



THE CITY OF
TALLMADGE
HISTORY MOVING FORWARD

SPECIFICATIONS & PROPOSAL:

Temporary Labor

Bids due by *July 27, 2021 @ 10 a.m.*

Submitted By:

Company Name

Street Address

City

State

Zip

Contact Person

Phone No.

Email Address

David G. Kline, Mayor
Michael Rorar, Director of Public Service

46 North Avenue, Tallmadge, Ohio 44278

Phone 330-633-0854 ▪ Fax 330-633-1359

**City of Tallmadge Department of Public Service
Invitation to Bid**

Sealed proposals will be accepted in the Public Service Department, City of Tallmadge, 46 North Avenue, Tallmadge, Ohio, 44278 until 10:00 a.m. Tuesday, July 27, 2021. (City Hall is open for public access Monday thru Friday from 9:00 a.m. to 3:00 p.m.) Bids being opened immediately thereafter in the Council Chambers of the Municipal Building for:

Temporary Labor

The work to be performed by the contractor's employees shall be work generally associated with, but not limited to, street maintenance labor, parks maintenance labor, water and sewer utility maintenance labor, and fall leaf pickup labor.

Detailed information, proposal forms and complete specifications may be obtained from the City of Tallmadge website at <https://www.tallmadge-ohio.org/bids>. The bidder is responsible for monitoring the above-named website for any official addenda.

Bidders must use the forms available on the website as no other will be accepted. Proposals must include a price for each item in the Bid Proposal form. Incomplete proposals will be considered informal and will not be considered. Each bid must contain the full name of every person or company participating in the bid.

A certified check, cashier's check in the amount of \$100.00 made payable to the City of Tallmadge must accompany the bid as a guaranty the contract and its performance are properly secured if the bid is accepted. Should any bid not be awarded or be rejected, such check or bond will be returned to the bidder or bidders after the execution of the contract.

The award of this contract shall be to the lowest and best bidder. The City of Tallmadge reserves the right to reject any or all bids and to accept the bid(s) deemed most beneficial to the City of Tallmadge.

Please contact Tina Fiocca in the Public Service Department at tfiocca@tallmadge-ohio.org if you have any questions regarding this bid.

Michael Rorar
Director of Public Service
Ordinance 78-2021

Published in the Akron Beacon Journal:

July 11, 2021
July 18, 2021

Table of Contents and Bidder's Checklist

A complete bid packet will consist of the items listed below.

Complete this checklist to confirm the items required in your bid. Place a checkmark or "X" next to each item that you are submitting to the City of Tallmadge. Failure to submit the listed documents may be cause for rejection of your bid. This checklist should be returned with your bid.

- _____ Cover sheet (Page 1)
- _____ Invitation to Bid (Page 2)
- _____ Table of Contents and Bidder's Checklist (Page 3)
- _____ Section I: Instruction to Bidders (Pages 4 - 5)
- _____ Section II: Bid Forms (Pages 6 - 18)
 - _____ Bid Form List
 - _____ Bid Form 1: Note
 - _____ Bid Form 2: Non-Collusion Affidavit
 - _____ Bid Form 3: Statement of Non – Liability for Delinquent Personal Property Taxes
 - _____ Bid Form 4: Statement of Liability for Delinquent Personal Property Taxes
 - _____ Bid Form 5: Certification of Drug Free Workplace
 - _____ Bid Form 6: Affidavit in Compliance with Section 3517.13
 - _____ Bid Form 7: Independent Contractor Anti-Bias Disclosure
 - _____ Bid Form 8: Certification of No Personal Interest
 - _____ Bid Form 9: PERS Independent Worker/ Contractor Acknowledgment Form
 - _____ Bid Form 10: OPERS Form
- _____ Section III: Bid Specifications (Pages 19 - 20)
- _____ Section IV: Bidder References (Page 21)
- _____ Section V: Proposal and Signature Pages (Page 22)
- _____ Section VI: Tallmadge Codified Ordinance (Pages 23)

SECTION I: INSTRUCTIONS TO BIDDERS

All pages of the Bid Proposal, Specifications and Contract Documents must be intact and included in the bid submittal. Bidders must use the forms provided on the City of Tallmadge website as none other will be accepted.

