



UPPER MACUNGIE TOWNSHIP

INVITATION TO BID #2023-07.01

FOR

USED TRACK LOADER

Due Date: Tuesday, August 1, 2023
Time: 10:00 A.M., Local Time

JAZMIN VAZQUEZ
TOWNSHIP SECRETARY
UPPER MACUNGIE TOWNSHIP
8330 SCHANTZ ROAD
BREINIGSVILLE, PA 18031
PHONE: 610-395-4892

NOTICE TO BIDDERS

NOTICE TO BIDDERS

BID #2023-07.01 – Used Track Loader

Sealed bids will be accepted for a Used Track Loader until 10:00 a.m. on Tuesday, August 1st, 2023, and should be delivered to the Township Secretary, Upper Macungie Township Municipal Building, 8330 Schantz Road, Breinigsville, PA 18031, after which they will be publicly opened and read at 10:15 a.m. On the exterior of the bid envelope should appear “BID ENCLOSED” and “BID #2023.07.01”.

Copies of bid documents, including full specifications, may be viewed, and obtained at the Upper Macungie Township Municipal Building between the hours of 7:30 a.m. and 4:00 p.m. on regular workdays, and also on our website at www.uppermac.org.

Upper Macungie Township reserves the right to reject any and all bids and to accept the bid which it determines is in its best interests.

Jazmin Vazquez
Township Secretary

Sincerely,



Jazmin Vazquez
Township Secretary

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FORMS ATTACHED:

1. Bid Proposal Form
2. Bidder Information Form
3. Non-Collusion Affidavit
4. Submission Check List Form

SECTION 1: BIDDER INSTRUCTIONS

1. **DEFINED TERMS.**

1.1. "Invitation to Bid Package" includes the following:

- (a) Notice to Bidders
- (b) Bidder Instructions
- (c) General Terms and Conditions
- (d) Scope of Work & Specifications
- (e) Bid Proposal Form
- (f) Steel Products Act Exception Request Form
- (g) Bid Bond Form
- (h) Bidder Qualification Form
- (i) Non-Collusion Affidavit
- (j) Non-Discrimination Form
- (k) Submission Checklist Form

1.2. "Bid Forms" shall mean the forms included in the Invitation to Bid Package to be completed by the Bidder.

1.3. "Bidder" means a person or company who responds to the Invitation to Bids.

1.4. "Township" shall mean Upper Macungie Township, Lehigh County, Pennsylvania.

1.5. "Successful Bidder" shall mean the lowest, qualified, responsible, and responsive Bidder to whom the Township, on the basis of the Township's evaluation as hereinafter provided, makes an award.

2. **BID FORMS.**

2.1. All bids shall be made upon the Bid Forms provided with this Invitation to Bid Package. All blank spaces in the Bid Forms shall be clearly printed or typed in a legible manner. The Bid Forms must be signed in ink in all spaces in which signatures are required.

2.2. The Bid Forms shall be neither re-typed, nor scanned.

2.3. A Bidder may separate this Invitation to Bid Package to make copies thereof, but when submitted as a bid, it must be stapled with all pages in their numerical place.

2.4. Bidders must complete all Bidder Forms as listed on the Bidder Checklist Form.

3. **SEALED AND MARKED.** One (1) original and three (3) complete copies of the Invitation to Bid Package must be placed in a sealed envelope, the outside of which shall plainly contain the following: “BID ENCLOSED” and “BID #2023-07.01”

4. **SUBMISSION DATE.** A complete Bid package must be delivered to the office of the Township Secretary, Upper Macungie Township, 8330 Schantz Road, Breinigsville, PA 18031, on or before the 1st day of August, 2023, by 10:00 a.m. local time. The reception area clock located in the Upper Macungie Township Municipal Building shall be considered the official time. Bids submitted beyond this date and time will not be considered.

5. **OPENING OF BIDS.** Bids will be publicly opened and read on Tuesday, August 1, 2023 at 10:15 a.m. local time at the Upper Macungie Township Municipal Building.

