

ELMIRA WATER BOARD

Elmira, New York

Bids on Estimated 2024 requirements for:

JANUARY 1, 2024 through DECEMBER 31, 2024

SELECTED SUBBASE

will be received by the Elmira Water Board at its office at 261 West Water Street, Elmira, New York until 1:30 P.M., EST, on Monday, October 16, 2023. At this time, the bids will be publicly opened and read.

The amounts below are estimates only and the quantities actually ordered will be as needed to meet demands during 2024.

Bids must be in sealed envelopes, ATTN: Denise Mullaney, and the quoted material designated on the outside of the envelope. Standard Non-Collusive Bidding Certificate, Iranian Energy Divestment Certificate, Bidder's Statement on Sexual Harassment, Waiver of Immunity and Certification of Bidder regarding Equal Employment Opportunity must be signed and submitted with the bid.

The Board reserves the right to reject any or all bids and to re-advertise for new bids at its discretion.

Amount - Approximately 1,500 tons

Specifications - The Selected Subbase Course shall meet the following specifications :

1. The specifications are the same as those provided by the State of New York, Dept. of Public Works, Division of Construction in their manual entitled "Public Works Specifications" of November 11, 1999, Item 304.10 Subbase Course, Type 1011-2. This is a crushed item.
2. Vendors may bid using their standard price sheets if applicable.

Delivery - Selected Subbase Course is to be available for pick up or delivery to the Elmira Water Board Maintenance Shop Yard at 760 Bonview Street, Elmira, New York **OR** to the job site designated by the Elmira Water Board within the water distribution system. Bidders price must be per ton with weigh slip from certified scale delivered to the Elmira Water Board Maintenance Shop Yard.

**NON-COLLUSIVE BIDDING CERTIFICATE PURSUANT TO 103d
OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK**

(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; and

(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 therefor. 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 prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (A) (1).

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

Company Name

Date

**WAIVER OF IMMUNITY PURSUANT TO 103a
OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK**

The Contractor and/or Vendor and/or Supplier, pursuant to the General Municipal Law, Section 103a, hereby agrees to the provisions in the law which require that upon the refusal of a person, when called before a Grand Jury, head of a State Department, temporary State Commission or other State Agency, head of a City Department, or other City Agency, which is empowered to compel the attendance of witnesses and examine them under oath, to testify concerning any transaction or contract had with the State, and Political Subdivision thereof, a Public Authority or with any Public Department, Agency or Official of the State or of any Political subdivision thereof or of a Public Authority, or to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract:

(a) Such person, and any firm, partnership or corporation of which he/she is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contract with any Municipal Corporation or any Public Department, Agency or Official thereof, for goods, work, or services, for a period of five years after such refusal; and to provide also that

(b) Any and all contracts made with any Municipal Corporation or any Public Department, Agency or Official thereof, since the effective date of this law by such person, and by any Firm, Partnership or Corporation of which he/she is a Member, Partner, Director, or Officer may be canceled or terminated by the Municipal Corporation without incurring any penalty or damages on account of such cancellation or termination but any monies owing by the Municipal Corporation for goods delivered or work done prior to the cancellation or termination shall be paid.

Company Name

Authorized Signature for Bidder

Title

Date:_____

(Corporate Seal, if any)

(If no seal, write "No Seal"
across this place and sign)

BIDDER'S/PROPOSER'S STATEMENT ON SEXUAL HARASSMENT

IN ACCORDANCE WITH NEW YORK STATE FINANCE LAW § 139-1

STATE OF _____)

COUNTY OF _____)

In accordance with State Finance Law § 139-1, which generally prohibits the Elmira Water Board from entering into contracts pursuant to the bid process with persons who fail to submit a certification affirming compliance with New York Labor Law § 201-g, the bidder/proposer submits the following certification under the penalty of perjury:

By submission of this bid/proposal, each bidder/proposer, and each person signing on behalf of any bidder/proposer, certifies, and in case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that the bidder/proposer has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of § 201-g of the Labor Law.

Dated: _____, New York
_____, 20 ____

Name of Bidder/Proposer

Signature of Authorized Official

Printed or Typed Name of Official and Title

Sworn to before me this
_____ day of _____, 20____

Notary Public

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this Contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or sexual orientation. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin or sexual orientation. 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 setting forth the provisions of this nondiscrimination clause.

(2) The Contractor 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 race, color, religion, sex, national origin, or sexual orientation.

(3) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union of worker's representatives of the Contractor's commitment under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965 and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's non-compliance with the non-discrimination clauses of this Contract or with any of the said rules, regulations, or orders, this Contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government Contracts or Federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every sub-contract or purchase order unless exempted by rules, regulations, or orders of 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 sub-contractor or vendor. The Contractor will take such action with respect to any sub-contract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for non-compliance: Provided, however, that in the event a Contractor become involved in, or is threatened with, litigation with a sub-contractor or vendor as a result of such direction by the Department, the Contractor may request the United States to enter into such litigation to protect the interest of the United States.

CERTIFICATION OF BIDDER REGARDING
EQUAL EMPLOYMENT OPPORTUNITY
INSTRUCTIONS

This certification is required pursuant to Executive Order 11246 (30F.R.1231925). The implementing rules and regulations provide that any Bidder or prospective contractor, or any of their proposed sub-contractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or sub-contract subject to the Equal Opportunity Clause; and if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicated 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 (7) calendar days after the bid opening. No contract shall be awarded unless such report is submitted.

CERTIFICATION OF BIDDER

Bidder's Name: _____

Address and Zip Code: _____

1. Has bidder participated in a previous contract or sub-contract subject to the Equal Opportunity Clause?
Yes____No____ If answer is yes, identify the most recent contract:_____
2. Were compliance reports required to be filed in connection with such contract or sub-contract?
Yes____No____ If answer is yes, identify the most recent contract:_____
3. Has bidder has filed all compliance reports due under applicable instructions?
Yes____No____ None Required____
4. If answer to Item 3 is "No", please explain in detail on reverse side of this certification.

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

Signature

Name & Title Typed

Date

Company Name

IRANIAN ENERGY DIVESTMENT CERTIFICATION

Pursuant to Section 103-g Of the New York State General Municipal Law

- A. By submission of this bid/proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer 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 its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the New York State Finance Law.
- B. A Bid/Proposal shall not be considered for award, nor shall any award be made where the condition set forth in Paragraph A above has not been complied with; provided, however, that in any case the bidder/proposer cannot make the foregoing certification set forth in Paragraph A above, the bidder/proposer shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where Paragraph A above cannot be complied with, the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid/proposal is made, or his designee, may award a bid/proposal, on a case by case business under the following circumstances:
1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder/Proposer has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
 2. The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

Signature

Title

Date

Company Name

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Company Name

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