

TOWNSHIP OF LAKEWOOD

**COUNTY OF OCEAN
STATE OF NEW JERSEY**

FAIR & OPEN PUBLIC SOLICITATION PROCESS

FOR

**THE PURCHASE OF A NEW AND UNUSED
NATURAL GAS GENERATOR**

**BID OPENING DATE:
Wednesday, July 29, 2015
at 10:00 a.m.**

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that Yehuda Abraham, Purchasing Agent of the Township of Lakewood, County of Ocean and State of New Jersey, will, on Wednesday, July 29, 2015 at 10:00 a.m. in the Township of Lakewood Municipal Building, 231Third Street, Lakewood, N.J. receive proposals for the following:

**Purchase and Delivery
of
A New and Unused Natural Gas Generator**

The proposal is being solicited through a fair and open process in accordance with the N.J.S.A. 19:44A20-5 et seq.

There are no Bid or Performance Bond requirements for this bid.

Bidders are required to comply with:

- 1) Affirmative Action Regulations requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27;**
- 2) P.L. 2004, c. 57 which amends and supplements the business registration provisions of N.J.S.A. 52:32-44.**

Required bidder information can be found in the bid documents, which are available for review and pick-up Monday through Friday 9:30 a.m. to 4:45 p.m., excluding holidays, in the Office of Purchasing Any additional information may be obtained from the Office of Purchasing, by calling 732-364 2500 x5971.

**By order of:
Kathryn Cirulli, Township Clerk**

TOWNSHIP OF LAKEWOOD
FAIR & OPEN PUBLIC SOLICITATION PROCESS

GENERAL INFORMATION FOR APPLICANTS

RECEIPT OF PROPOSAL

The Township of Lakewood is soliciting proposals for the purchase of a new and unused natural gas generator.

Sealed proposals must be submitted to the Township Manager on Friday, June 26, 2015 at or before 10:00 a.m. Sealed proposals may be submitted in person at the Municipal Building, 231 Third Avenue, Lakewood, New Jersey, or mailed in advance to the attention of the Township Clerk, Township of Lakewood, 231 Third Street, Lakewood, NJ, 08701.

It is the Applicant's responsibility to see that qualification proposals are presented to the Township Manager at the time and place designated. Proposals may be hand delivered or mailed; however, it is the applicant's responsibility for the delivery of the proposal.

All proposals must be contained in a sealed envelope, marked "sealed proposal", with the name and address of the party submitting the proposal and the title of the proposal.

Any persons having questions or to obtain further information should contact Yehuda Abraham, Purchasing Agent at (732) 905 5971, 231 Third Street, Lakewood, New Jersey.

The criteria and appropriate proposal documents are available on the Township's web-site.

PROPOSAL FORM

Proposals showing any erasure, alteration or interlineations must be initialed by the applicant in ink. Failure to comply may be cause for rejection of the proposal. Where discrepancies occur between the unit price and the extension, the unit price will prevail.

If the applicant is an individual, the proposal must be signed by the individual. If the applicant is not an individual, the proposal must be signed by a person authorized to sign on behalf of the applicant.

INTERPRETATIONS AND ADDENDA

Applicants are expected to examine the specifications and related documents with care and observe all their requirements. Ambiguities, errors or omissions noted by applicants should be promptly reported in writing to the Purchasing Agent. If the applicant fails to notify the Township of such ambiguities, errors or omissions, the applicant shall be bound by the proposal.

In order to be given consideration, written requests for interpretation must be received at least three (3) days prior to the date fixed for the opening of the proposals. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications, and will be distributed to all prospective applicants in accordance with the statute. All addenda so issued shall become part of the contract documents, and shall be acknowledged by the applicant in the proposal. The Township's interpretations or corrections thereof shall be final.

REJECTION OF PROPOSAL

The Township reserves the right to reject any or all proposals and to waive any minor informality in any proposal should it be deemed in the best interest of the Township to do so. Proposals shall be rejected for any of the following reasons:

1. Failure to complete the Affirmative Action Certification.
2. Failure to comply with the American Disabilities Act of 1990.
3. Failure to complete the Disclosure of Ownership Statement.
4. Failure to provide New Jersey State Business Registration Certificate.
(including subcontractors)

Proposals may be rejected for any of the following reasons:

1. Failure to complete the Affidavit of Non-Collusion.
2. Failure to complete the Checklist of Required Documents.
3. Insertion of additional conditions, provisions or stipulations.

