MS-963 (11-08)

pennsylvania
DEPARTMENT OF TRANSPORTATION

PROPOSAL AND CONTRACT FOR EQUIPMENT AND/OR MATERIALS ONLY *

INSTRUCTIONS ON PAGE 3

(THIS PROPOSAL INCLUDES INSTRUCTIONS TO BIDDERS)

A. DEPOSIT OF PROPOSALS.

1. **All envelopes containing Bid proposals shall be clearly marked "Bid Proposal for letting of 3/11/2021 ."**
DATE

Sealed Proposals will be received on or before 9:00 a.m. **, on the above Letting Date.**
TIME

Bids will be opened and read at approximately 9:00 a.m. **, on the above Letting Date.**
TIME

Elizabethtown Borough
MUNICIPALITY (NAME & TYPE)

Rebecca S. Denlinger
SECRETARY

600S. Hanover Street
Elizabethtown, PA 17022
ADDRESS

717-367-1700
MUNICIPAL CONTACT PHONE NUMBER

PROPOSALS MUST BE MAILED OR OTHERWISE DELIVERED TO THE ABOVE ADDRESS.

2. Supplier agrees to furnish and deliver those items for which prices have been indicated on the Schedule of Prices (Attachment 1) in accordance with the current PennDOT Specifications (Pub. 408), except bidders need not be prequalified by PennDOT (Sec. 102.01). It is understood that: (1) Bituminous materials will be purchased weight or converted gallons at 60 ^{O}F. (2) Supplier must furnish Form CS-4171, CERTIFICATE OF COMPLIANCE and/ or TR-465 DAILY BITUMINOUS MIX CERTIFICATION. (3) The Municipality reserves the right to make an award on the basis of quotations received for any item or on the basis of the aggregate total for all like items on which quotations are received.

3. Contract shall expire in one year from Date of Award or February 17, 2022
(DATE)

B. CONTRACTOR'S CERTIFICATION

Proposal of _____
(NAME OF CONTRACTOR)

_____
(ADDRESS)

1. **It is hereby certified as follows:**

a. The only person (s) having an interest in this proposal is (are) [include owners of leased equipment]:

_____

_____

b. None of the above persons are employees of the municipality.

c. This proposal is made without collusion with any other person, firm or corporation.

d. All specifications referred to above have been examined by the suppliers. The supplier understands that the quantities indicated herein are approximate and are subject to change as may be required; and that all work is payable on the basis of the unit prices listed on the Schedule of Prices (Attachment 1).

2. Accompanying this proposal is a certified check or bid bond in the amount of $ made payable to the municipality, as a proposal guarantee which, it is understood, will be forfeited in case the supplier fails to comply with the requirements of the proposal.

3. Name(s) of source(s) of supply of bituminous materials.

_____

_____

_____

_____

* For Contract Projects, use MS-944.

4. The supplier will comply with all requirements of the laws and implementing regulations of the Commonwealth of Pennsylvania and of the United States relating to human relations, equal opportunity and non-discrimination in employment, and will pay to workmen employed in the performance of the contract the wages to which they may be entitled and, when required by law, not less than the applicable prevailing wage.

5. The supplier will provide the municipality with a performance bond in the amount of 50% of the contract, conditioned upon the faithful performance of the contract.

WITNESS OR ATTESTED BY:

SUPPLIER

BY: _____

TITLE: _____ TITLE: _____

PLACE SEAL HERE

PLACE SEAL HERE

TO BE EXECUTED ONLY IN THE EVENT THE ABOVE PROPOSAL IS ACCEPTED

ACCEPTED ON:

ATTESTED BY:

DATE

TITLE: _____ Elizabethtown Borough
MUNICIPALITY

BY: _____
TITLE:

(SEAL) _____
TITLE:

_____
TITLE:

TOTAL AMOUNT OF CONTRACT:

$ _____

ITEMS INCLUDED IN CONTRACT:

SCHEDULE OF PRICES
FOR EQUIPMENT AND / OR MATERIALS

EQUIPMENT Type, Make, Model, Specifications: N/A- This contract is for stone that will be delivered when scheduled.

Delivery Date: _____ F.O.B. _____

PRICE $

☐ OUTRIGHT PURCHASE - Trade-in $ _____

Net $

☐ RENTAL WITH PURCHASE OPTION (Rental to be applied to purchase price.)
Rental: _____ per _____
(Hour, day, week, month, etc.)

PRICE $ _____

- Trade-in $ _____

Net $ _____

PROPOSAL AND CONTRACT INSTRUCTIONS

1. The proposal must be typewritten or printed.

2. If more than one proposal on any project is submitted by any individual, firm or partnership, corporation or association under the same or different names, only one lowest proposal will be considered.

