

LEGAL NOTICE

Notice is hereby given that sealed bids will be received at the office of the Board of County Commissioners of Henry County, Ohio until Tuesday, June 15, 2010 at 10:30 o'clock A.M., at which time and place, bids will be opened and read for a Four Wheel Drive Dump Truck, with a GVWR of 16,000 lbs. or greater, for use by the Henry County Highway Department. Bidding documents and specifications will be issued at the Office of the Henry County Engineer. They will also be available on the Henry County Engineer's website <http://www.henrycountyengineer.com> under the link "Bid Request Listing".

Engineer's Estimate: \$36,000

Bids must be submitted on the forms provided by the Engineer.

Bids may be hand delivered or mailed in a sealed envelope bearing the Bidder's name and address and marked "Sealed Bid for Dump Truck".

The said Board reserves the right to reject any or all bids.

The contract will be award to the lowest and best bidder.

No bid will be considered unless it be accompanied by a bond executed by a surety company authorized to do business in the State of Ohio or a certified check on a solvent bank; either in the amount of five (5%) percent of the bid based on the total bid price to guarantee that if said bid is accepted, a contract will be entered into and the performance of it properly secured.

BY ORDER OF
BOARD OF COUNTY COMMISSIONERS
HENRY COUNTY, OHIO

By: Vicki R. Glick, Clerk

Please advertise:

June 1, 2010

PROPOSAL
FOUR WHEEL DRIVE DUMP TRUCK, WITH A GVWR OF 16,000 OR GREATER

HENRY COUNTY, OHIO

HENRY COUNTY COMMISSIONERS
Robert Hastedt
Rich Myers
Tom VonDeylen

HENRY COUNTY ENGINEER
Randolf L. Germann, P.E., P.S.

BID ACCEPTED UNTIL: 10:30 A.M., Tuesday, June 15, 2010

LOCATION: HENRY COUNTY COMMISSIONERS' OFFICE
1853 OAKWOOD AVENUE
NAPOLEON, OHIO 43545

BID SUBMITTED BY: _____
(Company)

STREET: _____

CITY: _____ *STATE:* _____ *ZIP CODE:* _____

PHONE: _____ *FAX:* _____

EMAIL ADDRESS: _____

SUPPLEMENTAL SPECIFICATIONS accompany and are a part of this Proposal.

INSTRUCTION TO BIDDERS

- I. All Proposals must be in a sealed envelope and marked on the outside as "Sealed Bid for Dump Truck" along with the name and address of the bidder.
- II. Bids will be accepted at the office of the Henry County Commissioners, 1853 Oakwood Avenue, Napoleon, Ohio, until **10:30 A.M., Tuesday, June 15, 2010** at which time they will be publicly opened and read aloud.
- III. The bidder is required to fill in all the blank spaces in ink.
- IV. The final bid amount and the lowest bidder will be determined
- V. The contracting authority reserves the right to waive any irregularities in the bidding procedure that are not in conflict with the Revised Code of Ohio, and the right to reject any and all bids.
- VI. All bidders must be willing to enter a contract in which they agree and assent, as part of the general terms and conditions of that contract, to the statutory requirements contained in Section 125.111 of the Ohio Revised Code, which requires the following:

Every contract for or on behalf of the state or any of its political subdivisions for the purchase of materials, equipment, supplies, contract for insurance, or services shall contain provisions similar to those required by Section 153.59 of the Revised Code in the case of construction contracts by which the bidder agrees to both of the following:

That in the hiring of employees for the performance of work under the contract or any subcontract no bidder or subcontractor shall, by reason of race, religion, color, sex, handicap, national origin, ancestry, or military status, discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the contract relates.

That no bidder, subcontractor, or any person acting on behalf of any bidder or subcontractor shall, in any manner, discriminate against, intimidate, or retaliate against any employee hired for the performance of work under the contract on account of race, color, religion, sex, age, handicap, national origin, ancestry, or military status.

All bidders who contract with the state or any of its political subdivisions for materials, equipment, supplies, contracts of insurance, or services shall have a written affirmative action program for the employment and effective utilization of economically disadvantaged persons, as defined in Section 122.71 of the Revised Code.

