



COUNTY OF LYCOMING

PURCHASING DEPARTMENT

Mya Toon, Lycoming County Chief Procurement Officer, CPPB
Lycoming County Executive Plaza ♦ 330 Pine Street, Suite 404, Williamsport, PA 17701
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REQUEST FOR PROPOSAL (RFP) FOR ZONING HEARING BOARD SOLICITOR SERVICES

ISSUE DATE: NOVEMBER 15, 2019
DUE DATE: DECEMBER 6, 2019

Bidders may download proposals by going to www.lyco.org and clicking on Top 10 Links, Request for Bids/Proposals. All bidders are required to contact the Lycoming County Chief Procurement Officer and place their company name on the bidders' list. This will ensure that each bidder receives any and all addenda that may apply to the current bid package. Failure to receive all current information could result in your company submitting an inaccurate bid, which may be disqualified by the County.

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SECTION 1
NOTICE TO BIDDERS

Legal Ad
Sun Gazette
To Be Run: November 15th and November 20th

NOTICE TO BIDDERS

The County of Lycoming is requesting sealed proposal for **Zoning Hearing Board Solicitor Services**. Bids are due by **Friday, December 6, 2019, at 5:00 P.M. EST.** Proposals will be opened on **Tuesday, December 10, 2019, at 10:00 A.M. EST** in the Commissioners' Meeting Room, Lycoming County Executive Plaza Building.

Proposals shall be mailed or delivered to the Lycoming County Controller's Office, Lycoming County Executive Plaza Building, 330 Pine Street, 2nd Floor, Williamsport, PA 17701. Proposals must be enclosed in a sealed envelope and marked "**RFP for Zoning Hearing Board Solicitor Services.**"

Questions regarding this request for proposal shall be directed to Mya Toon, Chief Procurement Officer, at mtoon@lyco.org.

Bidders may download the proposal by going to www.lyco.org and clicking on Top 10 Links, Request for Bids/Proposals.

The Lycoming County Board of Commissioners reserve the right to accept or reject any or all proposals, or to accept any part of a proposal without accepting the whole thereof, or to accept such proposal as they deem to be in the best interest of the County.

COUNTY OF LYCOMING

R. Jack McKernan
Tony R. Mussare
Richard Mirabito

Attest:
Matthew M. McDermott
Chief Clerk

SECTION 2

**BID INFORMATION
AND
INSTRUCTIONS**

BID INFORMATION AND INSTRUCTIONS

2.1 Definitions

Request for Proposal (RFP)	All documents, whether attached or incorporated by reference, used to solicit competitive sealed bids / proposals.
County	County shall be synonymous with the Lycoming County Board of Commissioners.
Bidder / Respondent	A firm, individual, or corporation submitting a proposal in response to this RFP.
Addendum	A written change, addition, alteration, correction or revision to a bid or contract document.
Bid / Proposal	The formal response to the RFP.
Contract	The agreement that results from this competitive procurement, if any, between the County and the vendor identified.
Contractor / Vendor / Successful Bidder	The Bidder(s) that will be awarded a contract pursuant to this solicitation and are responsible performing the service or supplying the good as defined in the contract.
Subcontractor	Any person other than an employee of Respondent who performs any services listed in this RFP.

2.2 Purpose and Intent of Bid. This Request for Proposal (RFP) is issued by the Lycoming County Purchasing Department on behalf of the Lycoming County Board of Commissioners. It shall be the purpose and intent of this Request for Proposal (RFP) to cover the terms and conditions under which a successful Bidder shall be responsible to provide Zoning Hearing Board Solicitor Services to the Lycoming County Planning and Community Development department (hereinafter “LCPCD”) through sealed proposals.

The County is seeking to identify and select one (1) bidder to perform the work as listed above. The selected Bidder shall perform work in accordance with the Scope of Work and the RFP. However, the County reserves the right to award multiple contracts in any combination that best serves the interest of the County.