The City of Tallmadge does encourage bidders to submit all bid forms with their bids.

Submit all bids to the City of Tallmadge Public Service Department, 46 North Avenue, Public Service Department, Tallmadge, Ohio 44278 according to the instructions in the Invitation to Bid posted on the City of Tallmadge's website at <https://www.tallmadge-ohio.org/bids>

Bids should be in a sealed envelope marked with project title and the name and address of bidder and reach the Public Service Department, no later than 10:00 a.m. on Tuesday, July 27, 2021. The Public Service Department copy machine time stamp is the official time used for the deadline of the submission of bids. The City will disqualify any bid not received on or before 10:00 a.m. local time on Thursday, Tuesday, July 27, 2021.

The City reserves the right to waive any informality in any proposal, and to reject any or all bids. The City also reserves the right not to enter into any contract as a result of this invitation for bid.

All addendums will be posted on the City website through Vendor Registry. It is the bidder's responsibility to check this site on a regular basis. The City will not be responsible for any information not viewed by bidders. All bidders should register with Vendor Registry through <https://www.tallmadge-ohio.org/bids>, so that the City has all the necessary vendor information.

Any bidder may withdraw his bid, by written request, at any time prior to the deadline set for the bid opening. Please be advised, the City of Tallmadge may impose a \$500.00 penalty to any bidder that withdraws his bid after the bid opening and prior to a contract award(s).

Bid will be awarded to the lowest and best bidder. The City will be the judge of the factors and will make the award accordingly. Should the successful bidder not be able to provide the required services, the City reserves the right to request service from other sources.

After award of the bid, by the City of Tallmadge, the successful bidder will receive an official award notification from the City. The signed contract will represent agreement between the City and the successful bidder for temporary labor services (all terms of the bid specifications and any applicable addenda will apply).

The Contractor shall be required to furnish to the City of Tallmadge, evidence showing insurance coverage to be in force throughout the term of the contract. The Contractor shall carry Comprehensive General Liability and Auto Liability Insurance to cover damages for which the contractor may be legally responsible due to bodily injury or property damage. The contractor shall provide to the City of Tallmadge a certificate of

insurance showing \$1,000,000.00 Combined Single Limit and \$2,000,000.00 Aggregate Coverage and Workers Compensation Insurance. The City of Tallmadge must be included as an additional insured.

The Contractor covenants to save, defend, hold harmless, and indemnify the City, and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and attorney's fees), charges, liability, or exposure, however caused, resulting from, arising out of, or in any way connected with the Contractor's intentional, negligent, or grossly negligent acts or omissions in performance or nonperformance of its work called for by the Contract Documents.

After satisfactory completion of services, the Contractor shall forward invoice(s) to the following address: The City of Tallmadge, Public Service Department, 46 North Ave., Tallmadge, Ohio 44278. This is not a prevailing wage contract.

SECTION II: BID FORMS

- _____ Bid Form 1: Note
- _____ Bid Form 2: Bid Guaranty and Contract Bond
- _____ Bid Form 3: Non-Collusion Affidavit
- _____ Bid Form 4: Statement of Non – Liability for Delinquent Personal Property Taxes
- _____ Bid Form 5: Statement of Liability for Delinquent Personal Property Taxes
- _____ Bid Form 6: Certification of Drug Free Workplace
- _____ Bid Form 7: Certification for Local Preference
- _____ Bid Form 8: Affidavit in Compliance with Section 3517.13
- _____ Bid Form 9: Independent Contractor Anti-Bias Disclosure
- _____ Bid Form 10: Certification of No Personal Interest
- _____ Bid Form 11: PERS Independent Worker/ Contractor Acknowledgment Form
- _____ Bid Form 12: OPERS Form

NOTE

The bidder hereby agrees that the Public Service Director has the right to reject any or all bids and to waive informality in any bid and that the bidder shall not dispute the correctness of the quantities used in computing the lowest and best bidder.

(Signature of Officer, Partner or Owner)

(Date)

(Business Address of Bidder)

(Business Phone Number of Bidder)

CERTIFIED CHECK OR BID BOND

Certified check or bid bond in the amount of: _____

_____ on
(State Amount)

(Name of Bank or Bonding Company)

deposited herewith.