6. **CLARIFICATIONS, QUESTIONS, AND WAIVERS/MODIFICATIONS.** Any requests for clarifications, waivers, or modifications concerning the requirements and conditions set forth herein, must be made in writing via electronic mail and submitted to Scott Faust, Director of Public Works at sfaust@uppermac.org. The email containing the request should be clearly marked with the words ‘CLARIFICATION REQUEST’ OR “WAIVER/MODIFICATION REQUEST” along with the bid number and bid description. Responses to such requests will be provided to ALL Bidders in addition to the Bidder making the request. Responses will be provided via email, unless Bidder has notified the Township that email communication is unacceptable. Said request must be submitted at least five (5) days prior to the bid submission date. Questions and/or clarifications submitted after the bid submission date will remain unanswered.

7. **EXCEPTIONS.**

7.1. Any exceptions to terms, conditions, or other requirements in any part of this Invitation to Bid must be clearly pointed out in the Bid Proposal Form. Otherwise, the Township will consider that all items offered are in strict compliance with this Invitation to Bid, and the Successful Bidder will be responsible for compliance.

7.2. The Township reserves the right to disqualify a bidder who takes exceptions to the terms, conditions, or other requirements. However, exceptions may be accepted by the Township if it finds that acceptance of such exceptions are in the best interests of the Township.

8. **BID WITHDRAWAL.**

8.1. At any time up to the hour and date set for opening of bids, a Bidder may withdraw its bid. Such withdrawal must be in writing and sent to the Township by certified mail, return receipt requested, or delivered in person. Such withdrawal shall be effective only upon receipt by the Township and will not preclude the submission of another bid by such Bidder prior to the hour and date set for the opening of bids.

8.2. After the scheduled time for opening the bids, no Bidder will be permitted to withdraw its bid, and each Bidder hereby agrees that its bid shall remain firm until

accepted or rejected. A bid made and opened may be withdrawn with the written permission of the Township if, in the Township's opinion, the bid is inconsistent with the best interest of the Township.

9. CONTRACT AWARD AND EXECUTION.

9.1. It is the desire of the Township to award a contract to a Successful Bidder within three (3) days from the date of opening the bids.

9.2. The Successful Bidder will receive both written and verbal notice of the award of the Bid and shall coordinate with the Township to arrange for the sale of and transfer of the equipment, and any other necessary items, within thirty (30) days from the date of the award. Failure to furnish said equipment to the Township within the time prescribed shall be considered a breach.

10. QUALIFICATIONS.

10.1. A Successful Bidder must be legally eligible to offer for sale the equipment that is offered as a response to this Invitation to Bid.

11. OTHER RESERVATIONS.

11.1. The Township reserves the right to reject any and all bids, and to accept either in whole or in part any one bid or combination of bids.

11.2. The Township reserves the right to choose any Bidder which, in its judgment, is best suited for the intended purposes.

11.3. The Township reserves the right to reject a bid as nonresponsive if it is materially unbalanced as to price(s) for the base requirement, any unit price, and/or any options. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more line items is significantly overstated or understated. A bid may be rejected if the Township determines that lack of balance poses an unacceptable risk to the Township.

12. **ANTI-BID RIGGING.** The bids of any Bidders who engage in collusive bidding shall be rejected. Any Bidder who submits more than one bid in such manner as to make it appear that the bids submitted are on a competitive basis from different parties shall be considered a Collusive Bidder. The Township may reject the bids of any Collusive Bidder upon bid openings of future projects. Nothing in this section shall prevent a Bidder from superseding a bid by a subsequent bid delivered prior to bid opening which expressly revokes the previous bid.

13. **INCURRING COSTS.** The Township is not liable for any cost or expense incurred by Bidders or prospective Bidders in the preparation of their bids or for attendance at any conferences, meetings, or site visits related to this Invitation to Bid.

SECTION 2: GENERAL TERMS AND CONDITIONS

1. **TAX EXEMPT.** As a political subdivision of the Commonwealth of Pennsylvania, the Township is exempt from Federal Excise Taxes and Pennsylvania Sales Taxes. Net prices as shown in the bid shall exclude such Federal and State Tax amounts.