3. Bid bonds may be waivered by municipality by crossing it out on Proposal Form 963.

4. Part A of page 1 is to be completed by the municipality. Part B of page 1 is to be completed by the supplier. Schedule of Prices - under equipment section the municipality must complete description, delivery date, delivery site, and check appropriate block (s) for outright purchase or rental with purchase option. Under material section all like materials must be listed together and space provided for a total of all like materials. EXAMPLE: All classes of concrete, all sizes of concrete pipe, all sizes corrugated metal pipe, all asphalt materials, etc. Columns 1, 2, 3, 4, and 5 (be sure to include delivery date) must be filled in by the municipality to insure equitable bidding. All of Columns 6, A, 7, B, 8, and C must be filled in by the supplier, unless otherwise indicated. (Unit Price delivered as directed does not apply to bituminous pavements. Use form MS-944.) If more space is needed, add note at the bottom of the page: " Continued on Attachment 1 - A" and add additional sheet designated as Attachment 1-A, 1-B, etc. Repeat note for each additional sheet required. Municipality may eliminate one or two pairs of Columns 6 through C, if no bids are desired under one or two of the options.

5. Performance bonds are provided by only the successful bidder. Bond must be in 50% of contract amount.

6. Where Materials for a Wearing Surface Treatment are part of the contract Average Daily Traffic (ADT) Count must be included in the description.

7. Contractor awarded the bid shall receive an approved copy of the contract.

8. Form MS-963 is not to be used for purchasing bituminous or other pavements in place. IF ALTERNATE BIDS MUST BE SECURED, BOTH MS-963 AND MS-944 MUST BE USED.

9. This form is PRIMARILY for use when work is performed by Local Forces.

10. An ESCALATOR CLAUSE is optional; however, it must be included in the proposal prepared by the Municipality. An escalator clause MAY NOT be inserted by the contractor.

11. Freight On Board (FOB) asphalt is subject to the requirements of Publication 408, Section 110.04(a) Price Adjustment of Bituminous Materials.

SCHEDULE OF PRICES - MATERIALS

BIDDER NAME: _____

1	2	3*	4**	5	6	A	7	B	8***	C
ITEM NO.	APPROX. QUANTITY	UNIT	DESCRIPTION	REMARKS AND / OR DELIVERY DATES	UNIT PRICE FOB PLANT	TOTAL (2 x 6)	UNIT PRICE DELIVERED AT JOB SITE	TOTAL (2 x 7)	UNIT PRICE DELIVERED AS DIRECTED	TOTAL (2 x 8)
1	2000	Tons	PA-2A Subbase							
2	400	Tons	AASHTO #8 (1B)							
3	100	Tons	AASHTO #57 (2B)							
4	100	Tons	AASHTO #3 (3A)							
5	60	Tons	Stone Dust							
Alternate										
6	2000	Tons	2RC (alternate for Item #1)							

*** Gallons - Tons - Feet - etc.** **** Includes Class - Size - Diameter** *****For Bituminous or other Pavements in Place, Use Form 944**

ALL COLUMNS MUST BE COMPLETED UNLESS OTHERWISE INDICATED.

USE OF CUTBACK ASPHALT IS PROHIBITED BETWEEN MAY 1 st AND OCTOBER 31 st EXCEPT AS NOTED IN BULLETIN NO. 25.

MS-963 (6-99)

PERFORMANCE BOND

(With Corporate Surety) **Attachment # 2**

KNOW ALL MEN BY THESE PRESENTS, That we, _____

_____

as Principal and _____

a corporation incorporated under the laws of the State of _____

as Surety, are held and firmly bound unto _____

in the full and just sum of _____

($) dollars lawful money of the United States of America, to be paid to the above Municipality or its assigns, to which payment well and truly to be made, we bind ourselves, our heirs, executors administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bounden Principal has entered into a contract with the above Municipality, bearing even date herewith, for the undertaking of certain obligations as therein set forth,

NOW, THEREFORE, the condition of this obligation is such that if the above bounden Principal, as Contractor, shall in all respects comply with and faithfully perform the terms and conditions of said contract, including the Specifications and conditions referred to and made a part thereof, and such alterations as may be made in said Specifications as therein set forth, then this Obligation shall be void, but otherwise the same shall be and remain in full force, virtue and effect.

It is further provided that any alteration which may be made in the terms of the contract or its specifications with the express approval to the Municipality or the Principal to the other, shall not in any way release the Principal and the Surety or either or any of them, their heirs, executors, administrators, successors or assigns from their liability hereunder, notice to the Surety of any such alteration or forebearance being hereby waived.

IN WITNESS WHEREOF, the said Principal and Surety have duly executed this Bond under Seal, pursuant to due and legal action authorizing the same to be done on _____ .
(DATE OF BOND)

PLACE SEAL HERE

Attest / Witness

_____
CONTRACTOR

_____
TITLE

BY _____
TITLE:

PLACE SEAL HERE

Attest / Witness

_____
SURETY COMPANY

_____
TITLE

_____
TITLE: