

City of Portsmouth
Portsmouth, New Hampshire
Department of Public Works
Bid # 26-10

INVITATION TO BID

The City of Portsmouth, New Hampshire is seeking bids for **Rain Barrels**. Sealed bid proposals, **plainly marked Bid #26-10 Rain Barrels on the outside of the mailing envelope and the sealed bid envelope**, addressed to the Finance/Purchasing Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801, will be accepted until 2:00 p.m., December 22, 2009, at which time all bids will be publicly opened and read aloud.

Any contract awarded under this Advertisement for Bids are expected to be funded in whole or in part by:

1. a loan provided under P.L. 111-5, the American Recovery and Reinvestment Act of 2009 ("ARRA")
2. a loan provided under the New Hampshire State Drinking Water Revolving Loan Fund ("DWSRF")

Contracts are subject to all ARRA/DWSRF requirements as applicable.

Bid packages may be obtained from the City's web site: www.cityofportsmouth.com, or by contacting the Finance/Purchasing Department on the third floor at the above address, or by calling the Purchasing Coordinator at 603-610-7227. Addenda to this bid document, if any, including written answers to questions, will be posted on the City of Portsmouth website at <http://www.cityofportsmouth.com/finance/purchasing.htm> under the project heading. Addenda and updates will NOT be sent directly to vendors. Questions may be addressed to the Purchasing Coordinator.

The City of Portsmouth reserves the right to reject any or all bids, to waive technical or legal deficiencies, and to accept any bid that it may deem to be in the best interest of the City.

City of Portsmouth
Portsmouth, New Hampshire
Bid # 26-10

INSTRUCTION TO BIDDERS

I. Preparation of Bid Proposal

- A. The Bidder shall submit its proposal upon the form furnished by the City (attached). Prices shall be given in both in words and figures.
- B. Corrections made to amounts or information requested on the bid form should be made by crossing out the error and entering the new price or information above or below it. The correction must be initialed. In case of discrepancy between the prices written in words and those written in figures, the prices written in words shall govern.
- C. The bidder's proposal must be signed by the individual, by one or more members of the partnership, by one or more members or officers of each firm representing a joint venture; by one or more officers of a corporation, or by an agent of the contractor legally qualified and acceptable to the owner, If the proposal is made by an individual, his name and post office address must be shown, by a partnership the name and post office address if each partnership member must be shown; as a joint venture, the name and post office address of each must be shown; by a corporation, the name of the corporation and its business address must be shown, together with the name of the state in which it is incorporated, and the names, titles, and business addresses of the President, Secretary, and Treasurer.
- D. All words, figures, corrections shall be in ink or typed. All signatures shall be in ink.
- E. Addenda to this proposal, if any, including written answers to questions, will be posted on the City of Portsmouth website at <http://www.cityofportsmouth.com/finance/purchasing.htm> under the project heading. Addenda and updates will NOT be sent directly to firms. Contractors submitting a proposal should check the web site daily for addenda and updates after the release date. Firms should print out, sign and return addenda with the proposal. Failure to do so may result in disqualification.
- F. This project is subject to the "Buy American" provisions of the American Recovery and Reinvestment Act of 2009 (ARRA). Accordingly, the Contractor shall agree that all iron, steel, and manufactured goods used in the project are to be produced in the United States.

The Buy American requirement shall not apply in any case or category in which the EPA finds, after review of a waiver request originating from the Owner, that:

 - a. applying the Buy American requirement would be inconsistent with the public interest;

City of Portsmouth
Portsmouth, New Hampshire
Bid # 26-10

- b. iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
- c. inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

If the EPA determines that a waiver of the Buy American requirement is warranted based on the findings above, it shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

The Buy American requirement shall be applied in a manner consistent with United States obligations under international agreements.

The Contractor shall certify and document to the Engineer with each Application for Payment that all iron, steel, and manufactured goods subject to this provisions have been produced in the United States.

II. Delivery of Bid Proposals

When sent by mail, the sealed proposal shall be addressed to the owner at the address and in the care of the official in whose office the bids are to be received. All proposals shall be filed prior to the time and at the place specified in the invitation for bids. Proposals received after the time for opening of the bids will be returned to the bidder, unopened. Faxed bid proposals are not acceptable.

