

BID SPECIFICATIONS FOR

TOWING SERVICES FOR THE TOWNSHIP OF OCEAN

Monmouth County, New Jersey

2011-2013

Specifications for Towing Services
for the Township of Ocean, County of Monmouth
State of New Jersey

Bids will be received by the Township Manager of the Township of Ocean at the Township of Ocean Council Conference Room, Second Floor, 399 Monmouth Road, Oakhurst, New Jersey, 07755 on March 9, 2011 at 3:00pm prevailing time.

Name

Address

Telephone Number

Person Submitting Bid

Prepared by
Township of Ocean
Department of Police
(732) 531-1800

**TABLE OF CONTENTS
BID SPECIFICATIONS FOR SERVICE**

	Page
Table of Contents	2
Legal Notice	3
Invitation to Bid and Detailed Requirements	4
Instructions to Bidders	14
Requirements of Prospective Bidders (Explanation of Statement of Ownership)	17
Mandatory Affirmative Action Language – Exhibit A	19
Bid Proposal	21
Bid Guarantee	23
Consent of Surety	24
Ownership Statement Compliance Form	25
Bidder Qualification Form	26
Non-Collusion Affidavit	27
Affirmative Action Regulations	28
Insurance Specifications – Schedule A	29
Certified Towing Vehicle Application	30
Bidder’s Checklist	32

NOTE:

Attention is directed to the fact that these Specifications include a complete set of bidding forms. In submitting a bid, please return the complete package of Specifications.

LEGAL NOTICE

LEGAL NOTICE

LEGAL NOTICE

TOWNSHIP OF OCEAN – COUNTY OF MONMOUTH

TAKE NOTICE that sealed proposals will be received by the TOWNSHIP MANAGER of the Township of Ocean in the County of Monmouth, New Jersey for the following:

**TOWING SERVICES 2011-2013
TOWNSHIP OF OCEAN, MONMOUTH COUNTY**

As more particularly described in the Bid Specifications and Bid Proposal Forms

SAID BIDS WILL BE OPENED and read in public by the Township Manager, or his designee, in the Manager's Conference Room, Third Floor, Town Hall, 399 Monmouth Road, Oakhurst, New Jersey, on **WEDNESDAY, MARCH 9, 2011 at 3:00 P.m.** prevailing time

OBTAINING/EXAMINING BID DOCUMENTS: Bid documents will be on file in the Office of the **POLICE DEPARTMENT** located at 399 Monmouth Road, Oakhurst, New Jersey and may be inspected by prospective bidders during normal business hours. Bids may also be obtained from the Township of Ocean Website at www.oceantwp.org

BID SECURITY: Is required in an amount of not less than ten percent (10%) of the total amount indicated in the Bid, but not in excess of Twenty Thousand Dollars (\$20,000.00); and may for certain equipment, materials and services be accompanied by a Certificate of Surety from a surety company authorized to do business in the State of New Jersey indicating consent to be bound as surety and guarantor for performance required under the contract documents.

SUBMISSION OF BIDS: The completed bid form and other items required shall be placed in sealed envelopes including the name and address of the bidder and the name of the item on the outside, addressed to the Township Manager, Township of Ocean, and delivered prior to the bid opening to the Township at the above address for receiving bids.

STATUTORY REQUIREMENTS: Bidders are required to comply with requirements of P.L. 1975, C. 127 (N.J.A.C. 17:27 - Affirmative Action); and P.L. 1963, C. 150 (Prevailing Wage) and must include a Statement of Ownership of 10% or more of the stock of the bidder corporation or partnership pursuant to P.L. 1977, C. 33 of the laws of New Jersey.

REJECTION OF BIDS: The Township Council reserves the right to reject and and all bids or to waive any formalities, where such formality is detrimental to the best interest of the Municipality.

By order of the Mayor and Council of the Township of Ocean

Vincent Buttiglieri, RMC/CMC
Township Clerk

INVITATION TO BIDDERS

I. OPENING OF BIDS

At the time and place fixed for opening of bids, every bid received within the time fixed for receiving bids will be opened and publicly read aloud, irrespective of any irregularities therein person or by representative.

II. AWARD OF CONTRACT: REJECTION OF BIDS

The contract will be awarded to the responsible bidder submitting the lowest proposal complying with the conditions of the Invitation for Bids, provided each such bid is responsible and it is to the interest of the Township of Ocean to accept it. The bidder to whom the award is made will be notified at the earliest practicable date. The Township of Ocean, however, reserves the right to reject any and all bids and to waive any informality in bids received whenever such rejection or waiver is in the interest of the Township of Ocean.

The Township of Ocean reserves the right to reject any and all bids if determined to be in the best interest of the Township.

III. PAYMENT TO CONTRACTOR

Payment will be made by voucher to the contractor in accordance with the normal purchasing practices of the Township of Ocean.

IV. NON-COLLUSION AFFIDAVIT AND BIDDER QUALIFICATION FORM

The bidder must submit, as part of his bid proposal, a Non-Collusion Affidavit and a completed Bidder Qualification Form briefly describing the bidding organization's business qualifications.

V. INSURANCE COVERAGE

The contractor shall maintain workmen's compensation insurance as required by applicable Labor Laws and Contractor's Liability insurance coverage as specified in Insurance Schedule A.

The contractor shall maintain a Certificate of Insurance with the Township of Ocean at the signing of the contract.

VI. HOLD HARMLESS

The undersigned agrees to save the Township of Ocean, its agents, consultants or representatives harmless with respect to any claim or claims of liability which may be incurred by reason of or in connection with the performance of said work.

