

**Charles Point
Multi-Use Waterfront Trail
Bid No. 2018-003**

**City of Peekskill
Westchester County, New York**

CONSTRUCTION DOCUMENTS

**Bid Opening:
Friday, June 1, 2018
11:00 A.M.
City Clerk's Office, City Hall
840 Main Street
Peekskill, NY 10566**

NOTICE

The following pages of the Bid Proposal must be copied, filled out and submitted by the Contractor. The original USB flash drive can be purchased from the City for ten dollars (\$10.00) and must be included with the submittal. Failure to do so will result in an Irregular Bid.

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	Resolution	C-8
	Certification of Bidder Regarding Equal Employment Opportunity	C-9
	Certification of Proposed Subcontractor Regarding Equal Employment Opportunity (Not Required with Bid)	C-10
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**CHARLES POINT MULTI-USE WATERFRONT TRAIL
CITY OF PEEKSKILL**

BID NO. 2018-003

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 - Division 2: Site Construction
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Appendix 1: Signage

Appendix 2: Report of Subsurface Exploration and Foundation
Evaluation

Appendix 3: Light Fixtures

Appendix 4: Modular Self-Contained Flush Restroom Building

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Appendices

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- B New York State Prevailing Wage Rates (until 6/30/2018)

Contract Drawings included as separate entity.

SECTION A

NOTICE TO BID

Sealed bids for the following construction work:

**CHARLES POINT MULTI-USE WATERFRONT TRAIL
CITY OF PEEKSKILL**

Bid No. 2018-003

DUE: JUNE 1, 2018 - 11AM

Sealed Bids will be received at the Office of the City Clerk of the City of Peekskill, New York, until 11:00 A.M. on Friday, June 1, 2018, at City Hall, 840 Main Street, Peekskill, New York 10566, and immediately thereafter the bids will be publicly opened and read aloud in said office. No bids will be accepted after said time and date.

The work for Bid No. 2018-003 consists of the construction of an asphalt trail (“Trail”) extending from Charles Point Park to the Village of Buchanan over permanent easements held by the City of Peekskill. The Project also includes but is not limited to the installation of site utilities, lighting, and amenities. This Project is funded by Department of State grant contract number C1000729, and the Contractor must comply with State provisions. Additionally, there are three (3) ‘Alternates’ as described in detail in the Technical Specifications and on the Contract Plans.

A USB flash drive of Plans, Specifications and Contract Documents may be obtained as of Monday, April 30, 2018 between 9 A.M. to 4 P.M. at the Department of City Services, Bureau of Public Works, City Hall, 840 Main Street, Peekskill, NY, upon payment of \$10.00 for USB flash drive. This is a non-refundable fee. No paper copies will be distributed.

All Bidders must submit all Bid documents as part of the bid package electronically on the provided USB flash drive.

Additionally, Bid forms (Section C) must be copied from the USB flash drive, filled out, and submitted in paper form. Bid forms must also be scanned onto the provided USB flash drive and submitted as part of the bid. As bid security, each bid must be accompanied by a certified check or a bid bond acceptable to the City in the amount of not less than 5% of the total amount of the Bid. Certified Checks shall be made payable to the City of Peekskill, New York and are to be held by the City as a guarantee for the proper execution and delivery of the Contract and bonds to secure the faithful performance thereof. In default of such execution and delivery of Contract and Bonds, the amount of the deposit represented by the check shall be forfeited and retained by the City of Peekskill as liquidated damages.

The executed Bid forms, USB flash drive, and the certified check or bid bond must be enclosed in a sealed envelope bearing the name and address of the Bidder, addressed to the City Clerk, City of Peekskill, NY and endorsed "Charles Point Multi-Use Waterfront Trail Project, City of Peekskill, NY, Bid Number 2018-003". All questions to be emailed to Jessica Youngblood, City Planner at jyoungblood@cityofpeekskill.com by 4PM on May 17, 2018. All questions, answers, and addendums, if any, will be posted on the City’s ‘Bid/RFP’ webpage with a link emailed to all who provided a legible email address when purchasing the USB flash drive of the Bid documents.