PROCEDURES ON AWARD OF CONTRACT

The Township awards contracts or rejects all proposals within 60 days, unless in accordance with N.J.S.A. 40A:11-24, which provides in part that "any applicant who consents thereto may, at the request of the contracting unit, have their proposal held for consideration for such longer periods as may be agreed." All prospective applicants are advised of this schedule since all proposals must be firm when proposed, and must remain so for 60 days or such longer period as the Township and the applicant may agree.

NOTIFICATION OF AWARD

Upon passage of a Township Committee Resolution awarding the contract, Township Attorney will forward contract documents to the successful applicant for execution and delivery.

If approved as to form and execution, the contract documents will then be submitted to the Mayor and Township Clerk for execution on behalf of the Township. A fully executed copy will be returned to the successful applicant by the Township. No Resolution of Award will become binding on the Township before the contract documents have been executed by the Mayor and Township Clerk.

ASSIGNING THE CONTRACT

The Contract shall not be sublet, assigned, pledged, hypothecated or sold, in whole or in part, without the written permission of the Township.

BUSINESS REGISTRATION CERTIFICATE

N.J.S.A. 52:32-44 requires that each applicant (contractor and subcontractor) provide proof of business registration in response to a request for proposals.

AFFIDAVIT OF NON-COLLUSION

The Non-collusion Affidavit, which is part of these specifications, shall be properly executed and submitted intact with the proposal.

NON-DISCRIMINATION

There shall be no discrimination against any employee engaged in the work required to produce the commodities covered by any contract resulting from this proposal, or against any applicant to such employment because of race, religion, sex, national origin, creed, color, ancestry, age, marital status, affectional or sexual orientation, familial status, liability for service in the Armed Forces of the United States, or nationality

REQUIRED AFFIRMATIVE ACTION EVIDENCE

Each contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

1. 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
2. A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4; or
3. 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.

STATEMENT OF OWNERSHIP

Public Law provides that there shall be submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent or more of its stock or any class, or of all individual partners in the partnership who own a ten percent or greater interest therein.

ACQUISITIONS, MERGER, SALE AND/OR TRANSFER OF BUSINESS, ETC.

If during the life of the contract, the contractor disposes of his/her business concern by acquisition, merger, sale and/or transfer or by any means convey his/her interest(s) to another party, all obligations are transferred to that new party.

**TOWNSHIP OF LAKEWOOD
CHECKLIST OF REQUIRED DOCUMENTS**

Submission Date: Wednesday, July 29, 2015 at 10:00 a.m.

The following items, as indicated by initialing, shall be provided with the receipt of sealed submissions:

- 1. Non-Collusion Affidavit..... _____
- 2. Disclosure of Ownership Form..... _____
- 3. Mandatory Equal Employment Opportunity Notice Acknowledgment
(Contracts over \$17,500.00)..... _____
- 4. Mandatory Equal Employment Opportunity Language _____
- 5. Affidavit for Affirmative Action _____
- 6. Americans with Disabilities Act Certification _____
- 7. Copy of Business Registration Certificate as issued by the State of New Jersey,
Department of Treasury, Division of Revenue..... _____
- 8. Qualifications Submission Form..... _____
- 9. Acknowledgment of Corrections, Additions or Deletions Form..... _____
- 10. Compensation/Fee Proposal. Detailing all charges to be billed to the Township..... _____

EACH REQUIRED ITEM MUST BE INITIALED ON THIS FORM IN THE SPACE PROVIDED. THIS CHECKLIST MUST BE SIGNED AND SUBMITTED WITH THE QUALIFICATION PROPOSAL PACKAGE.

COMPANY/APPLICANT NAME

AUTHORIZED SIGNATURE

NAME (PRINT)

TITLE

DATE

**TOWNSHIP OF LAKEWOOD
DISCLOSURE OF OWNERSHIP FORM**

N.J.S.A. 52:25-24.2 reads in part that “no corporation or partnership shall be awarded any contract by the State, County, Municipality or School District, or any subsidiary or agency thereof, unless prior to the receipt of the submission of the corporation or partnership, there is provided to the public contracting unit a statement setting forth the names and addresses of all individuals who own 10% or more of the stock or interest in the corporation or partnership.”

- 1 If the professional service entity is a partnership, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
- 2 If the professional service entity is a corporation, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
- 3 If a corporation owns all or part of the stock of the corporation or partnership providing the submission, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
- 4 If the professional service entity is other than a corporation or partnership, the contractor shall indicate the form of corporate ownership as listed below.