The Lycoming County Board of Commissioners reserve the right to accept or reject any or all bids, or to accept any part of a bid without accepting the whole thereof, or to accept such bid as they deem to be in the best interest of the County.

2.4 Examination of Bid. Bidders shall carefully examine all documents in the solicitation to obtain knowledge of existing conditions, limitations, and requirements. Failure to examine the documents will not relieve the bidder of responsibility for same nor will extra payment or change order requests be considered for conditions which could have been determined by examining the solicitation.

Bids will be considered as conclusive evidence of complete examination and understanding of the terms and conditions of the bid documents including the specifications and all requirements thereof of the RFP. It is understood that submission of a bid indicates full acceptance of the same by the parties submitting the bid. Furthermore, by submitting a bid the bidder waives the right to claims for

additional time or monetary compensation for all work without limit required to complete the contract which could have been obtained by the bidder through examination of all documents, or raising a question regarding requirements prior to submitting a bid.

- 2.5 Preparation of Bid.** The County shall not be responsible for any costs associated with the preparation or submittal of any bid. All costs are entirely the responsibility of the bidder.
- 2.6 Communications.** All questions regarding this RFP shall be submitted in writing to Mya Toon, Lycoming County Chief Procurement Officer, at mtoon@lyco.org. Questions which require a more detailed or complex reply, or require an answer that may affect responses to this RFP or may be prejudicial to other prospective bidders, will be answered by issuing an addendum. Questions must be received by the Chief Procurement Officer no later than Friday, November 29, 2019, 5:00 P.M. EST.
- 2.7 Addenda/Amendments to Bid.** All changes in connection with this bid will be issued by the Purchasing Department in the form of a written addendum. All addenda will be posted to the County Purchasing Department's page on the County website (www.lyco.org) at least seven (7) days prior to the deadline for RFP submissions. It is the Bidder's responsibility to check the website and ensure they have all applicable addenda prior to bid submission. Signed acknowledgement of receipt of each addendum must be submitted with the bid.
- 2.8 Deadline and Opening of Bid.** Bids must be received no later than Friday, December 6, 2019, 5:00 P.M. EST. Bids will be opened publicly at 10:00 A.M., EST, on Tuesday, December 10, 2019, in the Commissioners' Board Room located on the 1st Floor of the Lycoming County Executive Plaza Building.

A summary of bids received, including company name and bid amount will be posted on the Purchasing Department's page on the County's website (www.lyco.org) within 48 hours of the bid opening.

The bidder warrants the bid price(s), terms and conditions stated in his/her bid shall be firm for a period of 60 days from the date of the bid opening.

- 2.9 Important Dates.** The following lists important events and deadlines regarding the RFP.

Issue Date:	November 15, 2019
Final Date for Written Questions:	November 29, 2019
Deadline for Submitting Bids:	December 6, 2019
Opening of Bids:	December 10, 2019

- 2.10 Submission of Bid.** An original and five (5) complete copies must be enclosed in a sealed envelope or package. The outside of the envelope or package shall be clearly marked, "RFP for Zoning Hearing Board Solicitor Services." Bids shall be submitted to the Lycoming County Controller's Office, Executive Plaza Building, 330 Pine Street, 2nd Floor, Williamsport, PA 17701. Late bids shall not be accepted. Bids must be mailed or hand-delivered. Bids delivered by fax or electron means are not acceptable and will not be considered.

All bids must be submitted on the forms provided by the County and in accordance with the requirements and instructions contained in the RFP package.

The County may waive minor informalities or irregularities in the bids received where such is merely a matter of form and not substance, and the correction or waiver of which is not prejudicial to other

bidders. Minor irregularities are defined as those that will not have an adverse effect on the County's interest and will not affect the price of the bid by giving a bidder an advantage of benefits not enjoyed by other bidders.

- 2.11 Public Disclosure.** All bidders should be aware that the County is an agency subject to the Right-to-Know Law. Any documents submitted should be considered as subject to potential public disclosure once the bid is awarded.