VII. FAMILIARITY WITH PROPOSED WORK

The bidder is assumed to have fully informed himself of all the conditions related to the proposed contract, and to have read and understood every section and clause of the contract

and all other matters which can in any way effect the work under the agreement. The contractor agrees that he will make no claims for, or of misinterpretation or misunderstanding of the contract, working conditions or because of lack of information.

VIII. METHOD OF AWARD

Award, if made, will be to the lowest responsible bidder whose proposal complies in all respects with the requirements therein.

Where alternate bids are requested for more than one type of product or service, the decision as to the alternates adopted and expressly reserved by the Township of Ocean, and the award of the contract combination of alternates selected, as based upon the estimated quantities, is lowest, provided that the bidder, in the opinion of the Township of Ocean, is otherwise qualified to perform the work. A contract may not be awarded to a bidder who had failed to bid on the alternate type of work or material covered in the proposal.

The Township of Ocean will not be bound by the award nor shall any work be performed on account of the proposed contract until the contract has been fully executed, delivered and approved.

The Township of Ocean reserves the right to award contract(s) in whatever manner is determined to be in the best interest of the Township of Ocean.

IX. NON-COLLUSION AFFIDAVIT AND BIDDER QUALIFICATION FORM

The bidder must submit as part of his bid proposal, a non-collusion affidavit and a completed bidder qualification form briefly describing the bidding organization's business qualifications.

X. INSURANCE COVERAGE

The contractor shall maintain workmen's compensation insurance as required by applicable Labor Laws and Contractor's Liability insurance coverage as specified in Insurance Schedule A:

The contractor **must file a Certificate of Insurance** with the Township of Ocean at the signing of the contract.

All performance bonds must provide that if the Township must enforce the performance bond by undertaking litigation, in addition to the penal sum of the face value of the performance bond, the Township may recover its reasonable attorney's fees and costs for enforcing same.

**DETAILED BID SPECIFICATIONS
FOR
TOWING SERVICES**

I. TAX NOTE

Bidders, in addition to supplying their bid on the bid form, along with the non-collusion agreement and the bidder qualification form, must:

1. File with the bid a certificate of insurance showing that they maintain the insurance coverage specified in III. (H) of the Bid Specifications.
2. Include, with the bid, their deposit of \$2,500.00 in cash, certified check or bid bond as specified in III. (O) of the Bid Specifications.

II. DEFINITIONS

1. Towing Apparatus:
Shall mean a motor vehicle, including but not limited to a wrecker, tow truck, or flatbed truck employed for the purpose of towing, transporting, conveying or removing any vehicle without causing damage to the vehicle being towed or transported.
2. Vehicle:
Shall mean any automobile, truck, tractor, trailer, motorcycle, mini bike, moped, go cart, bus, farm equipment, or any other mechanically powered conveyance which shall be or become disabled; or which is required to be removed from the scene of an accident; or the removal of which is necessary in order to safeguard the public health, safety and welfare.
3. Winching:
The process of moving a motor vehicle by the use of the cable from a position that is not accessible for direct hook up by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed or carrier, not lifting a motor vehicle with a conventional tow sling.
4. Basic Tow:
The process of removal and transportation of vehicle from a highway, street, or other public or private road, or other parking area, or from a storage facility, and other services normally incident thereto, but does not include recovery of a vehicle from a position beyond the right of way or berm, or from being impaled upon any object within the right of way or berm. This process will include the tower responding to the scene of the call and towing the vehicle back to the authorized storage facility.
5. Outside Secured Storage facility:
A facility that is not indoors and used for the storing of vehicles that is secured by a fence, wall or other man made barrier that is at least six feet high and is lighted at night. Must be a property on which the towing and storage of motor vehicles is permitted use under ordinances of the Municipality in which the property is located.

6. Inside Storage facility:
A facility for vehicle storage completely indoors, having one or more openings in the walls for storage and removal of vehicles and that is secured by a locking device on each opening.
7. Additional mileage charge:
The cost a towor can charge after the initial (3) miles of the vehicle being towed.

III. GENERAL SPECIFICATIONS

A. Accidents Involving Large Vehicles

The authorized towing service must be prepared to promptly clear the roadway of any and all disabled vehicles. Where the vehicle is too large for the service to remove from the scene of the accident, after clearing the roadway, the service may call for assistance of other organizations. The service is required to have appropriate arrangements for assistance on larger vehicles at all times.

B. Response Time

1. The towing service bidding for Township towing requirements must guarantee the following response times within the Township of Ocean:
 - 1) Day (7 a.m. - 7 p.m. 7 days a week) Response: 20 Minutes
 - 2) Night (7 p.m. - 7 a.m. 7 days a week) Response: 25 Minutes
 - 3) Large Vehicles Service Requirements: Normal Day or Night Response plus 30 minutes when required. Response time determination is to be initiated when the police call requesting towing is completed. In no case will the police wait more than 30 seconds for connection. Where the police cannot reach the authorized service, an adequate authorized service will be called and the incomplete call charged against the 10% delayed service performance category. (see Section III. (C))
 - 4) Storage facility must be located within a three (3) mile radius from the intersection of Deal Road & State Highway #35.
2. The Towing Service shall provide (1) phone number for 24 hour, 7 day per week contact.