COMPLETE ONE OF THE FOLLOWING STATEMENTS:

- I. Stockholders or Partners owning 10% or more of the company providing the submission:
Name: _____ Address: _____

Signature: _____ Date: _____

- II. No Stockholder or Partner owns 10% or more of the company providing this submission:

Signature: _____ Date: _____

- III. Submission is being provided by an individual who operates as a sole proprietorship:

Signature: _____ Date: _____

- IV. Submission is being provided by a corporation or partnership that operates as a (check one of the following):

____ Limited Partnership _____ Limited Liability Corporation

____ Limited Liability Partnership _____ Subchapter S Corporation

Signature: _____ Date: _____

TOWNSHIP OF LAKEWOOD
Mandatory Equal Employment Opportunity Notice
N.J.S.A. 10:5-31 et seq. and N.J.A.C 17:27 et seq.
GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

This form is a summary of the successful professional service entity's requirement to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

The successful professional service entity shall submit to the Township of Lakewood, 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 vendor 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. 17:27-1.1 et seq.; or
- (C) A photocopy of an Employee Information Report (Form AA302) provided by the Division of Contract Compliance and distributed to the Township of Lakewood to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the Township of Lakewood during normal business hours and distributed in accordance with the requirements on the Employee Information Report.

The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

The undersigned professional service entity further understands that his/her submission shall be rejected as non-responsive if said professional service entity fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

Company: _____

Signature: _____ Print Name: _____

Title: _____ Date: _____

EXHIBIT A
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and the employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. 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 by the Public Agency Compliance Officer setting for the provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable, 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 age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A.10:5-31 et. seq., as amended and supplemented from time to time, and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5-2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but no limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national ancestry,

marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading, and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval
Certificate of Employee Information Report
Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

**TOWNSHIP OF LAKEWOOD
AMERICANS WITH DISABILITIES ACT, ENVIRONMENTAL COMPLIANCE
AND CONFLICT OF INTEREST CERTIFICATION**

The Contractor and the Township of Lakewood do hereby agree that the provisions of Title 11 of the Americans with Disabilities Act of 1990 (the "Act") (42 U.S.C. § 12101 et seq.) which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated thereunto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the Township of Lakewood pursuant to this contract, the Contractor agrees that the performance shall be in strict compliance with the Act. In the event that the Contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the Contractor shall defend the Township of Lakewood in any action or administrative proceeding commenced pursuant to this Act. The Contractor shall indemnify, protect and save harmless the Township of Lakewood, its agents, servants and employees from and against any and all suits, claims, losses, demands, or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The Contractor shall, at its own expense, appear, defend and pay and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith.

The Township of Lakewood shall, as soon as practicable after a claim has been made against it, give written notice thereof to the Contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the Township of Lakewood or any of its agents, servants and employees, the Township of Lakewood shall expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, pleading or other process received by the Township of Lakewood or its representatives.

It is expressly agreed and understood that any approval by the Township of Lakewood of the services provided by the Contractor pursuant to this contract will not relieve the Contractor of the obligation to comply with the Act and to defend, indemnify, protect and save harmless the Township of Lakewood pursuant to this paragraph.

It is further agreed and understood that the Township of Lakewood assumes no obligation to indemnify or save harmless the Contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this agreement. Furthermore, the Contractor expressly understands and agrees that the provision of this indemnification clause shall in no way limit the Contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the Contractor from any liability, nor preclude the Township of Lakewood from taking any other actions available to it under any other provisions of this Agreement or otherwise at law.

The Township of Lakewood does not discriminate on the basis of handicapped status in the admission or access to, or treatment, or employment in its programs or activities.

The Township of Lakewood shall allow access to any books, documents, papers and records of the contractor, which are directly pertinent to that specific contract.

Compliance is required with all applicable standards, orders, or requirements issued under 306 of the Clean Air Act, Section 508 of the Clean Water Act, Executive Order 11738 and Environmental Protection Agency Regulations (40 CRF, Part 15) which prohibits the use under non-exempt federal contracts, grants or loans of facilities included on the EPA list of violating facilities.

The Township of Lakewood considers it to be a substantial conflict of interest for any company desiring to do business with the Township of Lakewood to be owned, operated or managed by any Township of Lakewood employee, nor shall any Township of Lakewood personnel be employed by the vendor in conjunction with any work to be performed for or on behalf of the Township of Lakewood.

I hereby certify compliance with the foregoing.

Partnership
Individual

The undersigned is a Corporation under the law of the State of _____, having principal offices at _____.

