

## TOWN OF CLAYTON

### NOTICE TO BIDDERS

**PLEASE TAKE NOTICE**, that pursuant to a resolution 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, 2021 to September 30, 2022 to several locations in the Town of Clayton will be received by the Town of Town Clerk until 2:00 p.m. on **Tuesday, September 7, 2021** 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](http://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 writing (mail, fax, or email) to the Town Supervisor's Office at 315-686-6007 or [support@townofclayton.com](mailto:support@townofclayton.com).

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:

Watertown Daily Times

Friday, August 13, 2021

## 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, 2021 – September 30, 2022. Sealed bids should be forwarded as indicated in NOTICE TO BIDDERS.

## CONDITIONS:

1. No. 2 Fuel Oil 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. 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 markup over the Syracuse OPIS daily average price posted on Monday, August 30, 2021. The bid price shall be subject to increase or decrease during the contract period based on prices posted in the OPIS Oil Price Daily reference §2.24. The submitted bid price shall be firm and not thereafter increased for claimed late payment or other addition.
5. 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 markup over the Selkirk, New York Posting price posted on Monday, August 30, 2021. The bid price shall be subject to increase or decrease during the contract period based on the markup over the Selkirk, New York Posting for the Monday of the week of delivery, as appearing weekly in the BPN's Weekly Propane Newsletter. The submitted bid price shall be firm and not thereafter increased for claimed late payment or other addition.
6. All fuel shall be delivered on call or by automatic delivery as

arranged by the Town 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 by the Town. 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.*

7. 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.
8. The successful contractor shall be responsible for all damage caused by over-filling the tanks, spillage from leading hose, loose connections, delivery to the wrong buildings, or any other damage caused by the contractor's equipment.
9. 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 Town of Clayton, Finance Department, 405 Riverside Drive, Clayton, NY 13624 by the 5<sup>th</sup> of the month for payment within that month's abstract.
10. 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.
11. 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.
12. 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.

13. 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>

TOWN OF CLAYTON

**LOCATIONS FOR DELIVERY OF NO. 2 FUEL OIL**

	<u>Building</u>	<u>Estimated Usage 2020-2021 (Gallons)</u>	<u>Storage Tank (Gallons)</u>
<b>VILLAGE OF CLAYTON</b> <b><i>Customer-Owned Tanks</i></b>			
1.	Village Municipal Building 425 Mary Street, Clayton	3,532	4,000
2.	Low Lift Water Plant Bartlett Point Road, Clayton	0	275
3.	Any other political subdivision, fire company or district, pursuant to Section 408-a of New York State County Law		TBD

TOWN OF CLAYTON

**LOCATIONS FOR DELIVERY OF PROPANE**

	<u>Building</u>	<u>Estimated Usage 2020-2021 (Gallons)</u>	<u>Storage Tank (Gallons)</u>
<b>TOWN OF CLAYTON</b>			
<i>Customer-Owned Tanks</i>			
1.	Town Hall 405 Riverside Drive, Clayton	15,252.2	(1) 1,000
2.	Highway Barn 615 East Line Road, Clayton	8,731.4	(2) 1,000
3.	Recreation Park Arena 600 East Line Road, Clayton	3,439.6 Initial fill for (3) tanks 7,379.5	(4) 1,000
4.	Recreation Park Pool 600 East Line Road, Clayton	0	(1) 4,000 <i>(as needed)</i>
5.	Transfer Site 36243 County Route 4, Clayton	303.7	(2) 100
6.	Depauville Library 32333 County Route 179, Depauville	2,422.5	(1) 500
<b>VILLAGE OF CLAYTON</b>			
<i>Vendor-Owned Tanks</i>			
1.	Village Boathouse Mary Street Dock, Clayton	0	(1) 120
2.	Low Lift Water Plant Bartlett Point Road, Clayton	0	(1) 1,000
3.	East Union Street Pump Station Union Street, Clayton	0	(1) 250