C. Delayed Service Performance Standards

The towing service authorized by the Township of Ocean will be responsible for and will guarantee the following response performance standards:

1. Ninety percent (90%) of all calls referred will be answered (towing vehicle reaches scene) within the response time limits specified in Section III. (B).
2. Not more than ten percent (10%) of the calls will be answered within an additional 10 minutes, day or night.
3. No response will be later than 25 minutes whether day or night with the exception of Section III. (B. 3). The performance standards will be reviewed periodically. Where the authorized towing service's performance record is found to be unsatisfactory, they will be terminated immediately (see Section III. (P)).

D. Equipment Specifications

The towing service authorized for the Township of Ocean must have specialized towing equipment, in good repair, which meets the following specifications and must also have available from any source not less than two (2) additional tow trucks in case of emergency.

1. A regular duty tow truck/wheel lift with a 14,000 GVW rating that shall be able to tow or carry all makes of passenger cars and small trucks, including pick-up, sport utility and small panel trucks, and must have or be equipped with the following:
 - a) All tow trucks/wreckers shall be a minimum of 14,000 GVW according to the manufacturer's specifications and shall have dual rear wheels or equivalent.
 - b) A power take off controlled winch with a minimum cable thickness of three-eighths (3/8) inch.
 - c) A three-eighths (3/8) inch safety chain. The lift chain and the safety chain are not to be attached in any form or manner to the same part of the tow truck/wrecker.
 - d) Front and rear flashing hazard lights.
 - e) A three hundred-sixty degree rotating amber beacon light mounted above the cab, or an approved light bar.
 - f) All lights shall be of such candlepower and intensity as to be visible one-fourth (1/4) mile away.
 - g) The company name, address and phone number shall be permanently affixed on both sides of any tow truck/wrecker. The letters and numbers shall be a minimum of three (3) inches in height.
 - h) Approved towing slings and/or wheel lifts.
 - i) Commercial motor vehicle plates
 - j) Two-way radio
 - k) Assortment of hand tools
2. At least one (1) flatbed or car carrier with at least a 14,000 GVW rating. The vehicle shall also be equipped with the following:
 - a) A three-hundred-sixty degree rotating amber beacon
 - b) Two-way radio
 - c) Approved wheel chokes
 - d) Four (4) tie down chains or grab hooks
3. At least one (1) of the vehicles must be equipped with tie-down equipment capable of carrying motorcycles or mopeds and capable of winching.
4. Clean up Equipment:

All trucks must carry road clean up equipment and supplies, including shovels, brooms, rakes, trash cans, and absorbent material for minor fluid spills.

The authorized towing service is responsible for the prompt and safe removal of the disabled vehicle and for the prompt, complete removal and clean-up of all litter, debris, minor fluid spills, and all absorbent material utilized in the clean up resulting from the accident.

E. Certified Towing Vehicles

All towing vehicles used in the performance of Township towing assignments must meet the standards specified by the New Jersey Motor Vehicle Codes and this Ordinance in all respects and must further be inspected and certified by the Township of Ocean Police Department. The vehicle inspected will be in conformance with the Certified Towing Vehicle Application.

F. Registered Towing Personnel

The authorized towing service must register with the Police Department all personnel who are authorized to perform all towing services for their firm. This registration must include for each person:

1. Name, residence and telephone number.
2. New Jersey Driver's License numbers and expiration date.
3. Such other information as experience may require.

G. Vehicle Storage

The authorized towing service must operate a suitable and secure vehicle storage yard, having a capacity of at least 15 standard sized automobiles. Said storage yard shall be within a three mile radius of the intersection of Route #35 & Deal Road, whereby authorized personnel of the Department of Police shall have 24 hour, 7 days a week, access to vehicles within this storage yard.

H. Insurance

The authorized towing service will secure and maintain the following minimum insurance coverage with an insurance company licensed to do business in the State of New Jersey.

1. A garage keeper's legal liability policy covering fire, theft, criminal mischief and explosion in the minimum amount of \$100,000.00 and including collision coverage per occurrence.
2. A garage liability insurance policy in the amount not less than 1,000,000.00 combined single limit.
3. On hook/cargo insurance with a minimum amount of \$100,000.00.
4. Automobile liability in the amount not less than \$1,000,000.00 combined single limit.

The towing service will file with the bid form a certificate of insurance and further, will notify the Township of Ocean, in writing, of any cancellation or change of coverage within thirty (30) days of that action.

I. Special Services

If special service is required, vendor must notify vehicle owner in writing in advance of service required and of contract hourly service rate. In the event the owner is incapacitated and unable to act on his own behalf, vendor must file written notice of charge with the Traffic Bureau of the Department of Police during the next business day after the service is required.

J. Customer Billing

All customer bills must be in full conformance with this bid. Copies of towing service receipt forms must be filed with the Department of Police and the owner as provided in section III. (K) of the specifications. Bills rendered without the specified receipt or for amounts other than provided in the accepted bid and resulting contract will be cause for prompt termination of the contract. The published Fee Schedule will be in effect for the years 2007/2008.

K. Authorized Towing Service Receipt Forms

The authorized towing service will complete and file an Authorized Towing Service Receipt for every vehicle serviced on Township assignment. The pre-printed form used will be supplied by the towing service. This record shall be made available to any police officer for inspection upon request and include the following information:

1. Towing and Service Fee Schedule
2. Authorized Service's business name, address and telephone number.
3. Time, location, and identification of accident.
4. Towing Service representative's signature.
5. Vehicle identification (make/model/year/ color/license plate number)
6. Service charge and fees when paid

The receipts will be prepared initially in five (5) parts and issued as follows:

(a) Original

1. Issued immediately to the vehicle
2. Owner upon completion of service and payment of bill.

(b) Police Copy

Issued monthly to the Department of Police upon completion of services and payment of bill. These copies shall be delivered by the fifth day of the following month.

