

INVITATION TO BID
**PURCHASE OF CLASS 4 AIRCRAFT RESCUE
AND FIRE FIGHTING (ARFF) VEHICLE**

A.I.P. 3-23-0038-XX-2023

Bid No. 23062

PORTLAND INTERNATIONAL JETPORT
PORTLAND, MAINE

Sealed bids for

Purchase of Class 4 Aircraft Rescue and Fire Fighting (ARFF) Vehicle, (AIP-3-23-0038-XX-2023) at the Portland International Jetport shall be addressed to Purchasing Office, City Hall, Room 103, 389 Congress Street, Portland, Maine 04101 and received by **Thursday, April 20, 2023 at 3:00 PM local time**. Late, unsigned or faxed bids shall not be accepted. **Bidders must submit their bid electronically to bidssubmit@portlandmaine.gov with the name of the Bidder, Contract Name and Bid Number in the subject line or by submitting via USPS, UPS or FedEx to the mailing address above.**

Bids shall remain open to acceptance for ninety (90) days from their opening. Bids from vendors not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a vendor receive this request from a source other than the City, please contact 207-874-8654 or jrl@portlandmaine.gov to ensure that your firm is listed as a vendor for this Bid. Hard copy bids must be submitted in a sealed envelope endorsed with the name and address of the bidder. The outside of the envelope shall be clearly marked as follows:

Purchase of Class 4 Aircraft Rescue and Fire Fighting (ARFF) Vehicle
Portland International Jetport
Portland, Maine
A.I.P. 3-23-0038-XX-2023
Bid No. 23062

Bid documents are available electronically by contacting the City of Portland Purchasing Office by phone: (207) 874-8654 or E-Mail jrl@portlandmaine.gov

Bid security in the amount of five percent (5%) of the total bid must be submitted with the bid. The bid security may be either a certified check **(only if the bidder utilizes USPS, UPS, or FedEx to submit their bid)** or a proposal guaranty bond executed by a surety company authorized to do business in the State of Maine **(for electronic bid submissions)**. Bid security shall be made payable to the City of Portland, Maine. Bids submitted without security will not be considered. Each prospective bidder will be required to obtain from the City a copy of the proposal form and project specifications.

This contract will be funded by Federal Grants under the Airport Improvement Plan (AIP) and will be subject to all applicable requirements of the U.S. Department of Transportation, Federal Aviation Administration. It will also be funded by the State of Maine and City of Portland and will also be subject to all of their applicable documents. The following is a list of Federal Requirements incorporated in this solicitation by reference for contracts as provided by the Federal Aviation Administration:

- Buy American Preference
- Foreign Trade Restriction
- Civil Rights – Title VI Assurance
- Debarment and Suspension
- Federal Fair Labor Standards Act (Federal Minimum Wage)
- Procurement of Recovered Materials
- Lobbying and Influencing Federal Employees

Additional information on these requirements can be found on the FAA's website at:

http://www.faa.gov/airports/aip/procurement/federal_contract_provisions/#requiredProvisions

FEDERAL FAIR LABOR STANDARDS ACT (Federal Minimum Wage)

Wages paid to employees must comply with the minimum established by the U.S. Department of Labor Wage Determination.

All contracts and subcontracts that result from this solicitation incorporate by reference the provisions of 29 CFR part 201, et seq, the Federal Fair Labor Standards Act (FLSA), with the same force and effect as if given in full text. The FLSA sets minimum wage, overtime pay, recordkeeping, and child labor standards for full and part-time workers.

The *Contractor* has full responsibility to monitor compliance to the referenced statute or regulation. The *Contractor* must address any claims or disputes that arise from this requirement directly with the U.S. Department of Labor – Wage and Hour Division.

TRADE RESTRICTION CERTIFICATION

By submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror –

- 1) is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms as published by the Office of the United States Trade Representative (USTR);
- 2) has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on the list of countries that discriminate against U.S. firms as published by the USTR; and
- 3) has not entered into any subcontract for any product to be used on the Federal project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18 USC § 1001.

The Offeror/Contractor must provide immediate written notice to the Owner if the Offeror/Contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The Contractor must require subcontractors provide immediate written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR § 30.17, no contract shall be awarded to an Offeror or subcontractor:

- 1) who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR; or
- 2) whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such USTR list; or
- 3) who incorporates in the public works project any product of a foreign country on such USTR list.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

The Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in all lower tier subcontracts. The Contractor may rely on the certification of a prospective subcontractor that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by USTR, unless the Offeror has knowledge that the certification is erroneous.

This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration (FAA) may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

CIVIL RIGHTS

CIVIL RIGHTS – TITLE VI SOLICITATION NOTICE: The City of Portland, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award.

DISADVANTAGED BUSINESS ENTERPRISE

Also, the City of Portland has an approved Disadvantaged Business Enterprise Program, which must be adhered to. The DBE goal for this project has been established as 2.8%.

Bid Information to be Submitted as a matter of **responsiveness**:

The Owner's award of this contract is conditioned upon Bidder or Offeror satisfying the good faith effort requirements of 49 CFR § 26.53.

As a condition of responsiveness, the Bidder or Offeror must submit the following information with its proposal on the forms provided herein:

- 1) The names and addresses of Disadvantaged Business Enterprise (DBE) firms that will participate in the contract;
- 2) A description of the work that each DBE firm will perform;
- 3) The dollar amount of the participation of each DBE firm listed under (1);
- 4) Written statement from Bidder or Offeror that attests their commitment to use the DBE firm(s) listed under (1) to meet the Owner's project goal
- 5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; and
- 6) If Bidder or Offeror cannot meet the advertised project DBE goal, evidence of good faith efforts undertaken by the Bidder or Offeror as described in appendix A to 49 CFR part 26. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

Bid Information submitted as a matter of **responsibility**:

The Owner's award of this contract is conditioned upon Bidder or Offeror satisfying the good faith effort requirements of 49 CFR § 26.53.

As a condition of responsibility, every Bidder or Offeror must submit the following information on the forms provided herein within five days after bid opening.

- 1) The names and addresses of Disadvantaged Business Enterprise (DBE) firms that will participate in the contract;
- 2) A description of the work that each DBE firm will perform;
- 3) The dollar amount of the participation of each DBE firm listed under (1);
- 4) Written statement from Bidder or Offeror that attests their commitment to use the DBE firm(s) listed under (1) to meet the Owner's project goal;
- 5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; and
- 6) If Bidder or Offeror cannot meet the advertised project DBE goal, evidence of good faith efforts undertaken by the Bidder or Offeror as described in appendix A to 49 CFR part 26. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

The City of Portland reserves the right to accept the bid on one or more items of a proposal, on all the items of a proposal, or on any combination of items of a proposal. The City also reserves the right to waive any informalities in bids, to accept any bid and to reject any or all bids should it be deemed for the best interest of the City to do so. No bidder may withdraw his/her bid for a period of 90 days following the bid opening.