

BOROUGH OF NORTH CALDWELL

ESSEX COUNTY, NEW JERSEY

**FURNISHING REGULAR UNLEADED MOTOR FUEL GASOLINE
AND DIESEL FUEL**

JULY 2019

Kevin O'Sullivan
Borough Administrator

NOTICE TO BIDDERS

**BOROUGH OF NORTH CALDWELL
ESSEX COUNTY, NEW JERSEY**

Sealed proposals will be received by the Borough of North Caldwell, New Jersey at the Borough Hall, 141 Gould Avenue, North Caldwell, New Jersey 07006, on Tuesday, July 23, 2019 at 9:00 a.m., prevailing time, and then publicly opened and read aloud for:

**FURNISHING REGULAR UNLEADED MOTOR FUEL GASOLINE
AND DIESEL FUEL**

Copies of the Specifications are on file and open to public inspection at the North Caldwell Borough Hall, 141 Gould Avenue, North Caldwell, New Jersey 07006, and may be examined and obtained by properly qualified vendors during regular business hours (8:30 a.m. to 4:30 p.m.). Bidders will be furnished with a copy of the Specifications by the Borough Clerk upon request.

Each proposal shall be made upon the prescribed forms furnished with the Contract Specifications and will be accompanied by a certified check, cashier's check or bid bond in the sum of ten percent (10%) of the amount of the bid or \$20,000.00 whichever is less. Checks will be made payable to the Borough of North Caldwell. Bid Security will be held as a guarantee that in the event the bid is accepted and a Contract awarded to the bidder, the Contract will be duly executed, and in default thereof, said Bid Security and the amount represented thereby will be forfeited to the aforesaid Borough of North Caldwell as liquidated damages.

Proposals shall be accompanied, in the case of corporations not chartered in New Jersey, by property certificate that such corporation is authorized to do business in the State of New Jersey.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq.

Each proposal will be enclosed in a sealed envelope bearing the name and address of the bidder, will be addressed to the Borough of North Caldwell, New Jersey and will be endorsed "Bid for Furnishing Regular Unleaded Motor Fuel Gasoline and Diesel Fuel".

The Borough of North Caldwell reserves the right to reject any and all bids, to waive any minor informalities or irregularities in the bids received, and to accept the bid which in its judgment best serves the interests of the Borough.

By Order of the Mayor and Council
of the Borough of North Caldwell

Tami Michelotti, Borough Clerk

BOROUGH OF NORTH CALDWELL

ESSEX COUNTY, NEW JERSEY

**FURNISHING REGULAR UNLEADED MOTOR FUEL GASOLINE
AND DIESEL FUEL**

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CONDITIONS

Each bidder must strictly comply with all requirements for regular bids as directed or required by this notice, the statutes in such cases made and provided, and the specifications. Notice is hereby given to all bidders that if their bids are informal, defective or irregular, the same will be immediately rejected.

The successful bidder shall supply gasoline and diesel fuel as requested by authorized Borough of North Caldwell employees in accordance with procedures to be established.

The following items shall be part of the basic contract for services and must be included in the bid

WITHOUT EXCEPTION:

- * The successful bidder's gasoline and diesel fuel pumps must be located within three (3) miles of the front door of the Borough of North Caldwell Municipal Building on Gould Avenue, North Caldwell, New Jersey. All purchases will be made at vendor's location.
- * All gasoline supplies must be 87 Octane or higher unleaded gasoline.
- * The successful bidder must be able to supply motor fuels 24 hours per day, seven days per week.
- * The successful bidder must be willing to make special arrangements to fuel Borough vehicles if situations occur which result in fuel rationing and/or restricted hours of operation.
- * Arrangements must be made to purchase gasoline and diesel fuel on a strictly credit basis. CASH TRANSACTIONS WILL NOT BE PERMITTED. The successful bidder will be paid once a month upon submission of a properly executed Borough voucher and verification of all charges.

Regular unleaded motor fuel gasoline and diesel fuel must conform strictly to specifications and shall be subject to inspection before acceptance.

In case of failure to furnish regular unleaded motor fuel gasoline and diesel fuel hereby specified in accordance with advertisement and this proposal and bid and the agreement affected thereby, the Council of the Borough of North Caldwell may purchase said gasoline elsewhere and deduct the cost and damages from moneys due or to grow due from said successful bidder.

