or for waiving liquidated damages.

BIDDERS ARE REQUIRED TO ACKNOWLEDGE THIS SPECIAL NOTICE BY INCLUDING A SIGNED COPY WITHIN THEIR BID PROPOSAL.

Name: _____ Title: _____

Signature

Date: _____

M/WBE UTILIZATION PLAN

INSTRUCTIONS: All bidders submitting responses to this procurement must complete this M/WBE Utilization Plan and submit it as part of their proposal. The plan must contain detailed description of the services to be provided by each Minority and/or Woman Owned Business Enterprise (M/WBE) identified by the bidder.

| | |
|--|--|
| Bidder's Name <input style="width: 100%;" type="text"/> Address <input style="width: 100%;" type="text"/> City, State, Zip <input style="width: 100%;" type="text"/> | Telephone/Email: <input style="width: 100%;" type="text"/> Federal ID No.: <input style="width: 100%;" type="text"/> DUNS No.: <input style="width: 100%;" type="text"/> |
|--|--|

| Certified M/WBE | Classification (check all applicable) | Description of Work (Subcontracts/Supplies/Services) | Dollar Value of Subcontracts/Supplies/Services |
|--|---|---|---|
| NAME <input style="width: 100%;" type="text"/> ADDRESS <input style="width: 100%;" type="text"/> CITY, ST, ZIP <input style="width: 100%;" type="text"/> PHONE/E-MAIL <input style="width: 50%;" type="text"/> / <input style="width: 50%;" type="text"/> FEDERAL ID No. <input style="width: 100%;" type="text"/> | NYS ESD Certified MBE <input type="checkbox"/> WBE <input type="checkbox"/> | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 30px;" type="text"/> |

| | | | |
|--|---|---|---|
| NAME <input style="width: 100%;" type="text"/> ADDRESS <input style="width: 100%;" type="text"/> CITY, ST, ZIP <input style="width: 100%;" type="text"/> PHONE/E-MAIL <input style="width: 50%;" type="text"/> / <input style="width: 50%;" type="text"/> FEDERAL ID No. <input style="width: 100%;" type="text"/> | NYS ESD Certified MBE <input type="checkbox"/> WBE <input type="checkbox"/> | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 30px;" type="text"/> |
|--|---|---|---|

PREPARED BY (Signature) _____ DATE

NAME AND TITLE OF PREPARER:

TELEPHONE/E-MAIL

DATE