(Bidder)

(Date)

ALL BIDS NOT IN CONFORMITY WITH THESE PROVISIONS WILL BE REJECTED.

**STATEMENT OF LIABILITY
FOR DELINQUENT PERSONAL PROPERTY TAXES***

STATE OF OHIO)
)SS:
COUNTY OF _____)

_____, being first duly sworn, says that
(See note below)

he may be awarded a contract by _____
(Name of Subdivision)

after competitive bidding; and that at the time of the submission of said affiant
was charged with delinquent personal property taxes on the general tax list of
personal property of _____.
(Name of County and State)

and that the amount of the due and unpaid delinquent tax is \$ _____
and

that the amount of the due and unpaid penalties and interest is \$ _____.

Sworn to and subscribed before me this _____ day _____ of
20__.

Notary Public in and for the

COUNTY OF _____ STATE OF _____

My commission expires _____

Note:

Where an individual has submitted a bid, the name of the individual should appear here. Where an individual signs for a partnership, the name of the partner signing for the partnership should appear together with the name of the partnership. Where a corporation has submitted a bid, the name of the officer, his position, and the name of the corporation should appear.

***Complete either Statement of Non-Liability or Statement of Liability, but not both.**

CERTIFICATION OF
DRUG FREE WORKPLACE

BIDDER'S NAME: _____

ADDRESS: _____

CITY, STATE: _____

Project: _____

CERTIFICATION

The undersigned, being a duly authorized agent of the Bidder does certify that the following facts are true:

1. Bidder has published and provided to employees notice that the manufacture, use, possession, or distribution of drugs in the work place is prohibited, as well as a specification of the disciplinary action that may be taken against employees who violate that prohibition.
2. It is the policy of the Bidder that any employee convicted of violating a criminal drug statute occurring in the work place is required to notify the employer of said conviction within five (5) days after such conviction.
3. Bidder has published notice specifying the sanctions for or requiring satisfactory participation in a drug abuse assistance or rehabilitation program by an employee convicted of violating a criminal drug statute occurring in the workplace.
4. Bidder has implemented a program for the distribution of information on drug abuse awareness and the availability of counseling and referral services.

I further certify and understand that the City of Tallmadge, pursuant to Ordinance 142- 1994, can enter into a contract resulting from the competitive bidding process only with those Bidders who provide a drug free workplace by meeting the above requirements.

DATE: _____

Signature: _____

Title: _____

AFFIDAVIT IN COMPLIANCE WITH SECTION 3517.13

STATE OF OHIO

COUNTY OF _____ ss:

Personally, appeared before me the undersigned, a bidder, a representative of a bidder, a contractor or vendor on behalf of

_____ for a contract for _____
(Name of Business) (Type of Product or Service)

to be let by the City of Tallmadge, who, being duly cautioned and sworn, makes the following statement with respect to prohibited activities constituting a conflict of interest or other violations under R.C. Section 3517.13, and further states that the undersigned has the authority to make the following representation on behalf of the entity if the undersigned as an individual is not the bidder himself or herself:

1. On behalf of the corporation, business trust, estate, individual business owner, partner or owner of partnership or other unincorporated business, shareholder of an association, that all of the following persons, where applicable, are in compliance with R.C. 3517.13.
 - a. each owner of more than twenty percent of a corporation;
 - b. each individual, partnership or other unincorporated business, association, including without limitation, professional associations;
 - c. each shareholder of an association, administrator or executor of any estate and trustee of any trust, or political action committee associated with any of the foregoing;
 - d. each spouse of the above;
 - e. each child seven years of age to seventeen years of age of any of the above;
 - f. any combination of the above.
2. The undersigned further certifies that if awarded a contract as a result of competitive bidding, or request for proposals, he, she or it shall not once the contract is awarded and extending until one year following the conclusion of the contract, make as an individual, one or more campaign contributions totaling in excess of \$1,000 or collectively, contributions totaling in excess of \$2,000 (over a two year period), to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee, including individuals or groups of individuals specified in paragraph 1, above.

Signature _____

Title _____

Sworn to before me, a notary public, and subscribed in my presence this ____ day of _____ 20 ____.