(c) Owner's Accident Receipt

1. Issued at the accident site to the owner prior to the removal of the vehicle.

(d, e) Towing Service's Copies

In the event the owner is incapacitated, or disputes the assignment of the service without arranging for the timely removal of the vehicle him/herself, this receipt may be issued to the Department of Police. The receipt issued at the accident must record:

- a) Towed vehicle's license number
- b) Date of assignment (accident)
- c) Tow operator's initials

L. Notice to Vehicle Owners

- 1) The authorized towing service shall be required to contact the registered owner of any towed vehicle in order to facilitate the removal of said vehicle from the storage facility. The tow service will be required to contact the registered owner by means of registered mail, return receipt requested. A copy of all such letters and receipts, together with the time and date of any telephone conversations with the vehicle owners will be filed with the Township of Ocean Police Department (Traffic Bureau)

on the last calendar day of each month. Initial notification to the vehicle owner shall be within three (3) days of the vehicle being towed.

- 2) The Police Department will, at the Towing service request, supply available information as to the owner of a vehicle, the owner's last known address and any other data that may be of assistance. It shall be the duty of the Towing Service to advise the Traffic Bureau when a vehicle has been towed or removed from storage.

M. Bid for Authorized Towing Service

Each person or business bidding for Authorized Towing Service within the Township of Ocean must supply his bid on the Towing Bid Form and must meet the equipment standards.

N. No Third Party Agreement

Bidders for Authorized Township Towing Service contracts are not to enter into any agreements whatsoever, either oral or written, or formal or informal, with any party other than the Township in connection with the services to be rendered either with the ownership or the vehicle or property owner in connection with the Towing Service Contract, except in connection with facilitating the removal of large vehicles in accordance with Section III. (A).

O. Deposit with Bid

Bidders for Authorized Towing Services must deposit with the Township at the time of the Bid a bid guarantee deposit of \$2,500.00 cash, certified check, or bid bond. This deposit is to indemnify the Township of Ocean for the costs of replacing the Towing Service in the event of non-performance of any kind and is not refundable except at the successful completion of the contract. The bid deposit will be retained by the Director of Finance in a non-interest bearing account during the life of the contract and will be used by the Township to compensate the Township for expenses caused by discontinuation of service or termination for cause. Deposits received in connection with unsuccessful bids will be promptly refunded.

P. Towing Assignment, Performance Review, and Discharge for Cause:

The Department of Police of the Township of Ocean will be responsible for the assignment of all Township assigned towing or service jobs in accordance with the provision of this ordinance and the performance specifications. In the event that a successful bidder fails to perform satisfactorily or performs in violation of these specifications, he may be immediately discharged by the Chief of Police.

Q. Limitation of Authorized Towing Assignment

Nothing in these specifications shall prevent the Township of Ocean from requesting additional Towing Services from other services or from any recognized, but unauthorized service whatsoever, in the judgment of the Traffic and Safety Officer, appropriate Superior Officer, Shift Commander, Chief of Police, or Township Manager, the size, nature, or scope of the accident or the performance of the authorized service require that assistance be rendered.

R. Owner's Right of Service Assignment

Nothing in these Specifications shall prevent the owner of any motor vehicle disabled on the public streets of the Township of Ocean to arrange for the prompt removal of said vehicle from the scene of the accident or disablement by wrecking or towing service of his own selection. The owner of the vehicle will be advised of his ability to select his own service at the time of the required removal, provided that the owner is present at the scene and provided he is fully conscious and capable of taking prompt action.

S. Term of Contract

The term of the Towing Contract will be the expiration of the existing contract currently in force for that service through December 31, 2008. It is the Township's intention to re-bid this service every two years in compliance with the applicable state contract laws. The Contract will be drawn and presented to the successful bidder for signature promptly after award of the bid. In the event, state law is changed regarding this service, the Township retains the right to cancel this contract upon 30 days written notice to the contract vendor.

T. Impoundment of Vehicles by Department of Police

Authorized Towing Service will not charge the Township of Ocean a storage fee for vehicles which have been impounded by the Police, nor shall the Authorized Towing Service release said vehicles until notice has been given by the Department of Police.

U. Towing and Service Fee Schedule

An Authorized Towing Service will publish and subsequently charge towing and storage service fees for each class of vehicles and service designated within this Bid Specification.

V. Storage Provision during Emergency Situations

During emergency situations (i.e. snowstorms) Authorized Towing Service must provide additional vehicle storage spaces as may be necessary. Said storage spaces do not have to be located at the primary storage facility.

W. Two-Way Communications

The successful bidder shall provide a two-way communication source between the wrecker and police headquarters. Said communication may be established by the successful bidder providing the Chief of Police with the bidder's radio frequency.

X. Storage Fees During Fatal / Serious Motor Vehicle Crash Investigations

If during the course of a fatal or serious motor vehicle crash investigation, an involved vehicle is towed to and stored at the authorized towing service's storage facility, storage fees will begin from the date that written release authorization is provided by either the Township of Ocean Police Department's Traffic Division, the Monmouth

County Prosecutors Office, or the law enforcement agency overseeing the crash investigation.

**TOWNSHIP OF OCEAN
INSTRUCTIONS TO BIDDERS
POLICE TOWING**

I. INVITATION

Vendors are invited to bid on the items listed below in accordance with the Bid Specifications and the standard Township of Ocean terms and conditions.

II. GENERAL TERMS

Vendor is to deliver complete and is to assist in placing in service the equipment contracted for the Township. The Township of Ocean specifically reserves the right to inspect, at its convenience, the equipment delivered and to run what acceptance tests it may deem necessary.

