

REQUEST FOR PROPOSALS

Wa 320 -8 Komatsu or Equivalent

Issued By:

Whitestown Public Works Department
6210 Veterans Dr Rm 600
Whitestown, IN 46075

PROPOSALS DUE:

2:00 p.m., local time, September 17th 2024

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Exhibit A RFP Form

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SECTION 1. Introduction

Whitestown Municipal Utilities, by and through the Town of Whitestown, Indiana (the "Town") hereby requests proposals from interested persons ("Proposals") for a Wa 320 -8 Komatsu or Equivalent ("Apparatus") with the minimum specifications:

- 170 hp
- Quick Coupler
- Pay Load
- 2 and 3 yard bucket
- Set of forks
- Rear camera
- Max dumping clearance 11'6 -12'
- Air ride

The purpose of this Request for Proposal ("RFP") is to attract qualified and experienced offerors ("Offerors") who will provide a high-quality, well-built, and safe Apparatus in an economical manner. The Town's receipt of any Proposal does not bind or obligate the Town in any manner under any circumstances. The Town will not become legally obligated unless and until a contract to purchase an Apparatus is duly approved by the Town, in its absolute discretion, and is executed by the parties.

SECTION 2. RFP timeline

The schedule of events is as follows:

| EVENT | DATE |
|--|----------------------|
| RFP Issued | September 3rd, 2024 |
| Proposals due to Town | September 17th, 2024 |
| Review RFP responses and select Offeror(s), if any, to be invited to participate in discussions and revisions of Proposal(s) | September 18th, 2024 |
| Notify selected Offeror | September 20th, 2024 |
| Contract/negotiations finalized | September 30th, 2024 |

The dates set forth herein are merely estimates and the Town reserves the right, in its absolute discretion, to alter any of the dates and the proposed schedule set forth herein.

SECTION 3. Questions regarding RFP

Any questions concerning this RFP may be submitted to: Street Superintendent, Bryan Leach, email bleach@whitestown.in.gov. No interpretation, explanation, or clarification of the RFP, by any official, consultant, attorney, or other representative of the Town will be considered authoritative or binding on the Town unless contained in a written interpretation, correction, or addendum to this RFP. Official interpretations, corrections, or addendum to the RFP will be made available in writing to all potential Offerors that request copies of such documents.

SECTION 4. Pre-proposal meeting

There will be no pre-proposal meeting.

SECTION 5. Proposal submission

The Proposal must be submitted to:

Whitestown Public Works Dept.
Town of Whitestown
Whitestown Municipal Complex
6210 Veterans, Drive Rm. 600, Whitestown, IN 46075
Attention: Wa 320 - 8 Komatsu or Equivalent

All Proposals should be received not later than 2:00 p.m., local time, September 17th, 2024. Any Proposals received after the time specified for receipt may be rejected by the Town.

SECTION 6. Criteria used in evaluating Proposals

While cost of the Apparatus is an important criterion to the Town, it will not necessarily be the controlling evaluation factor. The Town will make a determination, in its sole and absolute discretion, as to the most appropriate response to the RFP. The Town requests the following information from the Offerors and such information will be used by the Town in making its final determination:

- (a) General qualifications: describe the Offeror's general qualifications;
- (b) Special qualifications: describe any special or unique qualifications of the Offeror as they relate to the apparatuses or equipment generally;

- (c) References: provide a list of sewer utilities, including name, address, phone number, email address, and contact person, using the Apparatus or similar equipment;
- (d) Litigation or claims: provide a list of any and all litigation or claims within the last five (5) years against the Offeror by any and all or other governmental entities;
- (e) Describe the financial strength and capability of the Offeror;

Describe in detail all specifications for the Apparatus being offered in the Proposal, including, but not limited to, model year, make, model, etc. The Apparatus offered in the Proposal must be new;