Notary Public _____

My Commission Expires _____

CITY OF TALLMADGE
INDEPENDENT CONTRACTOR ANTI-BIAS DISCLOSURE

1. To the best of your knowledge, do you have any prior relationship(s) with any employee, elected official, or non-elected official of the City of Tallmadge?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

2. If you answered yes to question number 1, Please check the appropriate box(es) that describe that relationship(s)

<input type="checkbox"/>	Spouse
<input type="checkbox"/>	Child whether dependent or independent
<input type="checkbox"/>	Parent
<input type="checkbox"/>	Grandparent
<input type="checkbox"/>	Sibling
<input type="checkbox"/>	Aunt/Uncle
<input type="checkbox"/>	In-law
<input type="checkbox"/>	Stepchild
<input type="checkbox"/>	Stepparent
<input type="checkbox"/>	Step-grandparent
<input type="checkbox"/>	Stepsibling
<input type="checkbox"/>	Step-aunt/Step-Uncle
<input type="checkbox"/>	Any other person related by blood or marriage and residing in the same household
<input type="checkbox"/>	Prior business relationship or business associate
<input type="checkbox"/>	Friend
<input type="checkbox"/>	Other significant relationship

1. If you answered Other significant relationship in question number 2, please explain below:

2. Please provide below the name(s) of any and all employees of the City of Tallmadge with whom you have any of the above relationships:

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Print Name

Signature

Date

CITY OF TALLMADGE
CERTIFICATION OF NO PERSONAL INTEREST

Under penalty of perjury, I hereby certify that:

1. I am not a family member of any public official or public servant of the City of Tallmadge; unless otherwise disclosed in writing to all officers and elected officials of the city.
2. I am not a business associate of any public official or public servant of the City of Tallmadge unless otherwise disclosed in writing to all officers and elected officials of the city.
3. No officer, employee or assignee of the undersigned contractor is a family member or a business associate of the City of Tallmadge and has an ownership interest greater than 5% in the contractor's organization.
4. No owner, officer, employee or agent of contractor's organization gave, offered or promised anything of value, including future benefits, to a public servant or public official of the City of Tallmadge, other than the consideration expressly provided for in the contract.

Date: _____

Name of Organization

Signature Title

OPERS Independent Worker/Contractor Acknowledgment Form Questionnaire

Please answer the questions below to determine if you will be required to complete the attached OPERS Independent Worker/Contractor Acknowledgment Form.

Question 1:

Are you a sole proprietor/independent contractor?

Yes. You are required to complete the attached OPERS Independent Worker/Contractor Acknowledgment Form. If you have less than 5 employees, each employee is also required to complete the form.

No. Please go to Question 2.

Question 2:

Are you a business entity with less than 5 employees?

Yes. You and each of your employees are required to complete the attached OPERS Independent Worker/Contractor Acknowledgment Form.

No. Please sign the statement below.

I have answered the above questions accurately and truthfully. Based on those answers, I will not be completing the OPERS Independent Worker/Contractor Acknowledgment Form.

Signature

Title

Printed Name

STEP 3: Acknowledgment

The public employer identified in Step 2 has identified you as an independent contractor or another classification other than a public employee. Ohio law requires that you acknowledge in writing that you have been informed that the public employer identified in Step 2 has classified you as an independent contractor or another classification other than a public employee for the services described in Step 2 and that you have been advised that contributions to OPERS will not be made on your behalf for these services.

If you disagree with the public employer's classification, you may contact OPERS to request a determination as to whether you are a public employee eligible for OPERS contributions for these services. Ohio law provides that a request for a determination must be made within five years after you begin providing personal services to the public employer, unless you are able to demonstrate through medical records to the Board's satisfaction that at the time the five-year period ended, you were physically or mentally incapacitated and unable to request a determination.

By signing this form, you are acknowledging that the public employer for whom you are providing personal services has informed you that you have been classified as an independent contractor or another classification other than a public employee and that no contributions will be remitted to OPERS for the personal services you provide to the public employer. This acknowledgment will remain valid as long as you continue to provide the same services to the same employer with no break in service regardless of whether the initial contract period is extended by any additional agreement of the parties. You also acknowledge that you understand you have the right to request a determination of your eligibility for OPERS membership if you disagree with the public employer's classification.

This form must be retained by the public employer and a copy sent to OPERS. The public employer's failure to retain this acknowledgment may extend your right to request a determination beyond the five years referenced above.

