

NOTICE TO BIDDERS

Notice is hereby given by the City of Salem that sealed bids will be received by the Office of the City Clerk of Salem City, Salem County, New Jersey for the **SUPPLY AND DELIVERY OF SODIUM HYPOCHLORITE SOLUTION NaOCL, CALCIUM HYPOCHLORITE TABLETS, AND WATER METERS** for the City of Salem in accordance with specifications and proposal forms which may be obtained from the office of the City Clerk, 1 New Market Street, Salem, New Jersey 08079 (856) 935-0372.

Bids shall be submitted in sealed envelopes clearly marked with the name of the bidder together with the notation "**SEALED BID FOR THE PROVISION OF CHEMICALS AND METERS.**" Said bids will be received by the City Clerk until Tuesday February 24, 2015 by 2:00pm prevailing time, when they will be opened and read in public at the Municipal Annex, 1 New Market Street Salem, New Jersey.

Bids shall be accompanied by a bid bond or certified check payable to the City of Salem in the amount of ten percent (10%) of the total price of the proposal. Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27-1 et seq., N.J.S.A. 52:25-24.2 and all applicable laws as may apply.

No bid may be withdrawn without the consent of the City of Salem for a period of sixty (60) days after the time for opening of bids is passed. The City of Salem reserves the right to reject any and all bids in accordance with the Local Public contract Laws.

Kathleen L. Keen, RMC
City Clerk, City of Salem

**CITY OF SALEM
GENERAL CONDITIONS & INSTRUCTIONS FOR**

BID FOR THE PROVISION OF CHEMICALS AND/OR WATER METERS

Introduction - the City of Salem, a municipal corporation of the State of New Jersey, with principal addresses at 17 New Market Street, Salem, New Jersey 08079, hereby solicits proposals from bidders interested in supplying Chemicals and/or Water Meters to the City of Salem Water Treatment Plant. The City intends to award the contract to the bidder who will charge the lowest total price per unit amount, all in accordance with the "General Specifications" for the Supply and Delivery of Chemicals and/or Meters ("The General Specifications") which are incorporated herein. The City reserves all rights, including the right to reject all bids.

Instructions

(a) Bid Packages – Time & Place to Submit Requirements:

1. Each bid package must be submitted in a sealed envelope with name and address of the bidder clearly identified on the outside of the envelope, together with a notation:

**"BID FOR THE PROVISIONS OF CHEMICALS AND/OR WATER METERS –
ATTENTION CITY CLERK"**

2. All bid packages shall be submitted to the City Clerk by no later than 2:00 p.m. on Tuesday February 24, 2015 at the Office of the City Clerk located at the Salem Municipal Building located at 1 New Market Street, Salem, New Jersey, at which time the bids will be opened.

(b) Bid Packages – Required Contents for Submittal:

3. Each bidder must execute two (2) copies of the **PROVISIONS OF CHEMICALS AND/OR WATER METER BID PROPOSAL FORM** attached hereto as Exhibit "A" ("the Bid Proposal Form").

4. Each bid package submitted must contain either a bid bond, cashier's check or a certified check in the amount of 10% of the total bid amount as an unconditional guaranty that in the event the bid of the maker is accepted and the contract is awarded to him/her or it, the bidder will perform under the same.
5. Each bidder shall execute and submit in their bid package, the Bidder's Affidavit attached hereto as Exhibit "B".
6. Each bidder shall execute and submit in their bid package, the "Affirmative Action Affidavit" attached hereto as Exhibit "C".
7. Each bidder shall execute and submit in their bid package, the "Affidavit of Non-Collusion" attached hereto as Exhibit "D".
8. Each entity bidder (e.g. corporation, partnership, limited partnership, limited liability company, etc.) shall execute and submit in their bid package, the "Corporation or Partnership Ownership Statement" attached hereto as Exhibit "E", relating to conflict of interest and setting forth all ownership interests in the bidder in accordance with the following standards:

No corporation or partnership shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, the cost of which is to be paid with or out of public funds unless prior to the receipt of the bid or accompanying the bid, of the corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, or any class or of all individual partners in the partnership who own a 10% or greater interest therein, as the case may be. If one or more stockholders or partners is/are a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or the individual partners owning 10% or greater interest in that partnership as the case may be, 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 has been listed. Failure to comply with the disclosure requirements will constitute good cause for the rejection of the bid submitted.