- IV. The bidder shall complete the following enclosed affidavits: Non-Collusion Affidavit, No Finding for Recovery, and Affidavit in compliance with O.R.C. 3517.13 (I) (3) & (J) (3), all shall be submitted at the time of the bid.
- V. The bidder shall complete the enclosed Ohio Department of Public Safety's Declaration Regarding Material Assistance/NonAssistance to a Terrorist Organization and submit at the time of the bid.

- VI. Whether the bidder obtained the bid proposal from the internet or received a copy from the Engineer's office, the bid documents shall be submitted bound and in its entirety.
- VII. The County Engineer reserves the right to inspect the vehicle before any contract is executed
- VIII. The County Engineer may request a vehicle history report before any contract is executed
- IX. The Engineer's Estimate is: \$36,000**

NOTICE TO BIDDERS

I. BID FILING

Bids shall be on the form prescribed by the contracting authority and filed in a sealed envelope at the time and place mentioned in the advertisement. The bids received shall be opened and tabulated at the time stated in this notice. Each bid shall contain the full name of each person or company submitting the bid.

II. BID GUARANTY

Pursuant to the provisions of Section 307.88, each bidder shall be required to file with his bid a bond or certified check, cashier's check, or money order on a solvent bank or savings and loan association in an amount equal to five (5%) percent of the bid, conditioned that he shall, if his bid is accepted, execute a contract and deliver the unit in conformity to the invitation and his bid.

III. AWARDING OF CONTRACTS

The award of the contract shall be based on the best combination of the following factors: Cost, equipment furnished, and delivery date. The bond or check from all unsuccessful bidders shall be returned to them by the contracting authority immediately upon awarding the contract or the rejection of all bids. The contracting authority may reject all bids. A contract shall be awarded within 30 days after the opening of the bids. The successful bidder must enter into a written contract within 7 days from the date of notice of award.

IV. SPECIFICATIONS

Four wheel drive dump truck, to meet or exceed the following minimum specifications. Failure to note any exceptions may result in a bid disqualification.

Four Wheel Drive Dump Truck:

Make _____ Model _____ Year _____

Dump Truck must have/be:

- A model year 2008 or newer.
- An automatic transmission
- A GVWR of 16,000 lbs. or greater
- Less than 15,000 miles
- Four wheel drive
- At least 9' dump bed with sides
- Everything operational and free of any defects, previous and present

BID FORM

Bid for a four wheel drive dump truck:

Make _____ Model _____ Year _____ Miles _____

Does equipment meet or exceed the specifications previously listed?

Yes _____ No _____

If No, the bidder shall explain any items that are substituted or do not meet specifications (attach separate page if necessary):

Cost of Four Wheel Drive Dump Truck: \$ _____

Delivery Costs to Napoleon, Ohio: \$ _____ (The county may elect to pick up the vehicle to avoid any delivery costs)

Estimated Delivery Date: _____

Standard Warranty: _____

The proposal must be submitted on the forms provided in the bid packet.

Accompanying this bid must be a bid bond executed by a Surety Company authorized to do business in the State of Ohio or a certified check on a solvent bank; either in the amount of 5% of the bid based on the total bid price.

The Board of County Commissioners reserves the right to reject any and all bids.

Date: _____

FIRM NAME: _____

By: _____

Title: _____

Address: _____

Telephone Number: _____

Fax Number: _____

Email: _____

NON -COLLUSION AFFIDAVIT

In accordance with Title 23 United States Code, Section 112 and Ohio Revised Code, Chapter 1331 et. seq; and Sections 2921.11 and 2921.13, the bidder hereby states, under penalty of perjury and under other such penalties as the law provides, that he or his agents or employees have not entered either directly or indirectly into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal.

State of _____

County of _____: ss.

I, _____, _____
(Name of Party Signing Affidavit) (Title)

being duly sworn, do depose and say:

That _____
(Insert name of individual, Co-partnership, or Corporation)

its agents, officers or employees have not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal.

(Signature)

(Title)

Sworn to and subscribed before me this _____ day of _____, 2010.

Notary Public in and for
_____ County, State of _____

(Seal)

My commission expires:
_____, 20____

VERIFICATION OF "NO FINDING FOR RECOVERY"

The Contractor affirmatively represents to Henry County that it is not subject to a finding for recovery under Ohio Revised Code §9.24, or that it has taken the appropriate remedial steps required under §9.24 or otherwise qualifies under that section. The Contractor agrees that if this representation is deemed to be false, the contract shall be void ab initio as between the parties to this contract, and any funds paid by the County hereunder shall be immediately repaid, or an action for recovery may be immediately commenced by the County and/or for recovery of said funds.