A summary of bids received, including company name and bid amount will be posted on the Purchasing Department's page of the County's website (www.lyco.org) within 48 hours of the bid opening.

- 2.12 Exceptions.** A bid submitted in response to this RFP constitutes a binding offer to comply with all terms, conditions, special conditions, general specifications, and requirements stated in this RFP, except to the extent that a bidder takes exception to such provisions. To take exception to a provision of this RFP, the bidder must clearly identify in the BID EXCEPTION FORM: (a) the number and title of each section of this RFP that the Bidder takes exception to; (b) the specific sentence within such section that the Bidder takes exception to; and (c) any alternate provision proposed by the Bidder.

- 2.13 Modifications/Withdrawal of Bid.** Bids may be modified or withdrawn prior to the submittal deadline. Requests for withdrawals or modifications of bids received after the bid submittal deadline will not be considered except as otherwise provided in the following paragraph. Bidders desiring to modify or withdraw his/her bid, must submit the purpose for modification or withdrawal in writing to the County Chief Procurement Officer prior to the submittal deadline. Bidders may resubmit bids provided it is prior to the scheduled submittal deadline.

After bid opening, the Chief Procurement Officer may allow a bidder to modify or withdraw its bid without prejudice if clear and convincing evidence supports the existence of a material and substantial error, an unintentional arithmetical error or an unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid. Requests to modify or withdraw the bid must be made in writing to the Chief Procurement Officer within two (2) business days after opening the bids.

- 2.14 Evaluation of Bids.** Bids will be evaluated in accordance with the required scope of work as listed in this RFP. At the County's discretion, a bid may be eliminated from consideration for failure to comply with any required specification, depending on the nature and extent of non-compliance. In addition to meeting mandated specifications, bids will be evaluated for the ability of the Bidder to provide, in the County's opinion, the best overall solution to meet the County's objectives.

Accepted proposals will be reviewed by an evaluation team and scored against the stated criteria. This scoring will determine the ranking of proposers based upon their written proposals. If the team determines that it is in the best interest of the County to require oral presentations and/or interviews, the highest ranking proposers will be invited to make such presentations and/or demonstrations. Those proposers that participate will then be scored, and the final ranking will be made based upon those scores.

2.15 Rejection or Disqualification of Bids. A bid that is incomplete, obscure, conditioned or contains additions not called for or irregularities of any kind, (including alterations or erasures), which are not initialed, may be rejected as non-conforming. The County reserves the right to waive a bid's minor irregularities if rectified by Bidder within three (3) business days of the County's issuance of a written notice of such irregularities. The County reserves the right to disqualify bids, before or after opening, upon evidence of collusion with intent to defraud or other illegal practices upon the part of the bidder.

Issuance of this RFP in no way constitutes a commitment by the County to award a contract. The County reserves the right to accept or reject, in whole or part, all bids submitted and/or cancel this solicitation if it is determined to be in the best interest of the County.

Any bidder who has demonstrated poor performance during a current or previous Agreement with the County may be considered a non-responsible Bidder and their bid may be rejected. The County reserves the right to exercise this option as is deemed proper and/or necessary.

The Lycoming County Board of Commissioners reserve the right to accept or reject any or all bids, or to accept any part of a bid without accepting the whole thereof, or to accept such bid as they deem to be in the best interest of the County.

2.16 Award of Bid. Award of any bid is contingent upon approval of the Lycoming County Board of Commissioners. The County will award the contract(s) to the best responsible, responsive bidder who meets all terms, conditions, and specifications of the RFP, within 60 days of the opening of the bids. Submitted bids shall remain valid during this 60 day period.

The County reserves the right, in its sole and absolute discretion, to accept or reject any and all bids or parts thereof, or to accept such bid as they deem to be in the best interest of the County.

An official letter of acceptance will be forwarded by the County to the successful Bidder after bid selection and prior to contract award.