If the Offeror is not a manufacturer, the Proposal must identify the source of the Apparatus and all subcontractors must be identified;
- (f) Describe in detail the performance capabilities of the Apparatus being offered in the Proposal;
- (g) Describe in detail all maintenance requirements for the Apparatus;
- (h) Describe all warranties included in the Proposal for the Apparatus;
- (i) Describe all customer service included in the Proposal;
- (j) Describe all training provided by the Offeror, and describe, in detail, if there is any additional cost for training;
- (k) Describe how the Apparatus meets or exceeds all applicable OSHA, and state regulatory standards or requirements;
- (l) Provide the date upon which the Apparatus can be delivered to the Town;
- (m) Price: include an all-inclusive price for the Apparatus. The price shall include all components included on the Apparatus, all warranties, all training, etc; and
- (n) Describe any innovative, performance-enhancing, or cost-saving features of the Apparatus that the Offeror believes the Town should consider in making its selection.

- (o) Describe adherence to minimum specifications and explain any deviation therefrom.

SECTION 7. Proposal evaluation and selection process

The Proposals will be reviewed by an evaluation panel consisting of individuals selected by the Town.

Proposals will be reviewed using the following criteria:

- (a) Conciseness, responsiveness, and completeness of the Proposal to the information requested as outlined in the RFP;
- (b) Offeror qualifications, experience, litigation or claims history, financial strength, references, and performance reviews or evaluations;
- (c) The specifications, performance capabilities, and maintenance requirements of the Apparatus;
- (d) Warranties, customer service, and training included in the Proposal;
- (e) Apparatus compliance with all applicable OSHA, or state standards or regulations;
- (f) Date the Offeror can deliver the Apparatus;
- (g) Price; and
- (h) Innovative, performance-enhancing, or cost-saving features of the Apparatus.

At the Town's discretion, to further assist in evaluation, some, one, or all responding Offerors may be requested to participate in discussions or negotiations. At the Town's discretion, the Town may directly negotiate with any Offeror on specifications, price, or any other aspect of the Proposal. The Town may also consider alternative proposals if there is an opportunity for savings and other benefits accruing to the Town.

The Town may investigate the qualifications of any Offeror, require confirmation of information furnished, and require additional evidence of qualifications to provide the Apparatus requested by this RFP. The Town also reserves certain rights, including, but not limited to, the following: (a) Reject any or all Proposals; (b) Issue subsequent RFPs; (c) Cancel the entire RFP; (d) Remedy any errors in the RFP process; (e) Appoint

evaluation committees to review qualifications and Proposals; (f) Seek the assistance of outside technical experts in evaluation; (g) Approve or disapprove of the use of particular subcontractors; (h) Establish a shortlist of eligible Offerors for discussions or negotiations after review of Proposals; (i) Negotiate with any or all Offerors; j) Solicit best and final offers from all, some, or none of the Offerors; (k) Purchase an Apparatus from all, some, or none of the Offerors; (l) Waive informalities and irregularities in the RFP; and (m) Purchase an Apparatus without discussions or negotiations.

The Town's selection of a Proposal will be based on a determination as to which Proposal is in the best interest of the Town. Price will be an important factor in the Town's decision, but it will not be controlling. Any decision made by the Town, including selection of a Proposal, shall be final and is NOT SUBJECT TO APPEAL.

This RFP shall not, in any manner, be construed to be an obligation on the Town to enter a contract or purchase an Apparatus or result in any claim for reimbursement of cost for any efforts expended in responding to the RFP or in anticipation of any contract.

SECTION 8. Proposals

Offerors shall submit one (1) Proposal originally executed and five (5) copies of such Proposal, and a digital copy via thumb drive. The proposal must include the manufacture specification sheet. The original and copies should be submitted in a sealed envelope, conspicuously marked: "Wa 320 -8 Komatsu or Equivalent System limited to twenty five (25) pages (not counting exhibits, specification sheets and schedules) and shall contain an executive summary not to exceed 5 pages.

