

Pierce Excavating LLC

Bid proposal

"We dig it all!! " Your full service contractor.

Box 217

West Oneonta.N.Y. 13861

phone & fax 607 431-1171

TERMS

Awarded

NAME / ADDR... Town of Andes
P.O. Box 125
Andes, N.Y. 13731

DUE UPON COMPLETION

DATE 5/5/2010

DESCRIPTION	QTY	COST	TOTAL
ITEM#5 Hauling of bulk materials: sand, cobble, bankrun sand crusher run, bankrun gravel, etc. \$7.97 per yard delivered. Price good for hauling of material only			0.00
Sales Tax		0.00%	0.00

2.0% WILL BE CHARGED PER MONTH ON PAST DUE INVOICES(24% PER ANNUM) CUSTOMER WILL PAY LEGAL AND ALL FEES IF COLLECTION IS NECESSARY. ALL PRICES BASED ON NORMAL EXCAVATING CONDITIONS EXTREME CONDITIONS(EXCESSIVE WATER, HARD PAN, HARD ROCK, FROST, UNDERGROUND UTILITIES Etc.) WILL CHANGE BID PRICE.!!!

any alteration or deviation from above specifications involving extra costs will become an extra charge over and above the estimate.

TOTAL	\$0.00
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Acceptance of proposal- The above prices, specifications are satisfactory and are hereby accepted. Pierce Excavating LLC is authorized to do the work as specified. Payment will be made as outlined above and personally guaranteed by the signer.

Date Signature

NON-COLLUSIVE BIDDING CERTIFICATETOWN OF ANDES

By submission of this bid or proposal, the bidder certifies that:

(A) This bid or proposal has been independently arrived at without collusion with any other bidder or with any competitor or potential competitor;

(B) This bid or proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of bids or proposals for this project, to any other bidder, competitor or potential competitor;

(C) No attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid or proposal;

(D) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certificate. This is a certified copy of resolution authorizing the execution of this certificate by the signator of this bid or proposal in behalf of the corporate bidder.

SIGNED:

Matthew J. [Signature]

DATE:

5/4/10



CERTIFICATE OF LIABILITY INSURANCE

OP ID MC
PIERC-2

DATE (MM/DD/YYYY)

05/05/10


PRODUCER Mang Ins Agy LLC Oneonta 297 River St Service Rd Suite1 Oneonta NY 13820 Phone: 607-432-4000 Fax: 607-433-1868	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	NAIC #
INSURED Pierce Excavating LLC PO Box 217 West Oneonta NY 13861	INSURER A: Selective Ins Co of America	12572
	INSURER B: Rochdale Ins Co	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	S1681742	04/18/10	04/18/11	EACH OCCURRENCE \$ 1000000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100000 MED EXP (Any one person) \$ 10000 PERSONAL & ADV INJURY \$ 1000000 GENERAL AGGREGATE \$ 3000000 PRODUCTS - COMP/OP AGG \$ 3000000
A		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	S1681742	04/18/10	04/18/11	COMBINED SINGLE LIMIT (Ea accident) \$ 1000000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
A		EXCESS / UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$10000	S1681742	04/18/10	04/18/11	EACH OCCURRENCE \$ 2000000 AGGREGATE \$ 2000000 \$ \$ \$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below	RWC3207534	04/28/10	04/28/11	WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 500000 E.L. DISEASE - EA EMPLOYEE \$ 500000 E.L. DISEASE - POLICY LIMIT \$ 500000
		OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER Town of Andes PO Box 125 Andes NY 13731	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 
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LaFever Sand & Gravel, LLC
3135 County Highway 6
Bovina Center, NY 13740
1.800.LaFever Phone: 607.832.4240 Fax: 607.832.4546
www.lafever.com

April 29, 2010

Andes Town Clerk
115 Delaware Ave.
PO Box 125
Andes, NY 13731

Re: #5 – Gravel, Sand, Cobbles, Bank Run Sand, Bank Run Gravel & Crusher Run –
Hauling Only

We, LaFever Sand & Gravel, LLC hereby, submit a bid for #5 - Gravel, Sand, Cobbles,
Bank Run Sand, Bank Run Gravel & Crusher Run – Hauling Only from our Gravel
Banks to the Town of Andes Tremperskill Pit for \$9.00 per yard.

Thank you for the opportunity to quote these items.

Respectfully submitted,



Jonathan B. LaFever, President
LaFever Sand & Gravel, LLC

Carver Sand & Gravel LLC**494 Western Turnpike****Altamont, NY 12009****Phone: 518-355-0505****Fax: 518-688-2815**

May 6, 2010

To: Town of Andes**Attn: Town Board****Re: Bid Item #5- Gravel, Sand, Cobbles, Bank Run Sand, Bank Run Gravel & Crusher Run- Hauling Only**

Carver Sand & Gravel LLC is pleased to submit the following bid for Gravel, Sand, Cobbles, Bank Run Sand, Bank Run Gravel & Crusher Run- Hauling Only to the Town of Andes:

<u>Item</u>	<u>Hauling Price Per CY</u>
Item 4 Gravel	\$9.80
Sand	\$9.80
Cobbles	No Bid
Bank Run Sand	\$9.80
Bank Run Gravel	\$9.80
Crusher Run	\$12.55

Notes:

- The hauling price for Item 4 Gravel, Sand, Bank Run Sand and Bank Run Gravel is from the Carver Sand & Gravel pit on Pangman Road in Gilboa, NY
- The hauling price for Crusher Run is from the Carver Sand & Gravel quarry on Route 30 in Schoharie

Thank you for the opportunity to submit this bid. If you have any questions please contact Brad Bellen at 518-376-0044.