SECTION 3
GENERAL TERMS
AND
CONDITIONS

- 3.1 Bidder's Certification.** By submitting a proposal, the contractor is certifying that it and its principals and/or subcontractors are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by the State of Pennsylvania or any Federal department or agency.
- 3.2 Non-Collusion Affidavit.** The County requires that a Non-collusion Affidavit be submitted with all bids pursuant to its authority according to the Pennsylvania Antibid-Rigging Act, 62 Pa. C.S.A. §4501 et seq. This Non-Collusion Affidavit must be executed by the member, officer, or employee of the bidder who makes the final decision on prices and the amount quoted in the bid.

Bid rigging and other efforts to restrain competition and the making of false sworn statements in connection with the submission of bids are unlawful and may be subject to criminal prosecution. The person who signs the Affidavit should examine it carefully before signing and assure himself or herself that each statement is true and accurate, making diligent inquiry, as necessary, of all other persons employed by or associated with the bidder with responsibilities for the preparation, approval or submission of the bid.

If a bid is submitted by a joint venture, each party to the venture must be identified in the bid documents, and a Non-Collusion Affidavit must be submitted separately on behalf of each party. The term "complementary bid" as used in the Affidavit has meaning commonly associated with that term in the bidding process, and includes the knowing submission of bids higher than the bid of another firm, any intentionally high or non-competitive bid, and any form of bid submitted for the purpose of giving a false appearance of competition.

Failure to file a Non-Collusion Affidavit in compliance with these instructions may result in disqualification of the bid.

SECTION 4
CONTRACT TERMS
AND
CONDITIONS

- 4.1 Agreement/Contract.** Upon acceptance and award of a bidder's proposal, the contract between the Bidder and the County shall be drafted from (a) the RFP and addenda, (b) the selected bid (response to the RFP by the Bidder) and any attachments thereto, and (c) all written communications between the County and the Bidder concerning the transactions. The contract shall constitute the entire and only agreement and shall supersede all prior negotiations, commitments, understandings, or agreements, whether oral or written.
- 4.2 Execution of Contract.** The successful bidder must execute a written contract with the County. If the successful bidder fails or refuses to execute the formal contract within ten (10) days of the date of contract award, award of the contract shall be voided, and all obligations of the County in connection herewith shall be canceled.
- 4.3 Contents of Contract.** The entire contents of this RFP shall become a part of the contract.
- 4.4 Term of Contract.** The contract, which results from the award of this RFP, shall commence on January 1, 2019, and shall terminate on December 31, 2020, with an option to renew for an additional two (2) year term.
- 4.5 Pricing.** Bidders warrant the bid price(s), terms and conditions stated in his/her bid shall be firm for a period of 60 days from the date of the bid opening. Once an award is made and a contract is in place, prices shall remain firm and fixed for the entire contract period. If your bid includes price increases over the term of the contract, such increases must be clearly indicated in the Bid Price Schedule.
- 4.6 Evidence of Insurance.** The successful bidder, at its expense, shall carry and maintain in full force at all times during the term of the contract, resulting from this RFP, the below insurance. The requirements are applicable to any and all subcontracts and subcontractors performing work under this contract.

Coverage	Limits of Liability
Workmen's Compensation	Statutory
General Liability/Property Damage	\$500,000 each occurrence \$1,000,000 aggregate
Personal Injury	\$500,000 each occurrence \$1,000,000 aggregate
Automobile Liability/Property Damage	\$500,000 each occurrence
Bodily Injury	\$500,000 each occurrence \$1,000,000 aggregate

Prior to commencement of performance of this Agreement, Contractor shall furnish to the County a certificate of insurance evidencing all required coverage in at least the limits required herein, naming the County of Lycoming, its elected officials, agents, and employees as additional insured under the Comprehensive General Liability coverage, and providing that no policies may be cancelled without ten (10) days advance written notice to the County. Such certificate shall be issued to: County of Lycoming, Attn: Mya Toon, 48 West Third Street, Williamsport, PA 17701

Said policies shall remain in full force and effect until the expiration of the terms of the contract or until completion of all duties to be performed hereunder by the Contractor, whichever shall occur later.