2. **INDEMNIFICATION.**

2.1. The Successful Bidder hereby agrees to exonerate, defend, indemnify and save harmless the Township and its respective governing Boards, committees and commissions (including the individual members thereof), their elected and appointed officers and officials, and their respective managers, representatives, advisors, insurers, Engineers, Solicitors, other professional consultants, appointees, employees, agents, independent contractors, and assigns (collectively, the "Township Representatives"), from any and all claims (including claims of negligence), actions, awards, verdicts and judgments, together with reasonable counsel and expert witness fees, pertaining to, relating to, resulting from, caused by, sustained in connection with, based upon or arising out of the Successful Bidder's performance pursuant to the Contract.

3. **MARKETING.** No Bidders, including the Successful Bidder, shall use, in any form or medium, the name of the Township for promotional or marketing purposes without the Township's prior written consent.

4. **INVOICES AND PAYMENTS.** All invoices shall be submitted directly to: Director of Finance, Upper Macungie Township, 8330 Schantz Road, Breinigsville, PA 18031.

4.1. For direct delivery products, all invoices must be furnished on the same day of delivery and payment to Contractor will be made thirty (30) days from receipt of the Contractor's invoice.

4.2. The Contractor hereto agrees that any and all payments dues from the Township, as required under the terms of this agreement, are contingent upon the availability of Appropriated Funds.

5. **FAILURE TO PROVIDE SERVICES OR PRODUCTS.** If in the Township's opinion, Contractor fails to properly or satisfactorily perform the services or provide the product(s) called for under this Contract, or otherwise fails or neglects to comply with the material terms of this Contract, the Township may make arrangements with other providers to obtain substitute services and/or product(s). The Township may, in addition to any other legal remedies available to Township, elect to terminate the Contract.

6. **CONDITION OF EQUIPMENT & INSPECTION BY TOWNSHIP PERSONNEL.** Township Personnel or its agent(s) will inspect the equipment offered in the bid proposal to ensure that it complies with all bid specifications as well as for any mechanical defects. Bidder acknowledges that they will make the equipment available during normal business hours for such inspection.

7. **COMPLIANCE WITH APPLICABLE LAWS:** The Successful Bidder shall comply with applicable Federal, State, and local laws, rules, and ordinances including all building, fire, safety and electric codes and all relevant industry standards whether or not specifically mentioned herein.

8. **PENNSYLVANIA RIGHT-TO-KNOW LAW.** Effective January 1, 2009, all responses to this Invitation to Bid are subject to the Pennsylvania Right-to-Know Law, 65 P.S. §67.101 *et seq.*, (Act 3 of 2008). The Right-to-Know Law permits any requestor to inspect and/or copy any record prepared and maintained or received in the course of the operation of a public office or agency that is not subject to the enumerated exceptions under the law. If a bidder's response to the Invitation to Bid contains a trade secret or confidential proprietary information, the bidder should include with their response a separate signed written statement to that effect. Should the response become the subject of a Pennsylvania Right-to-Know Law request, the bidder will be notified by the Township to identify all trade secrets or confidential and proprietary information that is included in your response. The Township will then determine whether the claimed trade secret or confidential and proprietary information is subject to disclosure.

--- END OF GENERAL TERMS AND CONDITIONS ---

SECTION 3: SPECIFICATIONS

1. DESCRIPTION.

- 1.1 Track Loader
- 1.2 Used Condition
- 1.3 Model year 2008 or newer
- 1.4 10,400 or less total accumulated operating hours
- 1.5 Between 140 and 150 horsepower
- 1.6 Between 30,000 and 40,000 pounds
- 1.7 Bucket capacity 2 to 2.3 cubic yards
- 1.8 95% or greater usable life remaining on tracks and pads

--- END OF SCOPE OF WORK & SPECIFICATIONS ---

BID PROPOSAL FORM
BID #2023-07.01 – Used Track Loader

BIDDER:

_____ (BIDDER)

having an address of _____ (BIDDER'S ADDRESS)

hereby proposes to perform the work and/or provide the goods as required pursuant to the Invitation to Bid in accordance with all terms, conditions, and specifications contained therein.

The Bidder, which is organized and existing under the laws of the State of _____, having its principal offices in _____, is a(n): ___ Corporation ___ Partnership ___ Individual ___ Other (describe): _____.

