

TOWN OF CLAYTON

NOTICE TO BIDDERS

PLEASE TAKE NOTICE, that pursuant to a motion of the Town Board of the Town of Clayton, Jefferson County, New York, sealed bids for supplying No. 2 Fuel Oil and Propane for the period October 1, 2023 to September 30, 2024 to several locations in the Town of Clayton will be received by the Town of Town Clerk until 2:00 p.m. on Monday, September 11, 2023 at which time bids will be opened and publicly read.

All bids shall be contained in sealed envelopes, distinctly marked "FUEL BID" and addressed to:

Town Clerk
Town of Clayton
405 Riverside Drive
Clayton, NY 13624

Bids shall be submitted on the official bid form available at www.townofclayton.com or from the Town Clerk's Office, at the above address accompanied by the Statement of Service, Certificate of Non-Collusion and, if required Authorization to Bid.

Bids may not be submitted via fax or email and all bids submitted must remain valid for up to forty-five (45) days from the date of the bid opening. No bids will be considered if received after the due date and time and the Town of Clayton shall assume no responsibility for the premature opening of any bid not properly addressed and identified.

All questions regarding this bid should be submitted in via fax at 315-686-2651 or email to support@townofclayton.com. Any changes made to this bid specification will be provided to all bidders on record in the form of an addendum.

The Town of Clayton reserves the right to reject, in whole or part, any and/or all bids deemed not to be in the best interest of the Town at the sole discretion of the Town. If two or more bidders submit identical bids as to price, the decision of the Town to award a contract to one of such bidders shall be final.

MEGAN BADOUR
Town Clerk

For Publication as Follows:

Thousand Islands Sun

Wednesday, August 16, 2023

INVITATION:

Bids are invited for the sale and delivery of No. 2 Fuel Oil and Propane to the Town of Clayton for the period October 1, 2023 – September 30, 2024. Sealed bids should be forwarded as indicated in NOTICE TO BIDDERS.

CONDITIONS:

1. No. 2 Fuel Oil and Propane supplied under the terms of the bid award contract shall be of a quality designed to burn properly in the burners now installed at the various locations. It shall be sufficiently free of dirt or sediment to ensure freedom from clogging of lines, burners and burner nozzles, and shall contain no chemicals liable to corrode metal parts.
2. Pursuant to Section 100 of the New York State General Municipal Law, the Town is authorizing any political subdivision, fire company or district located in whole or in part within the Town of Clayton to participate in contracts entered into by the Town for the purchase of fuel oil and propane. These purchases would be made directly by the towns, villages or fire districts, from the winning bidder.
3. The successful bidder must have a source of supply directly from a reputable oil refinery and shall indicate said source on the Official Bid form.
4. It is to be understood by the bidder that all quantities may be either increased or decreased at the discretion of the Town according to need.
5. The successful bidder shall be responsible for all damage caused by over-filling the tanks, delivery to the wrong buildings, or any other damage caused by the bidder's equipment.
6. The successful bidder shall provide good and sufficient proof acceptable in form to the Town Supervisor's office of insurance in the amount of one million per occurrence / three million aggregate with the Town of Clayton as a named insured.
7. There is one official bid forms attached which allows for bidding a fixed price for the entire contract period or for bidding a variable price. Bidders may submit a fixed price, a variable price, or both.
8. The variable bid price for #2 Fuel Oil specified shall be the net cost per gallon to the Town, including delivery into the Town's storage tanks, and shall be based on the Journal of Commerce Albany Reseller Tank Car Low Price posted on **Tuesday, September 5, 2023**. The bid price shall be subject to increase or decrease during the contract period corresponding with the changes in the reseller's posted tank car price at the Port of Albany as published in the Journal of Commerce for the date

of delivery. The submitted bid price shall be firm and not thereafter increased for claimed late payment or other addition.

9. The variable bid price for Propane specified shall be the net cost per gallon to the Town, including delivery into the Town's storage tanks, and shall be based on the Journal of Commerce Oil Price Daily under the heading of Propane – Selkirk, New York posted on **Tuesday, September 5, 2023**. The bid price shall be subject to increase or decrease during the contract period corresponding with the changes in the reseller's posted tank care price at Selkirk, New York as published in the Journal of Commerce for the date of delivery. The submitted bid price shall be firm and not thereafter increased for claimed late payment or other addition.
10. All fuel shall be delivered on call or by automatic delivery as arranged by the Town (or its subsidiary) and the supplier. Delivery will be required to be made to each of the Town's buildings as listed between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, unless otherwise specified directly by the Town or other political subdivision. The amount of fuel delivered must be determined by meter at the time of delivery. Delivery is to be made under the supervision of the Recreation Supervisor and/or Superintendent of Highways, or their designee(s). *Deliveries to the Village of Clayton from April 1st through July 31st must be approved by the Village prior to delivery.* Deliveries to other agencies under this award are to be coordinated between the successful bidder and the agency directly.
11. Invoices for payment for fuel oil delivered must be submitted upon the successful bidder's itemized billing form and be supported by delivery slips. Delivery Tickets must identify, at minimum, the delivery location, gallons pumped, product and price per gallon. Billing will contain no surcharges. Statements, along with copies of invoices, must be submitted to the following:

Town of Clayton, Finance Department, 405 Riverside Drive, Clayton, NY 13624 by the 5th of the month for payment within that month's abstract. Contacts: Finance: 315-686-6007 Facilities: 315-399-7729

Village of Clayton, 425 Mary Street, Clayton, NY 13624. Phone: Finance: 315-686-5552 Facilities: 315-686-3631

Clayton Fire District, PO Box 237, Clayton, NY 13624. Phone: 315-921-1891

Thousand Islands Emergency Rescue Service (TIERS), 855 Graves Street, Clayton, NY 13624. Phone: 315-686-4333
12. No charge will be allowed for federal, state, sales and/or excise taxes from which the Town of Clayton is exempt.
13. Bidders are expected to make an on-site inspection of each location where

oil is to be delivered in order to acquaint themselves with the access to the storage tanks and length of hose required to reach fill pipes.

14. Requirements Contract. Bidder acknowledges that the Contract that will be entered into as a result of this solicitation will be a Requirements Contract, and the Town guarantees no minimum or maximum purchases will be made. The Town will have no obligation to the Contractor if no items or services are required. Any quantities which are included are the present expectations for the period of the contract and the Contractor understands and agrees that the Town is under no obligation to the Contractor to buy any amount as a result of having provided this estimate or of having had any normal or otherwise measurable requirement in the past. The bidder further understands that the Town may require services in excess of the estimated annual contract amount and that such excess shall not give rise to any claim for compensation other than at the unit prices in this Contract. This contract is an Indefinite Quantity Contract. All quantities or dollar values listed within these specifications are estimates.
15. Under the provision of Section 103-d of the General Municipal Law, all bids submitted to a political subdivision of the State of New York must contain a Non-collusive Bidding Certification. This certification must be completed on the proper form supplied by the Clerk of the Town of Clayton and must accompany the bid when submitted.
16. Sexual Harassment. 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 the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of §201-g of the labor law. Where competitive bidding is not required, state departments and agencies may, at their discretion, require the above certification. A model policy and training has been created by the NYS Department of Labor and can be found here: <https://www.ny.gov/programs/combating-sexual-harassment-workplace>