III. DELIVERY OF SERVICES

Services and materials shall be delivered as provided in the detailed requirements.

IV. QUALITY

The Township of Ocean requires first quality services. When delivered items do not meet the Township quality standards, or where the materials delivered are incomplete or damaged, the Township of Ocean reserves the right to refuse delivery or to return the unsatisfactory item.

V. RETURN OF UNUSED MERCHANDISE

The Township of Ocean reserves the right to return defective merchandise at the time of its use or inspection.

VI. CONTRACT TERMS

Contracts will run from date of award to delivery and final acceptance of the services. Manufacturer's, dealers and sales agent's warranties, guarantees, and service agreements are considered an integral part of the contract and are not limited to the contractual time of acceptance. The Township of Ocean may allow when appropriate, the vendor 90 days beyond the quoted delivery date for delivery of the contracted equipment. If the equipment is not delivered within 90 days of the specified date, the Township of Ocean specifically reserves the right to either cancel or continue the applicable contract, whichever it deems in the best interest of the Township of Ocean.

VIII. USE OF SEPARATE BID FORMS

Attention is directed to the fact that these Specifications include a complete set of bidding forms. These are for the convenience of bidders AND ARE NOT TO BE DETACHED FROM THE SPECIFICATIONS.

IX. INTERPRETATIONS AND APPROVALS

No oral interpretation as to the meaning of the Specifications including the drawing or oral approval for substitutions will be made to the bidder. Any inquiry received five or more days prior to the date fixed for opening of bids will be given consideration. Every interpretation or approval for substitution made to a bidder will be in the form of an addendum to the specification which, if issued, will be on file in the office of the Township of Ocean. In addition, addenda will be mailed to each bidder, and it shall be the bidder's responsibility to make inquiry as to addenda issued. All such addenda shall become part of the Contract and all bidders shall be bound by such addenda, whether or not received by the bidder. Every request for an interpretation or approval for substitution shall be made in writing.

X. PROPOSALS

All bids must be submitted on forms prepared by the Township of Ocean and shall be subject to all requirements of the Specifications, including drawings and this Instruction to Bidders. Bid documents shall be enclosed in envelopes. They shall be sealed and clearly labeled with the words Bid Documents, the project name and name of bidder. The Township of Ocean may consider as informal any bid on which there is an alteration of or departure from the Bid hereto attached.

XI. BID GUARANTY

The bid must be accompanied by a bid guaranty, which shall be Two Thousand Five Hundred Dollars (\$2,500.00) and must be a certified check or bid bond. No bid will be considered unless it is so guaranteed. Certified check must be made payable to the Township of Ocean, Monmouth County, New Jersey. Cash deposits will not be accepted. The bid guaranty shall insure the execution of the contract and the furnishing of performance and payment bond or bonds by the successful bidder all as required by the specifications. The Township of Ocean may make such disposition of the certified check as will accomplish the purpose for which submitted. Certified checks of unsuccessful bidders will be returned as soon as is practicable after the opening of the bids.

XII. CORRECTIONS

Erasures or other changes in the bids must be explained or noted over the signature of the bidders.

XIII. TIME FOR RECEIVING BIDS

Sealed bids will be received at the time and place set forth in the Invitation of Bids.

XIV. TAX

Tax Exempt (Municipality ID# 21-6000959)

XV. METHOD OF AWARD

Award, if made, will be to the lowest responsible bidder whose proposal complies in all respects with the requirements herein. The Township of Ocean will not be bound nor shall any work be performed on account of the proposed contract until the contract has been fully executed. Should identical bids be submitted, the Township shall immediately notify the office of the Attorney General of the State of New Jersey as required by state statute and regulations. Identical low bids will compete for the contract by means of drawing lots. Should a bidder submit a bid below zero (0) dollars, due to a recent Supreme Court of New Jersey decision, the Township of Ocean may not receive any payment, therefore successful bidder shall make payment to the party being towed.

REQUIREMENTS OF PROSPECTIVE BIDDERS
P.L. 1977 CHAPTER 33

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

No corporation or partnership shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, the cost of which is to be paid with or out of any public funds, by the State or any county, municipality or school district or any subsidiary or agency of the State, or of any county, municipality or school district, or by any authority, board or commission which exercises governmental functions, unless prior to the receipt of the bid of said corporation, or accompanying the bid of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class, or of all individual partners in the partnership who own a 10% or greater interest therein, as the case may be. If one or more such stockholders holding 10% or more of that corporation's stock, or the individual partners owning 10% or greater interest in that partnership, as the case may be, shall also be listed, the Disclosure shall be continued until names and addresses of every stockholders owning 10% of the stock of the bidding corporation or 10% of the stock of a corporate stockholder owning 10% of the stock of the bidding corporation or their corporate stockholders are submitted and any non-corporate stockholder, and individual partner, exceeding the 10% ownership criteria established in this act, has been listed. This act shall take effect immediately.

Also enclosed herewith is the Ownership Statement Form in compliance with Public Law 1977, Chapter 33.

Also enclosed herewith in conformity with the specifications is a certified check made payable to the order of the Treasurer of the Township of Ocean in the sum of _____ (\$_____) or bid bond in the like amount which the undersigned agrees is to be forfeited as liquidated damages

17

and not as a penalty, if this bidder is the successful bidder to whom or which a contract is awarded and the undersigned shall fail to execute the contract in accordance with the specifications and/or furnish the performance guarantee bond required within the specified fifteen (15) days after award.