BIDDER'S REPRESENTATION: The Bidder declares that it has read, reviewed, and fully understands with all of the terms, conditions, plans, specifications, requirements, locations, and conditions contained in and associated with this Invitation to Bid Package and that it has satisfied itself relative to the work to be performed and/or the goods to be provided.

BASE BID: For work to be completed/goods to be provided, as specified, the Bidder proposes to be compensated in the amount of: \$_____ / _____ Dollars
(total in numerical format) (total in text format)

If applicable, complete – if more space is needed, attach additional sheets utilizing same format:

Year	Make	Model	Operating Hours	Horsepower	Weight	Bucket Capacity	Price

EXCEPTIONS: The Township reserves the right to disqualify a bidder who takes exceptions to any terms, conditions, or other requirements. However, exceptions may be accepted by the Township if it finds that acceptance of such exceptions are in the best interests of the Township.

Please list any Bidder exceptions:

- Para. # _____ Explanation: _____
- Para. # _____ Explanation: _____
- Para. # _____ Explanation: _____

CERTIFICATIONS: The undersigned certifies that he or she is authorized to execute contracts on behalf of the Bidder as legally named, that this proposal is submitted in good faith without fraud or collusion, that the information indicated in this document is true and complete, and that the

bid is made in full accord with State law. Notice of acceptance may be sent to the undersigned at the address set forth below.

Name:
Title:

Date

*If Bidder is a corporation, limited liability company, limited partnership, or general partnership, it must also be dated and signed by the company's Secretary, Assistant Secretary, Treasurer, or Assistant Treasurer.

Name:
Title:

Date

BIDDER INFORMATION FORM
BID #2023-07.01 – Used Track Loader

1. Bidder (Legal Name of Business): _____
2. Type of Business: Corporation Partnership Individual Other (describe): _____.
3. Federal ID No.: _____
4. Business Address: _____ City: _____ State: Zip: _____
Phone Number: _____ Fax Number: _____ Email: _____
5. President (or Managing Partner, etc.): _____
6. Previous contract with Upper Macungie Township? _____. If yes, describe: _____

The undersigned Bidder certifies that the above information herein is true, correct, complete and accurate.

Name:
Title:

Date

NON-COLLUSION AFFIDAVIT
BID #2023-07.01 – Used Track Loader

State of _____: County of _____: s.s.

I state that I am the _____ (Title) of _____ (Name of Company) and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the prices(s) and the amount of this proposal. Further, I state as follows:

1. The price(s) and amount of this bid have been arrived at independently and without consultation, communication or agreement with any other contractor, proposer or potential proposer.
2. Neither the price(s) nor the amount of this bid, and neither the approximate price(s) nor approximate amount of this bid, have been disclosed to any other firm or person who is a Bidder or potential Bidder, and they will not be disclosed before the proposal submission date.
3. No attempt has been made or will be made to induce any firm or person to refrain from proposing on this Contract, or to bid a proposal higher than this bid, or to submit any intentionally high or noncompetitive bid or other form of complementary bid.
4. The bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive bid.
5. _____ (Name of Company) its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four years been convicted or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to proposing and/or bidding on any public contract, except as follows: _____

I state that _____ (Name of Company) understands and acknowledges that the above representations are material and important, and will be relied upon by Upper Macungie Township in awarding the Contract(s) for which this bid is submitted. I understand, and my firm understands, that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the Upper Macungie Township of the true facts relating to the submission of this bid.

SWORN TO AND SUBSCRIBED
BEFORE ME ON THIS _____
DAY OF _____, 20_____

Name:
Title:

Notary Public
My Commission Expires _____

SUBMISSION CHECK LIST FORM
BID #2023-07.01 – Used Track Loader

All Bidders shall include the original and three (3) copies of the following information with their Bid Proposal submission:

1. Bid Proposal Form
2. Bid Bond Form
3. Bidder Qualification Form
4. Non-Collusion Affidavit Form
5. Public Works Employment Verification Form
6. Non-Discrimination Agreement Form
7. Submission Checklist Form (this form)
8. Addendum No. _____ Date: _____ (if applicable)
9. Addendum No. _____ Date: _____ (if applicable)
10. Addendum No. _____ Date: _____ (if applicable)

Name:
Title:

Date