Proposals will be opened so as to avoid disclosure of contents to competing offers during the process of negotiation. However, all Proposals and other documentation arising out of this RFP may be public records that may ultimately be subject to disclosure under Indiana law. If an Offeror believes that any portion of its Proposal may contain proprietary information, then that portion of the Proposal shall be sealed separately and clearly marked "Proprietary Information" and contain a request that such information be treated as confidential. The Town will review and consider such requests, in its sole and absolute discretion.

Each Offeror must certify that it has not participated in collusion or other anticompetitive practices in connection with the RFP process by executing and returning with its Proposal the Non-Collusion Affidavit in the form of Exhibit B.

SECTION 9. General Terms and Conditions of the RFP process

9.1. Information provided

Offerors are solely responsible for conducting their own independent research, due diligence, investigations, and other work necessary for the preparation and submission of the Proposals.

9.2. Governing law

Indiana law shall govern this RFP and any purchase of an Apparatus resulting from it. The Town requires that all Proposals, comply with all applicable local, state and federal laws, ordinances, and regulations. Notwithstanding any other term or provision of this RFP, all terms and provisions of this RFP are intended to be and shall be construed and interpreted so as to comply with all applicable local, state, and federal laws, rules, regulations, and ordinances. If any provision of this RFP shall transcend the limit of validity prescribed by law, then such provision shall be reduced to the limit of such validity. The provisions of this RFP are severable. In the event one or more provisions contained in this RFP should be invalid or unenforceable, in any respect, the validity, legality, and enforceability of the remaining provisions contained herein, shall not in any way be affected or impaired and shall remain in full force and effect.

9.3. Covenant not to sue

It is an express condition of tender and consideration of any Proposal that the Offeror release the Town and all its elected and appointed officials, representatives, attorneys, accountants, engineers and employees from all causes of action, suits, claims or demands which may arise as a result of any decision made as a result of this RFP.

9.4. Costs and expense of Offerors

The Town does not accept any liability under any circumstances for any costs or expenses incurred by Offerors in acquiring, clarifying, or responding to any condition, request, or standard contained in this RFP, including, without limitation, mandatory meetings. Each Offeror that participates in this process does so at its own expense and risk and agrees that the Town shall not reimburse any costs incurred during this process, and each Offeror shall indemnify and hold harmless the Town from and against any claims (including any costs and attorney's fees) for such reimbursement, directly or indirectly, made by or on behalf of such Offeror.

Thank you for your prompt consideration and response to this Request for Proposal.

TOWN OF WHITESTOWN

By: _____
Bryan Leach
Whitestown Street Superintendent

Date: August 26th, 2024

Exhibit A

Wa 320-8 Komatsu or Equivalent RFP Form

1. Total RFP Price \$ _____

2. Anticipated Delivery Date: _____

Deviation(s) from Specifications-
Please Explain:

Exhibit B

NON-COLLUSION AFFIDAVIT

The individual person(s) executing this Proposal, being first duly sworn, depose(s) and state(s) that the Offeror has not directly or indirectly entered into a combination, collusion, undertaking or agreement with any other offeror or person (i) relative to the price(s) proposed herein or to be bid by another person, or (ii) to prevent any person from submitting a Proposal, or (iii) to induce a person to refrain from submitting a Proposal; and furthermore, this Proposal is made and submitted without reference to any other proposals and without agreement, understanding or combination, either directly or indirectly, with any persons, with reference to such proposals in any way or manner whatsoever.

[Signature by or on behalf of the Offeror in the spaces provided below shall constitute execution of each and every part of this Proposal. SIGNATURE MUST BE PROPERLY NOTARIZED.]

Written Signature: _____

Printed Name: _____

Title: _____

Important - Notary Signature and Seal Required in the Space Below

STATE OF _____ SS:

COUNTY OF _____

Subscribed and sworn to before me this_ day of _____
2024

My commission expires: _____ (Signed) _____

Residing in _____ County, State of _____