III. Withdrawal of Bid Proposals

A bidder will be permitted to withdraw his proposal unopened after it has been deposited if such request is received in writing prior to the time specified for opening the proposals.

IV. Public Opening of Bid Proposals

Proposals will be opened and read publicly at the time and place indicated in the invitation for bids. Bidders, their authorized agents, and other interested parties are invited to be present.

V. Irregular Proposals and Disqualification of Bidders

Bid proposals that are irregular may be rejected. Irregular bid proposals include the following:

City of Portsmouth
Portsmouth, New Hampshire
Bid # 26-10

- A. Failure to use the bid form provided or alteration of the form;
- B. Unauthorized additions, conditional or alternated bids, incomplete bids, or irregularities of any kind which may tend to make the proposal incomplete, indefinite or ambiguous as to its meaning;
- C. The addition of any provision reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.
Bidders may be disqualified and the bid proposal rejected for the following reasons:
- D. More than one proposal for the same work from an individual, firm, or corporation under the same or different name;
- E. Evidence of collusion among bidders;
- F. Failure to submit all required information requested in bid specifications;
- G. Bidder is not qualified or able to provide the services or product(s) described in the bid specifications; or
- H. Disqualification is in the best interest of the City of Portsmouth.

City of Portsmouth
Portsmouth, New Hampshire
Bid # 26-10

BIDDER'S "BUY AMERICAN" ACKNOWLEDGEMENT

Instructions: This acknowledgement form must be completed and signed by the Bidder's authorized representative, and conveyed to Owner with bid submittal.

Project Name: _____

City/Town/Entity: _____

Bidder Name: _____

Bidder Address: _____

With submittal of this Bid, the Bidder acknowledges to and for the benefit of the State of New Hampshire (the "State") that it understands the goods and services under this Agreement are being funded with monies made available by the federal American Recovery and Reinvestment Act of 2009 (ARRA) and such law contains provisions commonly known as "Buy American" that requires all of the iron, steel, and manufactured goods used in the project be produced in the United States ("Buy American Requirements") including iron, steel, and manufactured goods provided by the Contractor pursuant to this Agreement.

The Bidder hereby presents and warrants to and for the benefit of the State that (a) the Bidder has reviewed and understands the Buy American Requirements, (b) all of the iron, steel, and manufactured goods used in the project will be and/or have been produced in the United States in a manner that complies with the Buy American Requirements, unless a waiver of the requirements has been approved by federal authorities, and (c) the Bidder will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the Buy American Requirements, as may be requested by the State.

Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Bidder shall permit the State to recover as damages any loss, expense or cost (including without limitation attorney's fees) incurred by the State resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the State or any damages owed to the State).

Signature of Certifying Bidder Representative: _____

Date: _____

City of Portsmouth
Portsmouth, New Hampshire
Bid # 26-10

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
CLEAN WATER STATE REVOLVING FUND (CWSRF)
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)

CERTIFICATION OF ARRA “BUY AMERICAN” PROVISION

Instructions

This certification must be completed and signed by the authorized representative of the Contractor, acknowledged by the authorized representative of the Owner, and submitted to the New Hampshire Department of Environmental Services upon substantial completion of the project.

Project Name: _____

City/Town/Entity: _____

Contractor Name: _____

Contractor Address: _____

Name/Title of Contractor Certifying Representative: _____

I hereby certify on behalf of the above named Contractor,

(please check one of the following and provide documentation as necessary)

That the “Buy American” provisions of Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA) have been met and that all iron, steel, and manufactured goods used in the project named above have been manufactured in the United States.

OR

That the “Buy American” provisions of Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA) were unable to be met. Not all of the iron, steel, or other manufactured goods used in the project named above have been produced in the United States.

Attach all documentation including EPA approved waivers for all materials and goods that do not meet the Buy American requirements of ARRA.

Signature of Certifying Contractor Representative: _____

Date: _____

Acknowledged by Authorized Owner Representative: _____

Date: _____

City of Portsmouth
Portsmouth, New Hampshire

Bid # 26-10
AWARD

I. Consideration of Proposals and Award

After the proposals are opened and read, bid results will be available to the public. In case of discrepancy between the prices written in words and those written figures, the prices written in words shall govern.