4.7 Subcontracting. The Contractor shall not subcontract any of its obligations under this contract without the County's prior written consent. In the event the County does consent in writing to a subcontracting arrangement, the Contractor shall be the prime contractor and shall remain fully responsible for performance of all obligations which it is required to perform under this contract. All sub-contractors must be qualified/licensed environmental assessment specialists.

4.8 Payment. The County will make payment within thirty (30) days of receipt invoice for properly received services. Advance billings are not allowed. Where partial delivery is made, invoice for such part shall be made upon delivery, and payment made within thirty (30) days under conditions as above.

If the bidder's method of billing and payment is different than what is stated above, the bidder must indicate the preferred method. The County will consider paying on a periodic basis as substantial portions of the work as performed, but not more than one time per month.

The County offers vendors the option to enroll in electronic payment via automated clearing house (ACH) to the vendor's provided bank account of record.

SECTION 5
SCOPE OF WORK

SCOPE OF WORK FOR ZONING HEARING BOARD SOLICITOR SERVICES

5.1 Essential Requirements

The Solicitor shall provide comprehensive zoning hearing board legal services to the Lycoming County Planning and Community Development (LCPCD) department. The Solicitor shall be licensed to practice law in the Commonwealth of Pennsylvania and may be one person or a law firm, partnership, association or professional corporation.

Legal services provided shall include, but not be limited to:

- Conduct legal research and provide interpretations of the County's zoning ordinance or other relevant material and make recommendations;
- Attend all regular, special, and continued sessions of the Zoning Hearing Board;
- Research and prepare decisions for Zoning Hearing Board cases;
- Represent the Zoning Hearing Board in litigation;
- Assist the Zoning Hearing Board in any other manner that may be necessary; and
- Cooperate with County Solicitor regarding any matters pertaining to the Zoning Hearing Board.

5.2 Minimum Qualifications

1. At least six (6) years of overall legal experience is preferred.
2. At least three (3) years of municipal law experience is preferred; or any equivalent combination of acceptable education and experience providing the knowledge, skills and abilities cited above by the assigned attorneys.
3. Firm and attorneys assigned to work with the County shall have knowledge and familiarity of the County's operations and legal needs.
4. Firm and attorneys shall be duly licensed and in good standing in the State of Pennsylvania.

5.3 Mandatory Required Information/Documentation:

In addition to demonstrating an ability to meet all minimum qualifications as described above, the respondent must also include and address the following:

1. Assigned Attorneys: Indicate one (1) attorney within the firm who will be assigned as the Solicitor and indicate the number of attorneys who will be assigned as the Assistant Solicitor.
2. Contact Information: Provide the name and address of the firm; the name, telephone number, fax number, and e-mail address of the individual responsible for the preparation of the proposal, and the attorneys who will be assigned to the County.
3. Resume: This portion of the proposal should include the relevant resume information for the firm and the attorneys who will be assigned. The information should include, at a minimum, a description of relevant professional experience, years and type of experience, and number of years with the firm.

4. A description of the respondents' experience in performing services of the type described in this RFP. The respondent shall have extensive experience in municipal law. Provide specific examples of work within the scope of services required under this RFP.
5. References: Include at least three (3) municipal clients. Provide the contact names, titles and phone numbers.
6. An executive summary of not more than two (2) pages, identifying and substantiating why the respondent and the attorneys who will be assigned are best qualified to provide the requested services.
7. Disclose any actual or potential conflicts of interest that the respondent may have in performing services for the County of Lycoming. Please explain how your firm would handle such conflicts and set out any allowance in contract price if the County has to retain other legal counsel because of a conflict of interest with your firm.
8. The respondent shall describe ability to provide services in a timely fashion including a description of staffing and a description of your familiarity with the services required by the County.
9. Price: The respondent shall provide a fee structure including the salary of the solicitor and an hourly rate for services to be performed by assistant solicitors and paralegals. Proposal shall detail whether clerical, direct costs or other applicable costs will be billed separately or included in the hourly labor rate.

