

## **GENERAL INSTRUCTIONS TO PROPOSERS**

PREPARATION OF PROPOSALS: Each person or firm making a proposal:

1. Shall be a duly certified public accountant registered to practice in New York State.
2. The proposer shall submit evidence that the firm, the principal(s), or the professionals who will be assigned to the project have a minimum of five years experience in similar work.
3. Certifies that he/she has fully informed themselves of the contents of the proposal documents by his/her personal examination of them;
4. Certifies that he/she has not relied on any estimates or any representations made by the Elmira Water Board, its agents, servants or employees with respect to the work to be performed.
5. Agrees that he/she will not make against the Elmira Water Board, its agents, servants, or employees, any claim based upon the lack of such information or the existence of such reliance.

### CONTRACT FORMAT:

Upon request each prospective proposer will be given two complete sets of the proposal documents. One such set of the proposal documents shall be filled out by the proposer and shall be submitted as the proposal. Each set of proposal documents should contain:

1. A Title Page
2. The Announcement for Proposals
3. General Instructions to Proposers
4. The Non-Collusive Proposal Certificate
5. The Waiver of Immunity
6. Certification of Proposer regarding Equal Employment Opportunity
7. General Audit Specifications
8. Statement of Proposer's Qualifications
9. Proposal Submission Form

Each person preparing a proposal shall set forth in the space provided at the end of the Proposal Submission Form:

1. His/her name and title
2. His/her business address and telephone number
3. His/her signature
4. The name of the person, firm, or corporation on whose behalf the proposal is being made (if any)
5. The business address and telephone number of such person, firm or corporation (if not the same as 2 above)
6. The date

- A. Each person preparing a proposal shall sign the Non-Collusive Proposal Certificate, the Waiver of Immunity, and Certification of Proposer regarding Equal Employment Opportunity. The Proposer's Qualifications form must also be completed and submitted with the proposal.
- B. The proposer shall show a clear understanding of the tasks, objectives, and services required, and demonstrate the ability to perform within the required time frames.
- C. The proposer must demonstrate proper qualifications and experience with satisfactory experience on similar projects.
- D. The proposer shall name key sub-consultants and other designated personnel who will be assigned to the project.
- E. The Elmira Water Board does not assume responsibility or liability for costs incurred by proposer's responding to the RFP or to any subsequent requests for interviews, additional data, etc.
- F. Each price shall be typewritten, or written in ink, in words and in figures. Labeled spaces are provided for this purpose in the Proposal Submission Form. In the event that the price stated in words is not the same as the price stated in figures, the price stated in words shall be binding.
- G. The fee shall be a stipulated lump sum. Open ended hourly fees are not acceptable and will cause the proposal to be rejected.
- H. All prices quoted shall exclude all Federal, State, and Municipal taxes.

The proposer if successful, will:

1. Enter into a written Contract with the Elmira Water Board which Contract will provide that the proposer and the Elmira Water Board are to perform according to the terms and conditions set forth in the proposal documents; and

If the successful proposer fails or omits to execute the Contract within 15 days following the award of the Contract by the Elmira Water Board, the proposal award will be rescinded and become null and void.

Each proposal shall be delivered to the Office of the Secretary of the Elmira Water Board at 261 West Water Street, Elmira, New York 14901, enclosed in an opaque, sealed envelope clearly labeled with the name of the proposer and the title of the proposal as taken from the title page of the proposal documents.

#### PROPOSAL OPENING AND AWARD:

All proposals will be opened and read at the time and place specified in the Announcement for proposals.

The Elmira Water Board may, in its discretion,

1. Permit a proposer to withdraw his/her proposal if a written request to withdraw the proposal is received by the Elmira Water Board General Manager prior to the time set for the proposal opening; or
2. Reject any proposal which lacks prices on all items included in the proposal, or which in any other way is incomplete.

The Elmira Water Board reserves the right:

1. To reject any and all proposals if in its opinion the best interest of the Elmira Water Board will be promoted thereby; and
2. A contract shall not be awarded solely on the basis of fee. The Elmira Water Board will contract with a qualified firm at a compensation which is fair and responsible.

Proposal acceptance and award to the responsible proposer selected by the Elmira Water Board will be made as soon as practicable after the proposal opening.

Following the award by the Elmira Water Board, a contract providing that the proposer and the Elmira Water Board are to perform according to the terms, conditions, and specifications set forth in the proposal documents will be prepared by the Corporation Counsel for execution by both parties within fifteen (15) days of the award of the proposal..

Payment by the Elmira Water Board will be made in the manner set forth in the specifications portion of the proposal documents.

All proposers shall please take note that the Elmira Water Board is exempt from all sales tax.

OBLIGATIONS OF SUCCESSFUL PROPOSER: Each proposer agrees, if awarded the Contract:

1. ASSIGNMENT: Not to assign or sublet the contract or any work covered by the contract without previous written permission from the Elmira Water Board.
2. COMPLIANCE WITH LAW: To comply with and fulfill all laws, orders, ordinances, rules and requirements of Federal, State, City, County or other political subdivisions and of any other department, bureau of governmental authority; all applicable OSHA and New York State Labor rules, regulations, and statutes.
3. The proposer shall outline the procedure and work plan to be followed and the time schedule to complete the work and shall stipulate the fee.
4. The proposer shall identify key problem areas, citing scheduling and cost implications.
5. To perform all work in strict accordance with the proposal unless written orders, describing a specific deviation from the proposal documents, shall previously have been issued by the Elmira Water Board's Treasurer.

6. That the Elmira Water Board's Treasurer shall determine whether or not the performance is in accordance with the proposal documents.

Note: Each proposer should be sure to check the specification portion of the proposal documents for additional information relating to the preparation of proposal, the proposal opening and award and the obligations of the successful proposer.

The Elmira Water Board reserves the right to reject any and all proposals and to waive technicalities.

INSURANCE:

The Contractor shall not commence work under this Contract until he/she has obtained all insurance required under this paragraph and such insurances have been filed and approved with the Corporation Counsel, nor shall the Contractor allow any sub-contractor to commence work on his/her sub-contract until such sub-contractor has been approved by the Elmira Water Board or its agents, and all similar insurance required of the sub-contractor has been so obtained and approved. The required insurance coverage is as follows:

- (A) Professional Liability Insurance proof of coverage of professional liability insurance with minimum coverage of at least one million dollars (\$1,000,000,000) must be submitted.

CONTACT:

For further information or questions regarding the proposal, please contact General Manager Mark D. LaDouce at (607) 733-9179 ext. 211, or Treasurer John E. Dunlavey at (607) 733-9179 ext. 208.