Where two or more bidders are tied on an item, the Council reserves the right to make the award to one of the tie bidders.

CONDITIONS (continued)

Notice is hereby given that only manufactured products of the United States, wherever available, shall be used in connection with this contract. See Chapter 174, Laws of New Jersey, 19321.

Assignment to any third party of any moneys due or to grow due the bidder on any contract based on this bid is absolutely prohibited and will not be recognized by the Borough; furthermore, should any such assignment of moneys be filed with the Borough, the Borough reserves the right thereafter to refuse all bids from the bidder violating this provision.

This contract will be for a one year period commencing the date of signing.

Bidder will quote on prices less any state and Federal taxes. The Borough of North Caldwell will execute Tax Exemption Certificates with order.

INFORMATION TO BIDDERS

B-1 DATE AND PLACE OF OPENING BIDS

Sealed proposals for this project as described in the Specifications will be received, opened, and read in public at the time and place stated in the advertisement, a copy of which is enclosed herewith. If bids are mailed, they shall be sent certified mail and addressed to: Borough Clerk, 141 Gould Avenue, North Caldwell, New Jersey 07006.

B-2 SPECIFICATIONS

Specifications, form of proposal and contract may be obtained at the office of the Borough Clerk, Borough Hall, 141 Gould Avenue, Borough of North Caldwell, New Jersey or at www.northcaldwell.org.

B-3 BID SECURITY

As stated in the advertisement, each bid shall be accompanied by a certified check, cashier's check, or a bid bond to the Borough of North Caldwell in an amount not less than ten percent (10%) of the base bid, but in no case less than \$500.00 nor greater than \$20,000. The checks or bonds of the three lowest bidders will be held by the Borough until the successful bidder is selected, the contract properly executed, and a bond, satisfactory to the Borough, is posted. The checks or bond of all but the three lowest bidders will be returned within three days after the date on which the bids are opened.

The check or bond of the successful bidder shall be forfeited to the Borough as liquidated damages should he fail or refuse to execute and deliver the contract and bond required within ten (10) calendar days after being notified by the Borough that his bid has been accepted.

B-4 PREPARATION AND SUBMISSION OF PROPOSALS

The Borough reserves the right to waive any informalities in the bids or to reject any bid or all bids.

The Proposals shall be made on the forms prepared for that purpose and included herein. All blanks on the Proposal form shall be filled, legibly and in ink or typewritten. No changes in phraseology or qualifying statements will be permitted.

The amount bid for each item shall be obtained by multiplying the unit price bid by the number of units of that item as stated on the Proposal. Should there be an error in the extension, then the unit price shall prevail.

The successful low bidder will be required to furnish documentation, on forms supplied by the Borough, regarding compliance with Federal Affirmative Action requirements.

Each bidder shall submit a manufacturer's specification for the vehicle to be supplied.

B-5 DISQUALIFICATION OF BIDDERS

No person, partnership, firm, corporation, or association shall submit more than one Proposal, either under the same name or under different names. If there are reasonable grounds for believing any bidder is interested in more than one Proposal, then all Proposals in which he is interested shall be rejected. The contract, regardless of bid, will be awarded only to a competent bidder experienced in the class of work to be performed, and equipped, capable, and ready to perform the work.

B-6 QUOTED PRICE

The prices quoted shall hold firm.

B-7 EXCEPTIONS/DEVIATIONS

Any exceptions/deviations to the above Specifications, no matter how small or seemingly minute, must be noted on page ED-1.

B-8 COMPLIANCE

The Mayor and Council reserves the right to determine if any deviations from the minimum Specifications are acceptable and reject or accept any Bids based on such a determination. The bidder proposes to furnish a vehicle and plow in accordance with these Specifications or stated in this bid form. Failure to supply complete information called for on this bid form may render bid as non-responsive.