TOWN OF CLAYTON

**LOCATIONS FOR DELIVERY OF PROPANE**  
**CONTINUED**

	<u>Building</u>	<u>Estimated Usage</u> 2020-2021 <u>(Gallons)</u>	<u>Storage</u> <u>(Gallons)</u>
<b>BILLED DIRECTLY TO</b>			
<b>CLAYTON FIRE DISTRICT</b>			
PO Box 237, Clayton, NY 13624			
<i>Customer-Owned Tanks</i>			
1.	Clayton Fire Department 855 Grave Street, Clayton	4,740	(2) 1,000
2.	Depauville Fire Department 15231 School Street, Depauville	1,000	(1) 500
3.	Depauville Social Hall 15231 School Street, Depauville	1,855	(1) 1,000
<b>BILLED DIRECTLY TO</b>			
<b>TIERS</b>			
885 Graves Street, Clayton, NY 13624			
<i>Customer-Owned Tank</i>			
1.	TIERS 885 Graves Street, Clayton	2,440	(1) 1,000
<b>BILLED DIRECTLY TO</b>			
<b>HAWN MEMORIAL LIBRARY</b>			
220 John Street, Clayton, NY 13624			
<i>Vendor-Owned Tank</i>			
1.	Hawn Memorial Library 220 John Street, Clayton, NY 13624	5,000	(1) 500
1.	<b>ANY OTHER POLITICAL SUBDIVISION,</b> fire company or district, pursuant to Section 408-a of New York State County Law		TBD

## STATEMENT OF SERVICE

If successful in bid for supplying No. 2 Fuel Oil and Propane for specified Town of Clayton locations, I/we agree to provide routine and emergency service on the oil heating equipment at these locations as follows:

A. Availability:

1. 24 hours/7 day per week                        
  Yes                No

2. Other: \_\_\_\_\_  
  \_\_\_\_\_

B. Response Time: \_\_\_\_\_ hours from time call received.

C. Cost: (Time and Materials):

1. Hourly rate: \$\_\_\_\_\_

2. Travel time: \$\_\_\_\_\_

3. Materials: Bidder's cost, plus \_\_\_\_\_

D. Successful bidder assumes responsibility for scheduling oil deliveries on a routine basis in accordance with approximate anticipated usage.

\_\_\_\_\_  
Name of Company/Corporation

By: \_\_\_\_\_

\_\_\_\_\_  
Title



**CERTIFICATE OF NON-COLLUSION**

To: Town of Clayton  
Re: Attached Bid

Date: \_\_\_\_\_

I, \_\_\_\_\_

HEREBY CERTIFY, as follows:

- 1. That the attached bid has been independently arrived at without collusion with any other bidder or with any competitor or potential competitor.
- 2. That the bid has not been knowingly disclosed prior to the opening of bids to any other bidder or competitor.
- 3. That no attempt has been or will be made to induce any other person or firm to submit or not to submit a bid.
- 4. That the statements are accurate, under penalty of perjury.
- 5. That attached hereto (if a corporate bidder) is a certified copy of a resolution authorizing the execution of the certificate by the signatory of this bid or proposal in behalf of the corporate bidder.

\_\_\_\_\_  
(Name of Company or Corporation)

By: \_\_\_\_\_  
(Signature of Officer)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Address of Company)

This certification is made pursuant to an amendment to the State Finance Law, the General Municipal Law and the Public Authorities Law, relating to non-collusion in public bids and proposals, which became effective September 1, 1965. (Chapter 751 of the Laws of 1965)

**AUTHORIZATION TO BID**

RESOLVED, that \_\_\_\_\_  
(Name of Individual)

be authorized to sign and submit the bid or proposal of

\_\_\_\_\_  
(Name of Corporation)

for the supply of fuel and to include in such bid or proposal the certificate of non-collusion required by Section 103-d of the General Municipal Law as the act and deed of such corporation, and for any inaccuracies or misstatements in such certificate this corporate bidder shall be liable under the penalties of perjury.