Also enclosed herewith are the executed standard Non-Collusion Affidavit and the Bidder Qualification Form.

Also enclosed herewith is a certificate of the _____ Company guaranteeing that if the undersigned is the successful bidder and is awarded a contract under the specifications that a performance guarantee bond will be provided to the undersigned.

Also enclosed herewith is the Affirmative Action Affidavit in compliance with the Affirmative Action Regulations PL 1975-127.

The undersigned is an individual, corporation or partnership having its principal offices at _____ and in the event that it is a corporation it is organized under the Laws of the State of New Jersey or authorized to do business thereon.

Signed _____

Address _____

Date _____

EXHIBIT A
P.L. 1975, C. 127 (N.J.A.C. 17:27)
MANDATORY AFFIRMATIVE ACTION LANGUAGE
SERVICE CONTRACTS

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

- a. 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, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated fairly employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. 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 of 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 provisions of this nondiscrimination clause.
- b. The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees places 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, sex, affectional or sexual orientation.
- c. 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 workers' representative of the contractor's commitments under this Act and shall post copies of the notice in conspicuous places available to employees or applicants for employment.
- d. The contractor or subcontractor, where applicable, agrees to comply with the regulation promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.
- e. The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2: promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.
- f. The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engaged in direct or indirect discriminatory practices.

- g. 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.
- h. 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 or sex, and conform with applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey and applicable Federal Court decisions.
- i. The contractor and its subcontractors shall furnish such report or other documents to the Affirmative Action Office as may be requested by the office 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 Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code N.J.A.C. 17:27.

TOWNSHIP OF OCEAN BID PROPOSAL

TO : TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN

Mayor and Council,

We, the undersigned, do hereby certify and declare that we have carefully examined the Bid Specifications for "Towing Services" for which an advertisement for bids was published to be received on (), 2008 @ 3:00pm, at the place designated. We have examined the specifications on file in the office of the Township Manager of the Township of Ocean and do hereby submit the following bids for the work specified in the manner prescribed by the aforesaid specifications, to furnish all services bid upon or agreed to as specified at the bid price per item.

In submitting these bids it is understood that the right is reserved by the Township of Ocean to reject any and all bids.

Amount of scheduled services fee bid, or, where specified, agreed to for towing and wrecking services provided as assigned by the Township of Ocean:

- A. Basic Towing Service provided for all vehicles damaged by accident or disabled by weight class (Shall include first three (3) miles towed and first 15 min of cleanup): Note: If clean-up takes more than 15 minutes due to delays of tow operator as determined by the Police Department, this added charge shall not apply.

	Estimate Annual Quantity Per Year		Proposed Fee Per Unit	=	Proposed Total Per Year
<u>Day Rate (7am – 7pm)</u>					
1. All passenger vehicles, motorcycles, mopeds, 2 & 3 wheel vehicles and trucks up to 4 tons	392	x	_____	=	_____
2. All Vehicles over 4 tons	5	x	_____	=	_____
3. Each additional mile (after initial 3 miles) for owner directed tow	180	x	_____	=	_____

Night, Weekend and NJ Holiday Rate (7pm-7am)

1. All passenger vehicles, motorcycles, mopeds, 2 & 3 wheel vehicles and trucks up to 4 tons	129	x	_____	=	_____
2. All vehicles over 4 tons	3	x	_____	=	_____
3. Each additional mile (after initial 3 miles) for owner directed tow	180	x	_____	=	_____

	Estimate Annual Quantity Per Year		Proposed Per Unit		Fee Extended Total Per Year
B. Basic fees for daily storage for all vehicles damaged by accident or disabled (per day)	2000	x	_____	=	_____
C. Vehicles impounded for police investigations: (Tows are from scene anywhere in Ocean Township to storage facility)					
1. Day rate for automobiles including mopeds, motorcycles, and trucks less than 4 tons:	3	x	_____	=	_____
2. Night, weekend, and N.J. holiday rate for automobiles including mopeds, motorcycles, and trucks less than 4 tons:	2	x	_____	=	_____
3. Towing rate for trucks in excess of 4 tons:	1	x	_____	=	_____
4. Storage per day (see Section III, Part X, pg 12):	6	x	_____	=	_____
D. Township of Ocean Municipal Services (Towing, winching, flat tire change-outs from any location within Monmouth County regardless of time of day or night.)					
1. All police & municipal passenger vehicles	21	x	_____	=	_____
2. All municipal trucks	16	x	_____	=	_____
3. All vehicles involved in investigations by police towed to Ocean Township Police Department.	6	x	_____	=	_____
E. Special services provided by towing agency:					
1. Cleanup / Absorbent charge: (excess of 15 minutes)	27	x	_____	=	_____
2. Winching Service (Rate is per 15 min/per incident)	5	x	_____	=	_____
3. Cancellation of wrecker (If owner of vehicle appears on scene and cancels wrecker but wrecker is already on scene)	3	x	_____	=	_____
F. Total Value of Towing Services Per Year (Sum of Section A thru E Third Column)					\$ _____

BID GUARANTEE

Accompanying this proposal is a Consent of Surety and a Bid Guarantee, in the form of a Bid Bond, or a Certified or Cashier's Check payable to the order of the:

TOWNSHIP OF OCEAN

In the sum of _____ dollars (\$ _____)

Which the Undersigned agrees is to be forfeited as liquidated damages, and not as a penalty, if the contract is awarded to the undersigned and the undersigned shall fail to execute the contract for a project or the furnish of the bonds required within the stipulated time; otherwise, the check will be returned to the Undersigned.