Sincerely,


Brad Bellen- Sales Representative

NON-COLLUSIVE BIDDING CERTIFICATETOWN OF ANDES

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(D) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the bidder as well as the person signing in its behalf;

(E) That the attached hereto (if a corporate bidder) is a certified copy of resolution authorizing the execution of this certificate by the signator of this bid or proposal in behalf of the corporate bidder.

SIGNED:

William F Drew

DATE: 5-7-10

ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID DR
WILL-96

DATE (MM/DD/YY)
04/19/04

PRODUCER
Mang Insurance Agency Delhi
PO Box 266
Andes Road
Delhi NY 13753-0266
Phone: 607-746-2381 Fax: 607-746-6647

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED

William F. Drew d/b/a
Tri Town Services
PO Box 484
Andes NY 13731

INSURER A: Dryden Mutual Insurance Co.
INSURER B: _____
INSURER C: _____
INSURER D: _____
INSURER E: _____

COVERAGES

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INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	T0443452	07/27/03	07/27/04	EACH OCCURRENCE \$ 300,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$ 100,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 1/50
	<input checked="" type="checkbox"/> Incl. Snowplowing				PERSONAL & ADV INJURY \$ 300,000
					GENERAL AGGREGATE \$ 1,000,000
					PRODUCTS - COMP/OP AGG \$ 1,000,000
					GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS				
	<input type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: EA ACC \$
					AGG \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$
	<input type="checkbox"/> DEDUCTIBLE				\$
	<input type="checkbox"/> RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS / OTH-ER \$
					E.L. EACH ACCIDENT \$
					E.L. DISEASE - EA EMPLOYEE \$
					E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
LANDSCAPE GARDENING - INCL. SNOWPLOWING FOR OFF SEASON

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER: _____

CANCELLATION

TOWN OF A

Town of Andes
Main Street
Andes NY 13731

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Richard R. Muehlen

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William F. Drew

DATE: 5-7-10

ACORD

CERTIFICATE OF LIABILITY INSURANCE

OP ID DR
WILL-96

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PRODUCER
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INSURED
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<input type="checkbox"/> RETENTION \$					\$
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 LANDSCAPE GARDENING - INCL. SNOWPLOWS FOR OFF SEASON

CERTIFICATE HOLDER	N	ADDITIONAL INSURED; INSURER LETTER:	CANCELLATION
Town of Andes Main Street Andes NY 13731		TOWNOFA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
			AUTHORIZED REPRESENTATIVE <i>Richard R. M...</i>

252

NON-COLLUSIVE BIDDING CERTIFICATE

TOWN OF ANDES

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SIGNED: Matthew J. [Signature]

DATE: 5/4/10



CERTIFICATE OF LIABILITY INSURANCE

OP ID MC
PIERC-2DATE (MM/DD/YYYY) **253**
05/05/10

PRODUCER
Mang Ins Agy LLC Oneonta
297 River St Service Rd Suite1
Oneonta NY 13820
Phone: 607-432-4000 Fax: 607-433-1868
INSURED
Pierce Excavating LLC
PO Box 217
West Oneonta NY 13861

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							\$
							\$
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

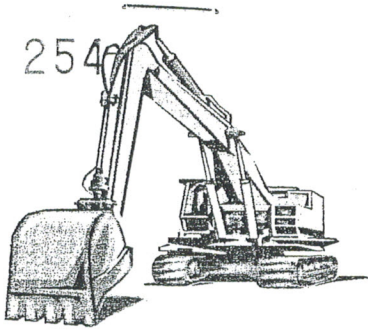
CERTIFICATE HOLDER

CANCELLATION

Town of Andes
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Andes NY 13731

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AUTHORIZED REPRESENTATIVE



LaFever Excavating, Inc.
3135 County Highway 6
Bovina Center, NY 13740

May 7, 2010

Town of Andes
PO Box 125
Andes, NY 13731

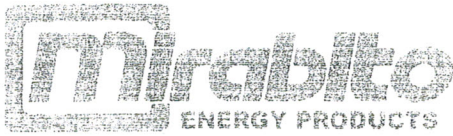
ITEM #8 – Excavator equal to a 220 with operator

We, hereby submit a bid for a JD200 excavator with hydraulic thumb and operator for \$175.00 per hour with additional charges after an eight hour day. Moving time with be charged at the rate of \$175.00 per hour. A certificate of insurance and a non collusive bid certificate is enclosed.