Within 30 calendar days after the opening of proposals, if an award is made, it will be made to the lowest, responsible, qualified bidder whose proposal complies with all the requirements prescribed. The successful bidder will be notified by mail at the address indicated on the proposal.

The award shall not be considered official until such time that a Purchase Order, fully executed contract or an award letter has been issued by the Finance Director.

No presumption of award shall be made by the bidder until such documents are in hand. Verbal notification of award is not considered official. Any action by the bidder to assume otherwise is done so at his/her own risk and the City will not be held liable for any expense incurred by a bidder that has not received an official award.

II. Reservation of Rights

The City reserves the right to cancel the award at any time before final notification of the successful bidder without any liability against the City. The City of Portsmouth reserves the right to reject any or all bids, to waive technical or legal deficiencies, and to accept any bid that it may deem to be in the best interest of the City.

City of Portsmouth
Portsmouth, New Hampshire
Bid # 26-10

PROPOSAL FORM

Rain Barrels

Page 1 of 3

CITY OF PORTSMOUTH, N.H.

To the City of Portsmouth, New Hampshire, herein called the Owner.

The undersigned, as Bidder, declares as follows:

1. All interested in the Bid as Principals are named herein.
2. This bid is not made jointly, or in conjunction, cooperation or collusion with any other person, firm, corporation, or other legal entity.
3. No officer, agent or employee of the Owner is directly or indirectly interested in this Bid.
4. The bidder has carefully read and examined the Bid Documents and knows and understands the terms and provisions thereof.
5. The bidder understands that the bidder will supply or perform all labor, services, plant, machinery, apparatus, appliances, tools, supplies and all other activities required by this bid process in the manner and within the time therein set forth, and that the bidder will take in full payment therefore the following item prices as set forth below.
6. Bid price shall remain firm for at least 60 days.
7. **Indicate within your proposal if your company is willing to hold the prices firm for twelve months in case the City may want to purchase more rain barrels.**

City of Portsmouth
Portsmouth, New Hampshire
Bid # 26-10

PROPOSAL FORM
Rain Barrels
Page 2 of 3

Product Specifications:

Rain Barrels shall meet the following minimum specifications:

Capacity: 50 – 60 Gallons

Barrel Material: Food grade recycled barrels

Colors: Terra Cotta, Grey, Black or Blue. Number and color to be determined at time of award

Features: Aluminum or stainless screen
Brass spigot
Overflow device
4' – 5' discharge hose section

EQUIVALENT PRODUCT: Bids will be accepted for consideration other systems provided that they provide the same or greater level of functionality as the system specified.
Please note: Any exceptions, variations and or deletions must be detailed in writing or bid may be rejected as NON RESPONSIVE.

DELIVERY:

To be scheduled with the City of Portsmouth, Department of Public Works and is anticipated to be between mid April and mid May of 2010. Bid price must include delivery to Portsmouth Department of Public Works, 680 Peverly Hill Road, Portsmouth, NH.

All Bids are to be submitted on the proposal form and in a sealed envelope, plainly marked on the outside with the Bidder's name and address and the Project name as it appears at the top of the Bid Invitation.

Base Bid:

400 Rain Barrels:	\$ _____	\$ _____	\$ _____
	Unit price per barrel	Total Price in Words	Total Price in
	Price in Words		Figures

Price must include all items listed under the General Specifications or equivalent items.

City of Portsmouth
Portsmouth, New Hampshire
Bid # 26-10
PROPOSAL FORM
Rain Barrels
Page 3 of 3

Include full system specifications and warranty information with your proposal.

Date Company

By: _____
Print Name

By: _____
Signature

Title: _____

Business Address: _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Indicate within your proposal if your company is willing to hold the prices firm for twelve months in case the City may want to purchase more rain barrels.

All Bids are to be submitted on the proposal form and in a sealed envelope, plainly marked on the outside with the Bidder's name and address and the Project name as it appears at the top of the Bid Invitation.