_____	COMPANY	_____
	SIGNATURE	_____
Witness	TITLE	_____

(SEAL)

ATTACHED BID BOND

CONSENT OF SURETY

In consideration of the premises and of One Dollar (\$1.00), lawful money of the United States, it is in hand paid by the CONTRACTOR, the receipt whereof is hereby acknowledged, the undersigned surety consents and agrees that if the contract for which the preceding estimate and proposal is made, be awarded to the person or persons submitting the same as contracted it will become bound as surety and guarantor for its faithful performance, in an amount equal to one hundred percent (100%) of the contract price, and will execute it as party of the third part thereto when required to do so by the OWNER, and if the said CONTRACTOR shall omit or refuse to execute such contract, if so awarded, it will pay without proof of notice and on demand to the OWNER any increase between the sum of which the said CONTRACTOR would have been entitled upon the completion of the said contract and the sum which the said OWNER may be obligated to pay to another contractor to whom the contract may be afterwards awarded, the amount in such case to be determined by the bids plus the cost, if any, of re-advertising for bids for this work, less the amount of any certified check or bid bond payable and received.

In witness whereof, said surety has caused these presents to be signed and attested by a duly authorized officer and its corporate seal to be hereto affixed this _____ day of _____ 20____.

(A corporate acknowledgment and statement of authority to be here attached by the Surety Company)

Surety Company

Surety Company
Attorney-in-Fact

Attest:

(Surety may substitute a similar statement subject to the owner's approval.)

WITNESS

TITLE

WITNESS

SURETY SEAL

TITLE SEAL

**TOWNSHIP OF OCEAN
Township Council**

APPLICATION BY TYPES OF BUSINESS ENTITIES

All types of business entities applying to the Governing Body of the Municipality shall list the names and address of all stockholders or individual partners owning at least 10% of it stock of any class, or at least 10% of the interest in the partnership as the case may be prior to any consideration by Council Members.

The Township Council respectfully requests that applicants submit a complete list of ownership for purposes of determining conflicts of interest between the applicant and council members or their professionals.

DISCLOSURE STATEMENT

Please check the appropriate paragraph:

() I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

() I certify that no stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

(CHECK ONE)

PARTNERSHIP LIMITED PARTNERSHIPS LIMITED LIABILITY PARTNERSHIP
 CORPORATION LIMITED LIABILITY CORPORATIONS SUBCHAPTERS CORPORATION
 JOINT VENTURE SOLE PROPRIETORSHIP

STOCKHOLDERS:

NAME: _____ **NAME:** _____

HOME ADDRESS: _____ **HOME ADDRESS:** _____

NAME: _____ **NAME:** _____

HOME ADDRESS: _____ **HOME ADDRESS:** _____

Subscribed and Sworn to before me

this _____ day of _____, 200_____

State of _____ County of _____

(Name of Business)

(Affiliate)

BIDDER QUALIFICATION FORM
(N.J.S.A. 40A:11-20)

Project known as _____

Name of Prospective Bidder _____

Address _____

Phone Number _____ Date _____

1) How many years has your organization been in business under your present name? _____

2) Have you ever failed to complete any work awarded to you? Yes _____ No _____
If yes, state where and reasons why?

3) Has any officer or partner of your cooperation ever failed to complete a contract handled in his own name? Yes _____ No _____

4) Have any liens or lawsuits of any kind been filed against any of your contracts?
Yes _____ No _____

Give full details _____

5) List surety companies which have heretofore bonded you, (name, address, and amount of bond).

6) List all contracts which you are now performing or for which you have signed contracts but not started work. (owners name, location and amounts).

7) State all equipment owned by you for use in this contract.

8) Additional remarks:

(SEAL)

NOTICE TO CONTRACTORS

RE: AFFIRMATIVE ACTION REGULATIONS P.L. 1975, C. 127 PROCUREMENT AND SERVICE CONTRACTORS

Contractors are required to comply with the requirements of P.L. 1975, C. 127

A. ALL CONTRACTORS

1. Within seven (7) days after receipt of the notification of the intent to award the contract or receipt of the contract, whichever is sooner, a procurement contractor should present one of the following to the Township of Ocean.
 - a. An existing federally approved or sanctioned Affirmative Action Program.
 - b. A Certificate of Employee Information Report approval.
 - c. If the contractor cannot present "a" or "b," the contractor is required to submit a completed Employee Information Report (Form AA-302). This form will be made available to contractors by the Township of Ocean

The following questions must be answered by all contractors:

1. Do you have a federally approved or sanctioned Affirmative Action Program?
Yes _____ No _____
(a) If yes, please submit a photostatic copy of such certificate
2. Do you have a State Certificate of Employee Information Report Approval?
Yes _____ No _____
(a) If yes, please submit a photostatic copy of such certificate.

The undersigned contractor certifies that he is aware of commitment to comply with the requirements of P.L. 1975, C. 127 and agrees to furnish the required documentation pursuant to the Law.

COMPANY _____

SIGNATURE _____

TITLE _____

NOTE: A contractor's contract must be rejected as non-responsive if a contractor fails to comply with the requirements of P.L. 1975, C. 127.

INSURANCE SPECIFICATIONS

SCHEDULE A

The contractor shall supply the following insurance coverage:

1. Comprehensive General Liability including Completed Operations; Broad Form Contractual Liability on an if any basis; Personal Injury (Coverage A, B, C - deleting exclusion "C"); Broad Form Property Damage.

Combined Bodily Injury and Property Damage limit of \$500,000.00.