Respectfully submitted,

LaFever Excavating, Inc.

Jonathan LaFever
President



May 7, 2010

Awarded

Andes Town Clerk
115 Delaware Ave.
P.O. Box 125
Andes, NY 13731

Re: Fuel Oil for Heating Bid

Dear Board Members:

Mirabito Energy Products proposes the following for the item 10, Fuel Oil for heating bid:

PRODUCT	POSTING	FIRM DIFFERENTIAL	FLUCTUATING BID PRICE	FIRM BID PRICE
Fuel Oil	Apex Oil Rack Albany, NY 5/6/10 \$ 2.2200 /gal.	+ .1900/gal.	\$ 2.4100/gal.	\$ 2.7563/gal.

Term of Contract: One Year from Bid Award

Firm Bid Price option must be accepted by written notification to Mirabito Energy Products by May 14, 2010 by 12:00 noon to Jason Mirabito via e-mail to e-mail address Jason.mirabito@mirabito.com or Joe D'Esti via e-mail to e-mail address Joseph.DEsti@mirabito.com. You may also fax the notification to (607)584-5134. Acceptance of the firm pricing option after the aforementioned date and time will be at the sole discretion of Mirabito Energy Products.

Thank you for giving the Mirabito Energy Products the opportunity to serve your energy needs. Feel free to contact us should you have any questions or need any additional information.

Sincerely,

Jason O. Mirabito,
Pricing & Supply Manager

Joe D'Esti
Bid/Account Executive

BID PROPOSAL CERTIFICATIONS

Firm Name: Mirabito Energy Products

Address: The Metrocenter - 19 Court Street, P.O. Box 5306, Binghamton, NY 13902

Telephone #: 607-752-2800

Date of Bid: May 7, 2010

I. **General Bid Certification**

The bidder certifies that he will furnish, at the prices herein quoted, the materials, equipment and/or services as proposed on this bid.

II. **Non-Collusion Bidding Certification**

By submission of this bid proposal, the bidder certifies that he is complying with Section 103-d of the General Municipal Law as follows:

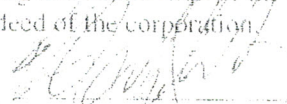
Statement of non-collusion in bids and proposals to political subdivisions of the state. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation, or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury: Non-collusion bidding certification.

"(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor; and
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition."

(b) A bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a)(1)(2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of disclosing competition.

- (1) The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph one (a).
- (2) Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed, or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one of the section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

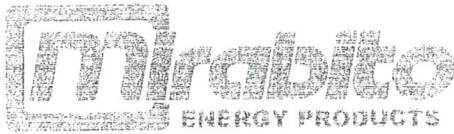


Signature (Authorized)

Jason O. Mirabito

Name (printed)

Pricing and Supply Manager Title



May 7, 2010

Andes Town Clerk
115 Delaware Ave.
P.O. Box 125
Andes, NY 13731

Awarded

Re: L.P. Gas Bid

Dear Board Members:

Mirabito Energy Products proposes the following for the item 12, L.P. Gas bid:

PRODUCT	POSTING	FIRM DIFFERENTIAL	FLUCTUATING BID PRICE	FIRM BID PRICE
LP Gas	NGL Supply 5/5/2010 \$ 1.3210/gal.	+ .4000/gal.	\$ 1.7210/gal.	\$ 1.9500/gal.

Term of Contract: One Year From Bid Award

Firm Bid Price option must be accepted by written notification to Mirabito Energy Products by May 14, 2010 by 12:00 noon to Jason Mirabito via e-mail to e-mail address Jason.mirabito@mirabito.com or Joe D'Esti via e-mail to e-mail address Joseph.DEsti@mirabito.com. You may also fax the notification to (607)584-5134. Acceptance of the firm pricing option after the aforementioned date and time will be at the sole discretion of Mirabito Energy Products.

Thank you for giving the Mirabito Energy Products the opportunity to serve your energy needs. Feel free to contact us should you have any questions or need any additional information.

Sincerely,

Jason O. Mirabito,
Pricing & Supply Manager

Joe D'Esti
Bid/Account Executive

BID PROPOSAL CERTIFICATIONS

Firm name: Mirabito Energy Products

Address: The Metrocenter -- 49 Court Street, P.O. Box 5306, Binghamton, NY 13902

Telephone #: 607-852-2800

Date of Bid: May 7, 2010

I. General Bid Certification

The bidder certifies that he will furnish, at the prices herein quoted, the materials, equipment and/or services as proposed on this bid.

II. Non-Collusion Bidding Certification

By submission of this bid proposal, the bidder certifies that he is complying with Section 103-d of the General Municipal Law as follows:

Statement of non-collusion in bids and proposals to political subdivisions of the state. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation, or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury. Non-collusion bidding certification.

"(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor; and
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition."

(b) A bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a)(1)(2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of disclosing competition.

- (1) The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication or new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph one (a).
- (2) Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed, or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one of the section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Signature (Authorized)

Jason D. Mirabito

Name (printed)

Bidding and Supply Manager

Title