No political subdivision shall award a contract for goods, services, or construction to a person against whom a Finding for Recovery has been issued by the Auditor of State, if the Finding for Recovery is unresolved.

The undersigned, by their signature and title, document that no "Finding for Recovery" is outstanding for the bidder.

By:

Title

Prior to award of a contract, Henry County shall verify and report to the Engineer and the Bidder that the Bidder does not appear in the State Auditor's database for "Findings of Recovery".

***** FOR INSTRUCTIONAL USE ONLY *****

READ BEFORE COMPLETING YOUR DMA FORM

Forms not conforming to the specifications listed below or not submitted to the appropriate agency or office will not be processed.

- To complete this form, you will need a copy of the Terrorist Exclusion List for reference. The Terrorist Exclusion List can be found on the Ohio Homeland Security Web site at the following address:

<http://www.homelandsecurity.ohio.gov/dma/dma.asp>

- Be sure you have the correct DMA form. If you are applying for a state issued license, permit, certification or registration, the “State Issued License” DMA form must be completed (HLS 0036). If you are applying for employment with a government entity, the “Public Employment” DMA form must be completed (HLS 0037). If you are obtaining a contract to conduct business with or receive funding from a government entity, the “Government Business and Funding Contracts” DMA form must be completed (HLS 0038).
- Your DMA form is to be submitted to the issuing agency or entity. “Issuing agency or entity” means the government agency or office that has requested the form from you or the government agency or office to which you are applying for a license, employment or a business contract. For example, if you are seeking a business contract with the Ohio Department of Commerce’s Division of Financial Institutions, then the form needs to be submitted to the Department of Commerce’s Division of Financial Institutions. Do NOT send the form to the Ohio Department of Public Safety UNLESS you are seeking a license from or employment or business contract with one of its eight divisions listed below.
- Department of Public Safety Divisions:

Administration	Ohio Homeland Security*
Ohio Bureau of Motor Vehicles	Ohio Investigative Unit
Ohio Emergency Management Agency	Ohio Criminal Justice Services
Ohio Emergency Medical Services	Ohio State Highway Patrol
- * DO **NOT** SEND THE FORM TO OHIO HOMELAND SECURITY UNLESS OTHERWISE DIRECTED. FORMS SENT TO THE WRONG AGENCY OR ENTITY WILL NOT BE PROCESSED.

***** FOR INSTRUCTIONAL USE ONLY *****



OHIO HOMELAND SECURITY FORM

<http://www.homelandsecurity.ohio.gov>

GOVERNMENT BUSINESS AND FUNDING CONTRACTS

In accordance with section 2909.33 of the Ohio Revised Code

DECLARATION REGARDING MATERIAL ASSISTANCE/NONASSISTANCE TO A TERRORIST ORGANIZATION

This form serves as a declaration by an applicant for a government contract or funding of material assistance/nonassistance to an organization on the U.S. Department of State Terrorist Exclusion List ("TEL"). Please see the Ohio Homeland Security Division Web site for a copy of the TEL.

Any answer of "yes" to any question, or the failure to answer "no" to any question on this declaration shall serve as a disclosure that material assistance to an organization identified on the U.S. Department of State Terrorist Exclusion List has been provided. Failure to disclose the provision of material assistance to such an organization or knowingly making false statements regarding material assistance to such an organization is a felony of the fifth degree.

For the purposes of this declaration, "material support or resources" means currency, payment instruments, other financial securities, funds, transfer of funds, and financial services that are in excess of one hundred dollars, as well as communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

COMPLETE THIS SECTION ONLY IF YOU ARE AN INDEPENDENT CONTRACTOR

LAST NAME		FIRST NAME		MI
HOME ADDRESS				
CITY	STATE	ZIP	COUNTY	
HOME PHONE ()		WORK PHONE ()		

COMPLETE THIS SECTION ONLY IF YOU ARE A COMPANY, BUSINESS OR ORGANIZATION

BUSINESS/ORGANIZATION NAME			PHONE ()	
BUSINESS ADDRESS				
CITY	STATE	ZIP	COUNTY	
BUSINESS/ORGANIZATION REPRESENTATIVE NAME			TITLE	

DECLARATION

In accordance with section 2909.32 (A)(2)(b) of the Ohio Revised Code

For each question, indicate either "yes," or "no" in the space provided. Responses must be truthful to the best of your knowledge.