2. Comprehensive Automobile including all owned, non-owned and hired vehicles.

Bodily Injury limits	-	\$500/500,000.00
Property Damage	-	\$250,000.00

3. Workmen's Compensation

4. Umbrella Excess Liability - \$5,000.00 limit using \$10,000.00 Self-insured retention.

All of the above policies* will include the following as an additional named insured; the Township of Ocean including all elected or appointed officials and/or officers and employees and/or volunteer workers and/or members of boards and commissions as are created, constituted or reconstituted by charter, statute or ordinance while acting within the scope of their duties as such.

All of the above policies will provide that the Township of Ocean shall receive 30 days advance notice in writing in the event of cancellation.

The contractor shall deliver appropriate certificates of insurance evidencing the above coverage's with the insurance companies approved by the Township of Ocean.

* Except Workmen's Compensation

CERTIFIED TOWING VEHICLE APPLICATION

DESCRIPTION OF EACH TOWING VEHICLE(S) / WRECKERS:

YEAR: _____ MAKE: _____ MODEL: _____

VEHICLE IDENTIFICATION NUMBER (VIN #): _____

LICENSE PLATE NUMBER: _____ STATE: _____

GROSS VEHICLE WEIGHT: _____ COLOR: _____

ADDRESS AT WHICH VEHICLE WILL BE PRINCIPALLY KEPT:

YEAR: _____ MAKE: _____ MODEL: _____

VEHICLE IDENTIFICATION NUMBER (VIN #): _____

LICENSE PLATE NUMBER: _____ STATE: _____

GROSS VEHICLE WEIGHT: _____ COLOR: _____

ADDRESS AT WHICH VEHICLE WILL BE PRINCIPALLY KEPT:

YEAR: _____ MAKE: _____ MODEL: _____

VEHICLE IDENTIFICATION NUMBER (VIN #): _____

LICENSE PLATE NUMBER: _____ STATE: _____

GROSS VEHICLE WEIGHT: _____ COLOR: _____

ADDRESS AT WHICH VEHICLE WILL BE PRINCIPALLY KEPT:

YEAR: _____ MAKE: _____ MODEL: _____

VEHICLE IDENTIFICATION NUMBER (VIN #): _____

LICENSE PLATE NUMBER: _____ STATE: _____

GROSS VEHICLE WEIGHT: _____ COLOR: _____

ADDRESS AT WHICH VEHICLE WILL BE PRINCIPALLY KEPT:

CERTIFIED TOWING VEHICLE APPLICATION

DESCRIPTION OF EACH TOWING VEHICLE(S) / WRECKERS:

YEAR: _____ MAKE: _____ MODEL: _____

VEHICLE IDENTIFICATION NUMBER (VIN #): _____

LICENSE PLATE NUMBER: _____ STATE: _____

GROSS VEHICLE WEIGHT: _____ COLOR: _____

ADDRESS AT WHICH VEHICLE WILL BE PRINCIPALLY KEPT:

YEAR: _____ MAKE: _____ MODEL: _____

VEHICLE IDENTIFICATION NUMBER (VIN #): _____

LICENSE PLATE NUMBER: _____ STATE: _____

GROSS VEHICLE WEIGHT: _____ COLOR: _____

ADDRESS AT WHICH VEHICLE WILL BE PRINCIPALLY KEPT:

YEAR: _____ MAKE: _____ MODEL: _____

VEHICLE IDENTIFICATION NUMBER (VIN #): _____

LICENSE PLATE NUMBER: _____ STATE: _____

GROSS VEHICLE WEIGHT: _____ COLOR: _____

ADDRESS AT WHICH VEHICLE WILL BE PRINCIPALLY KEPT:

YEAR: _____ MAKE: _____ MODEL: _____

VEHICLE IDENTIFICATION NUMBER (VIN #): _____

LICENSE PLATE NUMBER: _____ STATE: _____

GROSS VEHICLE WEIGHT: _____ COLOR: _____

ADDRESS AT WHICH VEHICLE WILL BE PRINCIPALLY KEPT:

*If additional space is need Please attach a separate piece of paper

BID DOCUMENT CHECKLIST

Failure to submit any of these document (s) is mandatory cause for rejection of bid

Items submitted with bid
(Bidder's INITIALS)

1	Form of Bid Proposal	Mandatory	
2	Bid Guarantee (10% of bid)	Mandatory	
3	Consent of surety	Mandatory	
4	Ownership Statement of Compliance	Mandatory	
5	List of Subcontractors	Mandatory	
6	Public Work's Contractors License	Mandatory	
7	NJ Business Registration Certificate	Mandatory	

Failure to submit any of these document (s) may be cause for rejection of bid

Items submitted with bid
(Bidder's INITIALS)

8	Vendor Certification Form		
9	Bidder Qualification Form		
10	Non- Collusion Affidavit		
11	Exhibit A- Mandatory Affirmative Action Language		
12	Procurement and Service Contracts Language "A"		
13	Bidder's Reference Sheet		

Document(s) Preferred at time of bid but mandatory prior to award of contract

	Insurance Requirements		
	Public Work's Contractors Registration Certificate (s) for listed subcontractors (effective on or before receipt of bid)		
	Other		

THE UNDERSIGNED BIDDER HEREBY SUBMITS THE ABOVE REQUIRED DOCUMENTS

_____ Name of Person preparing Proposal

_____ Signature

_____ Telephone Number Date

THE CHECKLIST SHOULD BE INITIALED AND SIGNED WHERE INDICATED AND RETURNED WITH ALL DOCUMENTS.

***INCLUDE THIS FORM WITH PROPOSAL DOCUMENTS**