A Pre-Bid meeting is anticipated for Thursday, May 17, 2018 at 10:00 A.M. in the first-floor conference room in City Hall. The meeting is not mandatory, but prospective bidders are strongly urged to attend. A site visit will follow the Pre-Bid meeting .


In accordance with New York State Executive Law Article 15-A, the New York State Department of State (Agency) has established the Minority Business Enterprise (MBE) and Women-Owned Business Enterprise (WBE) participation goals of 30% of the state funding amount, 15% for MBE participation and 15% for WBE participation. It is the Bidder's responsibility to secure participation by M/WBEs to satisfy those goals and fulfill all other Agency requirements as applicable.

The successful bidder shall be required to use the New York State Contract System ("NYSCS") to record payments to subcontractors (including a breakdown of payments issued to state-certified MWBE firms) and otherwise report compliance with the provisions of Article 15-A of the Executive Law and regulations in relation to funds used pursuant to the City's agreement with the NYS Department of State.

Current prevailing wage rates shall apply to all work, and the project will be subject to audit(s) by the agencies of the State of New York.

The successful bidder will be required to document compliance with Chapter 165 of the Peekskill City Code, which requires the contractor who enters into any construction contract in the amount of \$1,500,000 or more with the City, or enters into a subcontract for \$500,000 or more to have (and/or the subcontractor(s) to have) an apprenticeship agreement appropriate for the type and scope of work to be performed that has been registered with, and approved by, the Commissioner of Labor pursuant to the requirements of Article 23 of the Labor Law.

The City of Peekskill reserves the right to accept or reject any or all Bids, or portions of a Bid, and to waive any informality in any Bid if deemed in the best interest of the City of Peekskill to do so.


Jean Friedman, AICP
Director of Planning

SECTION B
INSTRUCTIONS TO BIDDERS

CHARLES POINT MULTI-USE WATERFRONT TRAIL
BID NO. 2018-003

1. LOCATION OF THE WORK

The work under Contract Number C1000729 with the New York State Department of State is located along the Hudson River within the City of Peekskill, Westchester County, NY from Charles Point Park southward and waterside to the Village of Buchanan, Westchester County, NY.

2. DESCRIPTION OF THE WORK

The work for Bid No. 2018-003 consists of the construction of a multi-use asphalt trailway with accompanying amenities such as railings, curbing, trashcans, kayak posts, gazebo, bicycle racks, and benches as well as site utility work including lighting and electrical installation. Additionally, there are three (3) 'Bid Alternates' more fully described in the Technical Specifications and Contract Plans. All Bidders must provide a base bid plus a bid for each of the 'Alternates' listed below in Section C:

1. Alternate A, Charles Point Park Restroom
2. Alternate B, Peninsula Trail with Pole-Mounted Lights
3. Alternate C, Peninsula Trail with Bollard Lights

This is a DOS grant contract (#C1000729) with funding provided under Title 11 of the New York State Environmental Protection Fund.

The City reserves the right to accept only the base bid, or the base bid and one or more of the alternates. If any event, only one contractor will be selected for this project.

3. COMMENCEMENT AND COMPLETION OF THE WORK

Upon execution of the Contract including delivery of the Performance Bond, Labor and Materials Payment Bond, and insurance policies and certificates by the Contractor to the Owner and the approval therefor by the Owner's attorney, the Contractor will be notified by letter from the Owner (City) to proceed with the work.

4. DOCUMENTS: A complete set of Bidding Documents will be issued on USB flash drive for bidding purposes as stated in the "Notice to Bidders." A complete set of Documents consists of the following:

- a. Sections A – H, J – K and Appendices A and B as identified in the Table of Contents herein.
- b. Addenda (if any).
- c. Contract Drawings
- d. Technical Specifications

5. PROPOSALS: To be considered, Proposals must be in accordance with these Instructions to Bidders. All bids must be submitted on the prescribed forms which are included in Section C herein. All blank spaces for bid prices must be filled in, in both words and figures, either typed or in ink. All signatures must be in ink.

Proposals that contain any omissions, erasures, alterations, additions, or items not called for in the itemized Proposal, or that contain irregularities of any kind, may constitute sufficient cause for rejection of the bid. In case of any discrepancy between words and figures in the price bid in the Proposal, the price as expressed in words shall govern.