5.4 Interview

The County may require interviews from all respondents who score high against the stated criteria. Although interviews may take place, the proposal should be comprehensive and complete.

5.5 Selection Process

All proposals shall be reviewed to determine responsiveness and shall be evaluated on the following criteria:

- a) Ability to meet all minimum qualifications
- b) Qualifications and experience
- c) Price
- d) Other criteria as deemed appropriate

SECTION 6
BID PRICE SCHEDULE

**BID PRICE SCHEDULE
FOR
ZONING HEARING BOARD SOLICITOR SERVICES**

6.1 Cost Elements. Bidders shall provide the hourly rate and total hours for each person assigned to the project. Services not specifically mentioned in this RFP, but are necessary to provide the functional capabilities described shall be included as part of the cost elements.

Bidders may utilize this table below to justify costs or respondents may justify costs by utilizing his/her own format.

Description	Hourly Rate

The undersigned, as bidder, hereby declares that the total project costs as indicated above, includes all necessary work to complete this project in full according to the general specifications contained in the RFP. Services not specifically mentioned, but are necessary to provide the functional capabilities shall be listed and included as part of the cost elements.

The undersigned further understands and agrees that if the County accepts the bid, no additional funds will be allowed beyond the stated total project costs.

Company Name: _____

Address: _____

Point of Contact: _____ Phone Number: _____

Fax Number: _____ Email address: _____

Name of person submitting proposal: _____

Signature: _____ Date: _____

When submitting a bid, place the bid form sheet as the top page of the bid package and the bid price schedule as the second page of the bid package.

The Commissioners reserve the right to accept or reject any or all bids, or to accept any part of a bid without accepting the whole thereof, or to accept such bid as they deem to be in the best interest of the County.

SECTION 7

BID FORM

BID FORM
RFP FOR ZONING HEARING BOARD SOLICITOR SERVICES

Important note to bidders: It is essential that submitted bid complies with all of the requirements contained in the RFP. The undersigned bidder agrees, if this bid is accepted, to enter into an agreement with the County on the form included in the Contract Documents to perform and furnish all services, hereafter referred to as WORK, as specified or indicated in the contract documents.

This Bid is submitted to: Lycoming County Controller's Office
Lycoming County Executive Plaza Building
330 Pine Street, 2nd Floor
Williamsport, PA 17701

This Bid is submitted on _____, 20____.

This Bid is valid for 60 days from the date of the public opening of the bids.

This Bid is submitted by:

Company Name: _____

Company Address: _____

Main Telephone: _____ Main Fax: _____

Communications and questions concerning this bid are to be directed to:

Contact Name / Title: _____

Contact Telephone: _____ Fax: _____

Contact Email: _____

In the event our company is awarded a contract as a result of the RFP and this bid, the following individual will serve as project liaison/manager:

Name / Title: _____

Office Address: _____

Telephone: _____ Fax: _____

Email: _____

Receipt of Amendments (if applicable)

In submitting this Bid, Bidder represents that they have received and examined the following RFP Addendums:

Addendum No	_____	Date	_____
Addendum No	_____	Date	_____
Addendum No	_____	Date	_____
Addendum No	_____	Date	_____

Delivery Schedule

Bidder commits that services will be completed no later than December 31, 2020.

Bid Pricing

Unless items are specifically excluded in the Bid, the County shall deem the Bid to be complete and shall not be charged any costs above and beyond the Bid amount as set forth by Bidder herein. Prices as stated herein shall remain firm throughout the life of the contract.

Authorized Signature of Bidder

The bid form must be signed by an individual with actual authority to bind the company.

Company Type (check one):

- Sole Proprietorship Partnership Corporation Joint Venture

Bidder attests that:

1. He/she has thoroughly reviewed the County's RFP for Planning and Zoning Solicitor Services and that this bid is submitted in accordance with the RFP requirements;

2. He/she are familiar with the site facilities, site conditions, the pertinent state and local codes, and has made due allowance in the bid for all contingencies.