Name of Partnership, Corporation or Individual

Signed by: _____

Print Name and Official Title

Address: _____

Telephone: _____

E-mail address: _____

Federal ID. No.: _____

**TOWNSHIP OF LAKEWOOD
QUALIFICATION SUBMISSION FORM**

1. Document past performance and experience with projects similar to the one contained herein:

2. Description of ability to complete the project in a timely fashion:

Note: Attach additional sheets as necessary

Firm: _____ Date: _____

Authorized Representative (Print): _____

Signature: _____ Title: _____

Telephone No.: _____ Fax No.: _____

TOWNSHIP OF LAKEWOOD
Acknowledgment of Receipt of Changes
to Qualification Proposal Documents Form

Pursuant to N.J.S.A. 40A: 11-23.1a, the undersigned hereby acknowledges receipt of the following notices, revisions, or addenda to the qualification proposal advertisement, specifications or qualification documents. By indicating date of receipt, applicant acknowledges the submitted qualification proposal takes into account the provisions of the notice, revision or addendum. Note that the local unit's record of notice to applicants shall take precedence and that failure to include provisions of changes in a qualification proposal may be subject for rejection of the proposal.

<u>Addendum Number</u>	<u>How Received</u> <u>(mail, fax, pick-up, etc.)</u>	<u>Date Received</u>
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

Company/Applicant: _____

By Authorized Representative: _____

Signature: _____

Printed Name and Title: _____

Date: _____

SPECIFICATIONS

Scope of Work

The Township of Lakewood is looking to purchase a liquid-cooled, natural gas generator and have the successful vendor additionally install the generator at 1555 Pine St. in Lakewood's Office of Emergency Management. The proposal is being solicited through a fair and open process in accordance with the N.J.S.A. 19:44A20-5 et seq. The choice of vendor will focus on the proposal found to be most advantageous for the Township based on "price and other factors considered".

The following criteria are not all-inclusive and follow no specific order of importance but they will be utilized in the weighing of the proposals.

1. Is the vendor's proposal complete and responsive to the RFP requirements and is all necessary documentation included.
2. Does the generator being offered meet or exceed the needs of the Township.
3. Can the vendor demonstrate a track record of satisfactory past performance with the Township or other municipality.
4. Is the price and its component charges, fees, etc., adequately explained and documented.
5. Is the vendor a single-source generator supplier and installer.
6. Are 5-year guarantees and warranties from date of install provided and sufficient.
7. Are two copies of the operating and maintenance instruction provided.
8. Is one copy of any special tools, operating software, connect cables and any other equipment necessary to diagnose and repair the generator supplied to the Township designee.

Specifications

The specifications outlined below are the minimum requirements being sought by the Township.

- 1 One 35k 120/240 volt 3 phase, liquid-cooled, natural gas generator enclosed for exterior installation.
- 2 Manufacturer must be Kohler, Cummings or Briggs & Stratton or equivalent.
- 3 Must include:
 - a. Battery Warmer.
 - b. Block warmer heater.
 - c. Complete CNG fuel system.
 - d. Exhaust system and piping.
 - e. Insulation of exhaust system.
 - f. All control wiring between the generator and transfer-switch unit heater and battery charging and annunciator wiring.
 - g. Wireless display unit.
 - h. 200 amp transfer switch.
 - i. Concrete pad for the generator – six (6) inches reinforced concrete.
 - j. All generator and electrical apparatus pertinent to the generator including the automatic transfer switch.
 - k. Gas and electric hookups to generator.
- 4 All installation and connection to existing electric service. Installation shall be according to the manufacturer's recommendations and according to the requirements of NFPA-70 NEC 1999.

- 5 Equipment with vibration isolators and mount on a welded steel base that shall provide suitable mounting to any level surface.
- 6 Any and all other work required for a complete and operable system.

Initial Startup and Testing

- 1 Before acceptance, the equipment shall be tested to show it will start automatically, subject to a full load test, shut down and reset as required.
- 2 before acceptance, any defects that become evident during this test will be corrected at no additional cost.
- 3 Initial startup will be performed by a factory-trained representative of the generator provider.
- 4 Operating instruction and maintenance procedures shall be thoroughly explained to the Township designee.

Project Completion

The entire project shall be completed no later than forty-five (45) days from the award of the contract.

**TOWNSHIP OF LAKEWOOD
PROPOSAL SHEET
FOR
THE PURCHASE OF A NEW AND UNUSED NATURAL GAS GENERATOR**

Position: _____

Company Name: _____

Authorized Representative: _____

Signature: _____ Date: _____

Title: _____

Telephone No.: _____ Fax No.: _____

Attach a schedule of any and all costs related to this project.

Schedule Attached: Yes ___ No ___ (Check One)