The Bidder must submit one (1) bound paper copy of the Bid forms in Section C of the Bid documents, one (1) *new* USB flash drive containing the signed forms from Section C, and a certified check made payable to the City of Peekskill or a bid bond not less than 5% of the total amount of the bid, attached to the outside of the sealed envelope.

All submissions must be in a sealed envelope and addressed to the City Clerk, City of Peekskill, 840 Main Street, Peekskill, NY 10566 and be clearly identified with: (1) Project Name [Charles Point Multi-use Waterfront Trail – City of Peekskill, Bid Number 2018-003] and (2) Name of Bidder and Bidder's address. Proposals shall be signed with name typed below signature. The Bidder's seal, if a corporation, shall be affixed under the Bidder's signature. Telephone, facsimile or electronic Bids will not be accepted.

If a separate set of proposal sheets or addenda are issued, they may be used with the understanding that all instructions and conditions of the contract documents are the same as if these pages were included with the bidding documents on the USB flash drive.

6. **QUALIFICATIONS OF BIDDERS:** The City may make such investigations as it deems necessary to determine the qualifications of the Bidder to perform the work, and the Bidder shall furnish information and data for this purpose as may be required. The City reserves the right to reject any bid if the evidence submitted by a Bidder, or the investigation of such Bidder, fails to satisfy the City, that such Bidder is properly qualified to carry out the obligations of the Contract and to complete the work contemplated therein within the time designated. Fraudulent statements shall cause rejection of Proposal and forfeiture of the related bid security.

7. **CONDITIONS OF WORK:** Each Bidder must inform himself fully of all conditions under which the work will be performed. Failure to do so will not relieve a successful Bidder of his obligation to furnish all material and labor necessary to carry out the provisions of the Contract and to complete the work for the consideration set forth in his bid. Bidders attention is directed to the Bid Proposal, in which the Bidder certifies that he has examined the site. Bid shall include the complete costs of furnishing all materials, labor and equipment necessary to complete the work in accordance with the Contract Plans and Specifications and all other expenses incidental thereto. Local and State sales taxes shall not be included in the bid. Insofar as possible, the Contractor, in the carrying out of his work, must employ such methods or means as will not cause any interruption of or interference with the work of any other Contractor, or of the proper functioning of the existing facilities of adjacent or contingent properties, and shall be maintained insofar as possible.

8. **ADDENDA AND INTERPRETATION:** Every request for information or interpretation of Bidding Documents or Drawings must be addressed in writing to the City Planner, 840 Main Street, Peekskill, NY 10566, and to be given any consideration must be received at least ten (10) days prior to the date fixed for the opening of Bids. Any and all such interpretations, and any supplemental instructions, will be in the form of written Addenda and will be emailed to all prospective Bidders who provided a legible email address when purchasing the USB flash drive containing the Bid documents. The failure of any Bidder to receive any such Addenda will not relieve the Bidder of any obligation under his Bid as submitted. Any Addenda so issued shall be come part of the Bidding Documents. Receipt of Addenda shall be noted where indicated in "Section C".

9. **BID SECURITY:** Each Bidder is required to deposit at the time of submission of his bid, a Bid Bond or certified check in an amount representing five (5%) percent of his bid payable to City of Peekskill, NY, which amount the bidder agrees is to be forfeited as liquidated damages and not as a penalty if he is awarded the contract and he shall thereafter fail to execute a Contract with the City under the conditions of this Proposal or to furnish the bonds required for the faithful performance of this contract. Bidders who submit certified checks must accompany them with a Consent of Surety from a recognized Bonding Company agreeing to supply a Performance Bond and Labor and Materials Bond if the Contract is awarded to the Bidder. **All Bid Bonds must be securely attached to the outside of the Bid Package and be clearly visible.**

Such bid security will be returned to all except the three lowest formal Bidders within ten (10) days after the formal opening of bids, and the remaining bid security will be returned to the other bidders after the City and the accepted Bidder have executed a Contract. In the event no Contract has been so executed within forty five (45) calendar days after the date of the opening of bids, upon the demand of the Bidder, so long as he has not been notified of the acceptance of his bid, his bid security will be returned. The Bid Security of the successful Bidder will be retained until the signing of the Agreement and the filing and approval of the bonds and insurance certificates.