Corporations: The bid must be signed by the President or Vice President and the signature must be attested by the Corporate Secretary or Treasurer. If any employee other than the President or Vice President signs on behalf of the corporation, or if the President's or Vice President's signature is not attested to by the Corporate Secretary or Treasurer, a copy of the corporate resolution authorizing said signature(s) must be attached to this bid. Failure to attach a copy of the appropriate authorization, if required, may result in rejection of the bid.

Company Name

Federal ID#

Street Address

PO Box

City

State

Zip

Telephone #

Fax #

COMPANY:

Signature (see below)

Name (print)

Title (print)

WITNESS:

Signature (see below)

Name (print)

Title (print)

SECTION 8

NON-COLLUSION AFFIDAVIT

INSTRUCTIONS FOR NON-COLLUSION AFFIDAVIT

This Non-Collusion Affidavit is material to any contract awarded pursuant to this bid. According to the Pennsylvania Antibid-Rigging Act, [62 Pa.C.S.A. § 4501, et seq.](#), government agencies may require Non-Collusion Affidavits to be submitted together with bids.

This Non-Collusion Affidavit must be executed by the member, officer or employee of the bidder who makes the final decision on prices and the amount quoted in the bid.

Bid rigging and other efforts to restrain competition and the making of false sworn statements in connection with the submission of bids are unlawful and may be subject to criminal prosecution. The person who signs the affidavit should examine it carefully before signing and assure himself or herself that each statement is true and accurate, making diligent inquiry, as necessary, of all other persons employed by or associated with the bidder with responsibilities for the preparation, approval or submission of the bid.

In the case of a bid submitted by a joint venture, each party to the venture must be identified in the bid documents, and an Affidavit must be submitted separately in behalf of each party.

The term “complementary bid” as used in the Affidavit has the meaning commonly associated with that term in the bidding process, and includes the knowing submission of bids higher than the bid of another firm, and intentionally high or noncompetitive bid, and any other form of bid submitted for the purpose of giving a false appearance of competition.

Failure to file an Affidavit in compliance with these instructions will result in disqualification of the bid.

NON-COLLUSION AFFIDAVIT

Contract/Bid/Proposal _____

State of _____

County of _____

I state that I am _____ (Title) of _____ (Name of Firm) and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price(s) and the amount of this bid.

I state that:

1. The price(s) and amount of this bid have been arrived at independently and without consultation, communication, or agreement with any other contractor, bidder, or potential bidder.
2. Neither the price(s) nor the amount of this bid, and neither the approximate prices(s) nor approximate amount of this bid, have been disclosed to any other firm or person who is a bidder or potential bidder, and they will not be disclosed before bid opening.
3. No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit a bid higher than this bid, or to submit any intentionally high or noncompetitive bid or other form of complementary bid.
4. The bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive bid.
5. _____ (Name of Firm), its affiliates, subsidiaries, officers, and employees are not currently under investigation by any governmental agency and have not, in the last four years, been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding in any public contract, except as follows:

I state that _____ (name of firm) understands and acknowledges that the above representations are material and important, and will be relied on by the County of Lycoming in awarding the contract(s) for which this bid is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the County of Lycoming of the true facts relating to the submission of bids for this contract.

A statement in this affidavit that a person has been convicted or found liable for any act, prohibited by State or Federal Law in any jurisdiction, involving conspiracy or collusion with respect to proposing on any public contract within the last three years, does not prohibit the County of Lycoming from accepting a proposal form or awarding a contract to that person, but may be grounds for administrative suspension or debarment in the discretion of the County under its rules and regulations, or may be grounds for consideration on the question of whether the County should decline to award a contract to that person on the basis of lack of responsibility.

Name: _____

Signature: _____

Title _____

SWORN TO AND SUBSCRIBED
BEFORE ME THIS _____ DAY
OF _____, 20 ____

Notary Public

My Commission Expires: _____

SECTION 9
EXCEPTION FORM