(c) Other Term, Conditions, Instructions.

9. The City of Salem reserves the right to reject all bids.
10. Bidders mailing their bids run the risk of it not being delivered prior to the bid opening in which case the bid may be disqualified.
11. Interested bidders may, by appointment, view the Water Plant premise prior to bidding.
12. No proposal may be withdrawn, altered or otherwise modified after it has been duly deposited with or at the office of the City Clerk of the City of Salem.
13. As soon as the (3) three apparent lowest responsible bidders have been selected, but in no event more than sixty (60) days from the date bids are opened, all deposits or bonds submitted with bids shall be returned to bidders, except that the deposits or bonds made by the three (3) apparent lowest responsible bidders shall not be so returned until the contract is awarded to and signed by the lowest responsible bidder. The responsible bidder to whom the contract award is made shall execute the service contract and furnish the required bonds or security for the performance of the service contract within sixty (60) days after receiving notice from the City of Salem, that the bidder has been so selected. Upon the execution and delivery of the service contract and the furnishing of the required bonds or security for the performance of the contract, the deposits and bonds made by the other two (2) lowest responsible bidders shall be returned to them. In case the bidder to whom the service contract award is made shall fail to execute and deliver the service contract and the necessary bonds within sixty (60) days after the award, the awards to that bidder shall be vacated and the bidder's deposit or Bid Bond shall be forfeited as liquidated damages, or the City may, at its option, recover from the bidder the difference between the price of his/her bid and the amount of the service contract as shall be subsequently awarded, applying the deposit or Bid Bond on account thereof.

14. No interpretation of the meaning of these General Conditions and Instructions; the General Specifications or any Exhibit thereto, or any other contract document will be made to any bidder. Supplemental instructions, if any, will be made in the form of a written addendum to this proposal, which, if issued, will be mailed to all parties of record having received specifications. Failure of any bidder to receive any addendum shall not relieve the bidder of any obligation under his/her or its bid as submitted nor from any obligation to confirm to the requirements herein or in any addendum set forth. Any and all addenda shall be signed by a bidder and returned as a part of the bid.
15. Award of the contract, if made, will be made on or before the sixty (60) days following the opening of bids, to the highest responsible bidder whose bid complies in all respects with the requirements as stated herein.
16. All bidders are advised that the City of Salem will verify corporate status with the New Jersey Secretary of State and that no contract will be awarded to any Corporation whose character or authorization to do business in the State of New Jersey has been suspended or revoked.
17. All City of Salem contracts prohibit the successful bidder from discrimination in the hiring of persons who are qualified and available to perform work to which the contract relates by reason of race, creed, color, national origin, ancestry, or sex, in accordance with N.J.S.A. 10:2-1 through 10:2-4, including all amendments thereto. All bidders shall comply with the New Jersey Law Against Discrimination and all applicable regulations relative to affirmative action requirements.
18. All bidders shall comply with the Affirmative Action Regulations adopted by the Treasurer of the State of New Jersey and applicable to all contracts with public agencies in the State of New Jersey. All bidders are notified that there is mandatory Affirmative Action language that must be included in all contracts. A copy of that language is attached to the bid specifications.
19. The successful bidder (Contractor) shall indemnify and save the City of Salem harmless from and against all suits, claims, actions, or judgments for any injury or damage sustained or alleged to have been sustained by any party or parties by reason of the use of defective material, furnished

and delivered under the contract to be awarded hereunder, or by or on account of any act of omission or commission of any contractor, his/her, it's or their agents or employees; and, in case any action shall be brought against the City of Salem, the Contractor shall immediately take charge of and defend same at his/her, it's or their own cost and expense. The City of Salem may, if it so desires, defend the action and charge the expense of defense to the Contractor.