10. **INSURANCE REQUIRED:** The successful Bidder will be required to procure and pay for the following types of insurance, in accordance with the provisions listed in Section H.

- a. Workmen's Compensation;
- b. Employer's Liability Insurance;
- c. Commercial General Liability;
- d. Automotive Liability Insurance;
- e. Owners and Contractors Protective Liability Policy;
- f. Property Damage;
- g. Unemployment Insurance; and
- h. Errors and Omissions Liability Insurance Policy

11. **SECURITY FOR FAITHFUL PERFORMANCE:** The Contractor shall prior to execution of the Contract submit two separately executed bonds, (1) a Performance Bond in amount equal to one hundred percent (100%) of the accepted bid as security for the faithful performance of the terms, covenants and conditions of the Contract; and (2) a Labor and Material Payment Bond for the full amount of the Contract price guaranteeing the full payment of all persons performing labor or furnishing material or rentals, under the contract.

The Bonds shall be prepared as specified in Section E, Labor and Material Bond Form and Section F, Performance Bond Form, and shall have as Surety thereon such Surety Company or companies as are acceptable to the City and are authorized to transact business in the State of New York.

12. **GUARANTEE:** The Contractor shall guarantee all materials and workmanship for one (1) year in accordance with all conditions set forth in these Specifications. The guarantee shall be provided in the form of a Maintenance Bond in the amount equal to one hundred percent (100%) of the contract. The bond shall be prepared as specified in SECTION F and shall be posted at the time of final payment.

13. **FORM OF AGREEMENT:** The form of agreement is included in these documents in Section D.

14. **AWARD:** The Contract will be awarded to the lowest responsible bidder pursuant to the provisions of the General Municipal Law. The City of Peekskill reserves the right to determine responsibility based on an evaluation of the Contractor's qualifications, experience, organization, finances, past performance, and other applicable factors. The City further reserves the right to reject any or all bids.

15. **OWNER:** The City of Peekskill, Westchester County, New York.

16. **SALES TAX EXEMPTION:** Under Chapter 513 of the Laws of New York 1974, all materials and supplies sold to a Contractor and which are to become an integral, component part of a structure, building or real property owned by an exempt organization such as the City of Peekskill are exempt from the payment of New York State Sales or compensatory use taxes. Therefore, the Contractor should not include any amount in his bid price to cover sales taxes for the above items.

17. **REQUIRED SUBMISSIONS:** Prior to award, the successful bidder will be required to meet the following requirements.:

- a. The successful bidder, if his business is not registered in New York State, must provide the City with a certificate issued by the Secretary of State of New York stating that the Corporation is authorized to do business within the State and is presently in good standing. If the entity to whom the bid is awarded is not a corporation, it would be required that the entity's certificate of doing business, which should be on file in the County Clerk's Office, be provided. (This would also hold true in the case of joint ventures which would be required to disclose the underlying entities which make up the joint venture and the supplying of the requisite certificate of doing business of each such entity.)
- b. All bidders are required to submit a statement of non-investment in the Iranian energy sector in accordance with the provisions of Section 103-g of the NYS General Municipal Law.

c. A Statement by the successful bidder that no officer, director or stockholder (if less than 10 stockholders) of the successful bidder is an officer or employee of the City or is a relative of any such City officer or employee. If such officer, director or stockholder does exist, their names and relationship should be disclosed to the City.

18. SPECIAL CONDITIONS

Refer to **Section K Appendices** for further detail regarding the following special conditions:

K-1	Alternates
K-2	Apprenticeship Program
K-3	Charles Point Park Restroom
K-4	DOS Reporting
K-5	Equipment
K-6	Guy Wire
K-7	Westchester County Right-of-Way

THE CITY STRONGLY ENCOURAGES BIDDERS TO ATTEND THE PRE-BID MEETING AND SITE VISIT. SECTIONS OF THE TRAIL ARE ACCESSIBLE FOR VIEWING ONLY WITH A CITY REPRESENTATIVE PRESENT.