1. Are you a member of an organization on the U.S. Department of State Terrorist Exclusion List? Yes No
2. Have you used any position of prominence you have with any country to persuade others to support an organization on the U.S. Department of State Terrorist Exclusion List? Yes No
3. Have you knowingly solicited funds or other things of value for an organization on the U.S. Department of State Terrorist Exclusion List? Yes No
4. Have you solicited any individual for membership in an organization on the U.S. Department of State Terrorist Exclusion List? Yes No
5. Have you committed an act that you know, or reasonably should have known, affords "material support or resources" to an organization on the U.S. Department of State Terrorist Exclusion List? Yes No
6. Have you hired or compensated a person you knew to be a member of an organization on the U.S. Department of State Terrorist Exclusion List, or a person you knew to be engaged in planning, assisting, or carrying out an act of terrorism? Yes No

If an applicant is prohibited from receiving a government contract or funding due to a positive indication on this form, the applicant may request the Ohio Department of Public Safety to review the prohibition. Please see the Ohio Homeland Security Web site for information on how to file a request for review.

CERTIFICATION

I hereby certify that the answers I have made to all of the questions on this declaration are true to the best of my knowledge. I understand that if this declaration is not completed in its entirety, it will not be processed and I will be automatically disqualified. I understand that I am responsible for the correctness of this declaration. I understand that failure to disclose the provision of material assistance to an organization identified on the U.S. Department of State Terrorist Exclusion List, or knowingly making false statements regarding material assistance to such an organization is a felony of the fifth degree. I understand that any answer of "yes" to any question, or the failure to answer "no" to any question on this declaration shall serve as a disclosure that material assistance to an organization identified on the U.S. Department of State Terrorist Exclusion List has been provided by myself or my organization. If I am signing this on behalf of a company, business or organization, I hereby acknowledge that I have the authority to make this certification on behalf of the company, business or organization referenced on page 1 of this declaration.

APPLICANT SIGNATURE X	DATE
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STATE OF _____

_____ COUNTY

The undersigned personally appeared before me, as an individual or as a representative of

_____ for a contract for _____
(Name of Entity) (Type of Product or Service)

to be let by the County of Henry, who, being duly cautioned and sworn, makes the following statement with respect to prohibited activities constituting a conflict of interest or other violations under Ohio Revised Code Section 3517.13, and further states that the undersigned has the authority to make the following representation on behalf of himself or herself or of the business entity:

1. That none of ***the*** following has **individually** made since April 4, 2007 and that, if awarded a contract for the purchase of goods or services in excess of \$10,000, none of the following **individually** will make, beginning on the date the contract is awarded and extending until one year following the conclusion of the contract, as an individual, one or more campaign contributions totaling in excess of \$10,000, to any elected official of the County of Henry or their individual campaign committees:
 - a. Myself;
 - b. Any partner or owner or shareholder of the partnership (if applicable);
 - c. Any owner of more than 20% of the corporation or business trust (if applicable);
 - d. Each spouse of any person identified in (a) through (c) of this section;
 - e. Each child seven years of age to seventeen years of age of any person identified in divisions (a) through (c) of this section (only applicable to contributions made on or after April 4, 2007)

2. That none of the following have **collectively** made since April 4, 2007, and that, if awarded a contract for the purchase of goods or services in excess of \$10,000, none of the following **collectively** will make, beginning on the date the contract is awarded and extending until one year following the conclusion of the contract, one or more campaign contributions totaling in excess of \$10,000, to any elected official of the County of Henry or their individual campaign committees:
 - a. Myself;
 - b. Any partner or owner or shareholder of the partnership (if applicable);
 - c. Any owner of more than 20% of the corporation or business trust (if applicable);
 - d. Each spouse of any person identified in (a) through (c) of this section;
 - e. Each child seven years of age to seventeen years of age of any person identified in divisions (a) through (c) of this section (only applicable to contributions made on or after April 4, 2007)

Signature _____

Title _____

Sworn to before me and subscribed in my presence this _____ day of _____, 20 _____.

Notary Public _____

My Commission expires _____