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The foregoing is a true and correct copy of the resolution adopted by

\_\_\_\_\_ at a meeting of this board of directors  
held on (Name of Corporation)

the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Secretary

(CORPORATE SEAL)

**BID FORM – TOWN OF CLAYTON: NO. 2 FUEL OIL**

	<u>Building</u>	<u>Fixed Price (Per Gallon)</u>	<u>Variable Price (Per Gallon)</u>
<b>VILLAGE OF CLAYTON</b> <b><i>Customer-Owned Tanks</i></b>			
1.	Village Municipal Building 425 Mary Street, Clayton	_____	
2.	Low Lift Water Plant Bartlett Point Road, Clayton	_____	
3.	Any other political subdivision, fire company or district, pursuant to Section 408-a of New York State County Law	_____	

**#2 FUEL OIL BID PRICE** based on the Syracuse OPIS daily average price posted on Monday, **August 30**, 2021, which was \$\_\_\_\_\_ per gallon.

\_\_\_\_\_  
Name of Company

\_\_\_\_\_  
Signature of Officer                      Title

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, Town, State and Zip

**BID FORM – TOWN OF CLAYTON: PROPANE**

	<u>Building</u>	<u>Fixed Price</u> <u>(Per Gallon)</u>	<u>Variable Price</u> <u>(Per Gallon)</u>
<b>TOWN OF CLAYTON</b> <i>Customer-Owned Tanks</i>			
1.	Town Hall 405 Riverside Drive, Clayton	_____	
2.	Highway Barn 615 East Line Road, Clayton	_____	
3.	Recreation Park Arena 600 East Line Road, Clayton	_____	
4.	Recreation Park Pool 600 East Line Road, Clayton	_____	
5.	Transfer Site 36243 County Route 4, Clayton	_____	
6.	Depauville Library 32333 County Route 179, Depauville	_____	
<b>VILLAGE OF CLAYTON</b> <i>Vendor-Owned Tanks</i>			
1.	Village Boathouse Mary Street Dock, Clayton	_____	
2.	Low Lift Water Plant Bartlett Point Road, Clayton	_____	
3.	East Union Street Pump Station Union Street, Clayton	_____	

**BID FORM – TOWN OF CLAYTON: PROPANE CONTINUED**

	<u>Building</u>	<u>Fixed Price</u> <u>(Per Gallon)</u>	<u>Variable Price</u> <u>(Per Gallon)</u>
<b>BILLED DIRECTLY TO CLAYTON FIRE DISTRICT</b> PO Box 237, Clayton, NY 13624 <i>Customer-Owned Tanks</i>			
1.	Clayton Fire Department 855 Grave Street, Clayton	_____	
2.	Depauville Fire Department 15231 School Street, Depauville	_____	
3.	Depauville Social Hall 15231 School Street, Depauville	_____	
<b>BILLED DIRECTLY TO TIERS</b> 885 Graves Street, Clayton, NY 13624 <i>Customer-Owned Tank</i>			
1.	TIERS 885 Graves Street, Clayton	_____	
<b>BILLED DIRECTLY TO HAWN MEMORIAL LIBRARY</b> 220 John Street, Clayton, NY 13624 <i>Vendor-Owned Tank</i>			
1.	Hawn Memorial Library 220 John Street, Clayton, NY 13624	_____	
1.	<b>ANY OTHER POLITICAL SUBDIVISION,</b> fire company or district, pursuant to Section 408-a of New York State County Law	_____	

**PROPANE BID PRICE** based on the Selkirk, New York Posting price posted on Monday, **August 30**, 2021, which was \$\_\_\_\_\_ per gallon.

\_\_\_\_\_  
Name of Company

\_\_\_\_\_  
Signature of Officer                      Title

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, Town, State and Zip