PROPOSAL

PROPOSAL FOR FURNISHING REGULAR UNLEADED GASOLINE AND DIESEL FUEL TO THE BOROUGH OF NORTH CALDWELL, NEW JERSEY

Date: _____

TO: Mayor and Council
Borough of North Caldwell
North Caldwell, New Jersey 07006

We/I agree to furnish regular unleaded gasoline and diesel fuel as per specifications at the Newark re-seller rack posting as it appears in the Journal of Commerce on Mondays at the time and place of delivery:

Plus or Minus _____ cents per gallon - Regular unleaded

The posted Newark rack re-seller rack posting as of the Monday before the bid date is:

_____ cents per gallon - Regular unleaded

Net price today, on the basis of the above bid would be

_____ cents per gallon - Regular unleaded

Plus or Minus _____ cents per gallon - Diesel fuel

The posted Newark rack re-seller rack posting as of the Monday before the bid date is:

_____ cents per gallon - Diesel fuel

Net price today, on the basis of the above bid would be

_____ cents per gallon - Diesel fuel

The estimated quantity to be ordered under this contract is 20,000 gallons of unleaded gasoline per year and 2,000 gallons of diesel fuel. The Borough of North Caldwell, however, reserves the right to purchase as much or as little gasoline and diesel fuel as it needs to fill the requirements of the Borough.

The above prices shall be net after deducting all taxes to which the Borough of North Caldwell is exempt.

BIDDERS ARE CAUTIONED NOT TO CHANGE BID PROPOSAL WORDING OR TO ATTACH ADDITIONAL OR QUALIFYING SPECIFICATIONS OR TO SUBMIT BID NOT USING BOROUGH'S PROPOSAL FORM. DOING SO MAY CAUSE REJECTION OF THEIR BID.

OWNERSHIP DISCLOSURE STATEMENT

Public Law 1977, Chapter 33, requires every Corporation and/or Partnership submitting a bid to list the names and addresses of all stockholders in the Corporation, or Partners in the Partnership who own ten (10%) percent or more of its stock of any class. If one or more of the above is itself a corporation or partnership, I have annexed hereto the names and addresses of anyone owning a 10% or greater interest therein. Failure to disclose this information constitutes grounds for rejection of the bid.

COMPLETE NAME, HOME ADDRESS, CITY, STATE AND ZIP MUST BE PROVIDED

Name _____

Home Address _____

City, State, Zip _____

Name _____

Home Address _____

City, State, Zip _____

Name _____

Home Address _____

City, State, Zip _____

I certify that the information given above is true and complete as required by the above cited law.

Subscribed and sworn to before me this
_____ day of _____, _____ .

(Signature of Affiant)

(Signature of Notary Public)

(Print name and title of Affiant)

CONSENT OF SURETY

The undersigned _____ a corporation organized and existing under the laws of the State of _____ and authorized to do business in the State of New Jersey, with office at _____ does hereby consent and agree with _____

(hereinafter Principal) that if the proposal of the said Principal for "Furnishing Regular Unleaded Motor Fuel Gasoline and Diesel Fuel" for the Borough of North Caldwell be accepted and a contract for said work be awarded to the said Principal, it will, upon its being so awarded, become surety for the said Principal on a bond in a penal amount equal to One Hundred Percent of the total amount of the bid for the faithful performance of said work, and for the protection of all persons performing or furnishing labor or materials for the performance of said contract in the form required by N.J.S.A. 2A:44-147.

Signed, sealed, and dated this _____ day of _____, 20____

Surety

**BOROUGH OF NORTH CALDWELL
FURNISHING REGULAR UNLEADED MOTOR FUEL GASOLINE
AND DIESEL FUEL**

ACKNOWLEDGMENT OF RECEIPT OF CHANGES TO BID DOCUMENTS FORM

Pursuant to N.J.S.A. 40A:11:23.la., the undersigned bidder hereby acknowledges receipt of the following notices, revisions, or addenda to the bid advertisement, specifications or bid documents. By indicating date of receipt, bidder acknowledges the submitted bid takes into account the provisions of the notice, revision or addendum. Note that the local unit's record of notice to bidders shall take precedence and that failure to include provisions of changes in a bid proposal may be subject for rejection of the bid.