20. In the event that any clarification is determined to be necessary by the City Clerk of the City of Salem, an Addendum to these specifications will be issued and will be mailed by regular mail to each potential bidder who has requested a copy of these specifications.

Kathleen L. Keen, RMC
City Clerk
17 New Market Street
Salem, NJ 08079
856.935.0372 ext 215

EXHIBIT "A"

BID PROPOSAL FORM

BID PROPOSAL FORM

The undersigned bidder declares they have read the "Notice to Bidders" and the "General Specifications" attached; that they have determined the conditions affecting the bid and agrees, if this proposal is accepted and the contract awarded, to furnish and deliver all items hereinafter in such quantities as may be required and at the stated unit prices applicable thereto during the period of January 01 thru December 31, 2015. Please note that the quantities of product are neither implied nor guaranteed.

<u>APPROXIMATE QUANTITY</u> (NOT TO EXCEED)	<u>ITEM</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
60,000 Gals 3,300 Gal Delivery (NTE) SODIUM HYPOCHLORITE SOLUTION - NaOCL		_____	_____
6,000 LBS 10 - 55LB PAIL DELIVERY CALIUM HYPOCHLORITE TABLETS		_____	_____

Accompanying this proposal is a certified check or bid bond in the amount of \$_____ payable to the City of Salem which is to be forfeited as liquidated damages, in the event this proposal is accepted, the undersigned shall fail to execute the contract or to furnish satisfactory bond as required.

BIDDER _____

VENDOR _____

ADDRESS _____

The bidder shall state in the line below, if a Corporation, the name of the state in which incorporated.

BID PROPOSAL FORM ATTACHMENT
(To be included with Bid Proposal Form Attachment A)

The undersigned also encloses the following herewith:

_____ Bid Bond, Cashier's Check or Certified Check in the amount of 10%
of the above inserted dollar amount.

_____ Exhibit "B" Bidder Affidavit

_____ Exhibit "C" Affirmative Action Affidavit

_____ Exhibit "D" Affidavit of Non-Collusion

_____ Exhibit "E" Corporation or Partnership Ownership Statement

_____ Exhibit "F" NJ Business Registration Requirements

BIDDER _____

VENDOR _____

ADDRESS _____

EXHIBIT "B"
BIDDER AFFIDAVIT

EXHIBIT "C"
AFFIRMATIVE ACTION AFFIDAVIT

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. 17:27-1 et seq.

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. 17:27.1 et seq. 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. 17:27-1 et seq.

COMPANY: _____ SIGNATURE: _____

PRINT NAME: _____ TITLE: _____

DATE: _____

EXHIBIT "D"
AFFIDAVIT OF NON-COLLUSION

NON-COLLUSION AFFIDAVIT

Bid proposal for: _____

State of New Jersey
County of _____ ss:

I, _____ of the municipality of _____
(name of affiant) (name of municipality)

in the County of _____ and State of _____

of full age, being duly sworn according to law on my oath depose and say that: I am the

_____ of the firm of _____
(title or position) (name of firm)

_____ the bidder making this Proposal for the bid

entitled _____, and that I executed the said proposal with
(title of bid proposal)

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 _____
(name of the contracting unit)

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 _____.
(name of company bidding)

Subscribed and sworn to

before me this _____ day of _____, 20____

Signature

Notary public

(Print or Type Name of Affiant)

My Commission expires: _____(Seal)

EXHIBIT "E"
CORPORATION OR PARTNERSHIP OWNERSHIP
STATEMENT

STOCKHOLDER DISCLOSURE CERTIFICATION
N.J.S.A. 52:25-24.2 (P.L. 1977, c 33)

No corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any materials or supplies, unless, prior to the receipt of the bid or accompanying the bid of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten (10) percent or more of its stock of any class, or of all individual partners in the partnership who own a ten (10) percent or greater interest therein. Form of Statement shall be completed and attached to the bid proposal.

The Attorney General has concluded that the provisions of N.J.S.A. 52:25-24.2, in referring to corporations and partnerships, are intended to apply to all forms of corporations and partnerships, including, but not limited to, limited partnerships, limited liability corporations, limited liability partnerships, and Subchapter S corporations.