Reference Number or Title of Addendum/Revision	How Received (mail, fax pick-up, etc.)	Date Received

Acknowledgment by bidder:

Name of Bidder: _____

By Authorized Representative:

Signature: _____

Printed Name and Title: _____

Date: _____

**BOROUGH OF NORTH CALDWELL
 FURNISHING REGULAR UNLEADED MOTOR FUEL GASOLINE
 AND DIESEL FUEL
 BID DOCUMENT SUBMISSION CHECKLIST**

**A. Failure to submit the following documents is a mandatory cause for the bid to be rejected.
 (N.J.S.A. 40A:11-23.2)**

Required With Submission of Bid (Owners Checkmarks)	Initial Each Item Submitted With Bid (Bidders Initials)
X	A bid guarantee as required by <u>N.J.S.A.</u> 40A:11-21
X	A certificate from a surety company, pursuant to <u>N.J.S.A.</u> 40A:11-22
X	A statement of corporate ownership, pursuant to <u>N.J.S.A.</u> 52:25-24.2
X	Business Registration Certificate issued by the State of New Jersey – Must be provided before award of contract
X	If applicable, bidder's acknowledgment of receipt of any notice(s) or revision(s) or addenda to an advertisement, specifications or bid document(s)

B. SIGNATURE:

The undersigned hereby acknowledges and has submitted the above listed requirements.

Name of Bidder: _____

By Authorized Representative:

Signature: _____

Print Name and Title: _____

Date: _____

**BOROUGH OF NORTH CALDWELL
 ESSEX COUNTY, NEW JERSEY
 FURNISHING REGULAR UNLEADED MOTOR FUEL GASOLINE
 AND DIESEL FUEL
NON-COLLUSION AFFIDAVIT**

STATE OF NEW JERSEY)

)ss:
 COUNTY OF)

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

I am _____, of the firm of _____, the bidder making the Proposal for the above named project, and that I executed the said Proposal with full authority so to do; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the Borough of North Caldwell and State of New Jersey 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 bonafide employees or bonafide established commercial or selling agencies maintained by _____
 (N.J.S.A. 52:34-15) Name of Contractor

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

 (Also type or print name of affiant under signature)

 Notary Public of _____
 My commission expires _____, 20____.

BID BOND

KNOWN ALL MEN BY THESE PRESENTS, that we, _____
of, _____

(hereinafter called the Principal), as Principal, and _____, a
corporation of the State of _____, qualified to do
business in the State of New Jersey, having its principal office at _____
_____ (hereinafter called the Surety) as Surety, are held and firmly bound
unto to the BOROUGH OF NORTH CALDWELL (hereinafter called the Obligee) the penal
sum of

_____ Dollars (\$ _____) for the payment of which the
Principal and Surety bind themselves, their heirs, executors, administrators, successors, and
assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that WHEREAS, the Principal has
submitted or is about to submit a proposal to the Obligee on a contract for the "Furnishing
Regular Unleaded Motor Fuel Gasoline and Diesel Fuel" for the Borough of North Caldwell.

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall
enter into a Contract with the Obligee in accordance with the terms of such bond or bonds as
may be specified in the bidding or Contract Documents with good and sufficient surety for the
faithful performance of such Contract and for the prompt payment of labor and material
furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such
Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not
to exceed the penalty hereof between the amount specified in said bid and such larger amount for
which the Obligee may in good faith contract with another party to perform the work covered by
said bid together with the expenses of reletting the contract, then this obligation shall be null and
void, otherwise to remain in full force and effect.

Signed and sealed this _____ day of _____, 20__

(Seal)
Principal

Attest

(Seal)
Surety

By _____

STATEMENT OF RESPONSIBILITY

List approximate volume of work of similar nature completed within the past five years:

\$ _____

General Business References (List two or three)

<u>Name</u>	<u>Occupation</u>	<u>Business Address</u>	<u>Phone No.</u>
A.	_____	_____	_____
B.	_____	_____	_____
C.	_____	_____	_____

Bank Reference

<u>Name</u>	<u>Address</u>	<u>Phone No.</u>
_____	_____	_____
_____	_____	_____

Number of Permanently Employed Persons in your Organization _____

It is understood and agreed that the execution of this statement of responsibility is made solely at the risk, cost and expense of the maker; is given in consideration of the agreement of the Borough of North Caldwell to make available to the maker the plans and contract documents for bidding purposes, and no rights, causes or claims at law or in equity shall arise on behalf of the maker against the Borough of North Caldwell for any use made thereof by the Borough of North Caldwell including the refusal to the maker of the right to bid on said work.

SIGNATURE AND BUSINESS ADDRESS OF BIDDER

Dated _____, 20____

MANUFACTURER Must provide proof of product liability insurance and must be registered with National Highway Traffic Safety Administration and comply with its regulations.

List exceptions/deviations from Specifications below or attach separate sheet.