Bidders are required to disclose whether they are a partnership, corporation or sole proprietorship. The Stockholder Disclosure Certification form shall be completed, signed and notarized. Failure of the bidder to submit the required information is cause for automatic rejection of the bid.

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.

If a corporation owns all or part of the stock of the corporation or partnership submitting the bid, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that owning corporation. If no one owns 10% or more stock, attest to that.

Check the box that represents the type of business organization:

- | | | |
|---|--|--|
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation | <input type="checkbox"/> Sole Proprietorship |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Limited Liability Corporation | <input type="checkbox"/> Limited Liability Partnership |
| <input type="checkbox"/> Subchapter S Corporation | | |

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

Name: _____	Name: _____
Home Address: _____	Home Address: _____
_____	_____

Name: _____	Name: _____
Home Address: _____	Home Address: _____
_____	_____

Name: _____	Name: _____
Home Address: _____	Home Address: _____
_____	_____

Subscribed and sworn before me this ____ day
of _____, 20 ____.

(Notary Public)

My Commission expires:

(Affiant)

(Print name & title of affiant)

(Corporate Seal)

EXHIBIT “F”
NEW JERSEY BUSINESS REGISTRATION
REQUIREMENTS

“New Jersey Business Registration Requirements”

P.L. 2004, c. 57 (Chapter 57) amends and supplements the business registration provisions of N.J.S.A. 52:32-44 which impose certain requirements upon a business competing for, or entering into a contract with a NJ State agency. Chapter 57 expands the requirement of business registration to business organizations competing for, or entering into a contract with the following public contracting agencies:

1. State colleges and universities, and county colleges
2. Contracting units as defined in the Local Public Contracts Law (N.J.S.A. 40A:11-2)
3. Boards of education as defined in the Public School Contracts Law (N.J.S.A. 18A:18A-2)
4. Private firms that have entered into a contract with a public entity to provide water supply services pursuant to N.J.S.A. 58:26-19
5. A private firm or public authority that has entered into a contract with a public entity to perform wastewater treatment services pursuant to N.J.S.A. 58:27-19, or a duly incorporated nonprofit association that has entered into a contract with a city of the first class to provide wastewater treatment services pursuant to N.J.S.A. 58:27-19.

The contractor shall provide written notice to its subcontractors of the responsibility to submit proof of business registration to the contractor.

Before final payment on the contract is made by the contracting agency, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and a subcontractor and each of its affiliates [N.J.S.A. 52:32-44(g) (3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L.2001, c.134 (C.52:32-44 et al.) or subsection e. or f. of section 92 of P.L.1977, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency.”

NEW JERSEY "BUSINESS REGISTRATION CERTIFICATE" FORM

P.L. 2004 Ch. 57 requires that Business Organization's be registered with the New Jersey Department of Treasury, Division of Revenue. The definition of the law is as follows:

"Contractor" mean a business organization that seeks to enter, or has entered into a contract with a contracting agency to provide goods, services, or a construction project, the cost of which exceeds 15% of the contracting unit's bid threshold.

Please indicate below for the bidder and all subcontractors listed on the "Subcontractor Declaration" herein, as to their registration with the NJ Department of Treasury, Division of Revenue in accordance with P.L. 2004, Ch. 57.

Proof of registration is required for all contractors and named subcontractors. Proof of registration means a copy of the organization's "Business Registration Certificate". No other form can be substituted to fulfill this requirement.

Copies of the Business Registration Certificate shall be submitted and attached to this form.

<u>Name</u>	<u>Not Registered</u>	<u>Registration Number</u>
Bidder _____	_____	_____
(Subcontractor) _____	_____	_____
(Subcontractor) _____	_____	_____
(Subcontractor) _____	_____	_____
(Subcontractor) _____	_____	_____

Subscribed and Sworn to
before me this _____ day
of _____, 20_____

Notary Public of _____

My Commission expires _____, 20__

Signature

Name and Title
(Type or Print)