Signature _____ Today's Date ____/____/____
Do not print or type name

SECTION III: BID SPECIFICATIONS

The City of Tallmadge is soliciting bids for the purpose of obtaining contract personnel through outside employment service agencies to assist in the performance of various city designated work assignments. The contract shall be for a period of one (1) year with (2) one-year renewals. Contract renewal will be contingent upon the mutual agreement of the City and the Contractor.

The positions needed are semi-skilled general laborers. The following terms and conditions will apply in determining satisfactory performance of the contract:

1. WORK TO BE PERFORMED

The work to be performed by the contractor's employees shall be work generally associated with, but not limited to, street maintenance labor, parks maintenance labor, water and sewer utility maintenance labor, and fall leaf pickup labor.

2. WORK SCHEDULE

A. **Hours of work:** Hours of work shall be 7:15 a.m. to 3:15 p.m. unless adjusted by the City, with maximum variance of one (1) hour starting and quitting times. Laborers should bring a packed lunch to take on the truck.

B. **Days of Work:** Days of work will be Monday through Friday. However, in the event the City determines the need to have work performed on Saturday, the Contractor shall provide employees to meet these needs. The City will notify the Contractor of the need for employees to perform work on Saturdays at the earliest practical time.

C. **Weather days:** If scheduled to work, and the weather is not conducive to work, the laborers will be required to report to the designated location. They will be kept for a minimum of two (2) hours and will be paid during this time. The City shall pay for services for only the number of hours retained by the City.

3. SUPERVISION

On a daily basis, the City will assign duties to the Contractor's employees. The City has the right to reject any employee of the Contractor who does not perform the services as required by the contract in a safe and efficient manner. In the case where the City chooses to reject the Contractor's employee, the Contractor will be notified and required to replace the employee immediately.

4. EQUIPMENT

The Contractor shall provide rain gear (e.g., rain suits and rain boots) and all personal safety equipment (e.g., hearing protection, hardhats, steel toed safety shoes or shells, safety glasses and class 2 Safety Vests- Ansi 107-2010) as required by the City. No employee will be utilized without all proper safety gear. All other equipment (e.g., hand tools, shovels, rakes, etc.) will be provided by the City. The City will enforce the wearing of this safety equipment. The Contractor shall be responsible for the replacement of any equipment lost or damaged by the employee when it is determined that such loss or damage is a direct result of extreme negligence, theft and/or misuse by the employee.

5. JOB TRANSPORTATION

Laborers must report to the Contractor's office daily to report in. After laborers report,

the Contractor is responsible to provide transportation from their office to our service building (210 Osceola Ave, Tallmadge) by 7:15 a.m. daily. Contractor must provide transportation back to their office and picked up no later than 3:30. No laborers are permitted to drive their personal vehicles to our facility. The Contractor must email a list of the all laborers that have been transported to the City by 7 a.m.

6. NUMBER OF LABORERS

Between October and December, typically **5** laborers are needed each day. The City reserves the right to adjust the exact number of employees at the beginning of each workday. If the City needs more or less employees, the Contractor shall be notified before the start of the workday.

7. LABORERS QUALIFICATIONS

All laborers furnished by the Contractor shall have the knowledge and ability, with limited instructions, to perform the services as required in an efficient and safe manner.

A. Substance Abuse Screening:

Successful passage of a substance abuse screening must be completed.

B. Background Investigation:

Successful passage of a criminal background check reflecting there are no crimes of moral turpitude or crimes of violence on file.

8. LABORERS VERIFICATION OF WEEKLY HOURS WORKED

Each employee MUST clock in no later than 7:15 am and clock out no later than 3:15pm each day. At the end of each work week the City will submit to the Contractor the weekly time reports that show the employee name, location of work, and daily hours worked. The Contractor shall provide copies of the reports with the contractor's invoice.

9. EMPLOYEE TURNOVER POLICY

The Contractor shall provide a "reasonably low" employee turnover rate. The definition of "reasonably low" is as follows:

- A. Every effort shall be made by the Contractor to encourage the continuous employment of the same individual employee for the duration of a work assignment. It is the City's intent that when an employee is requested for a period of one week or more, this employee shall be available to work at least five (5) consecutive working days. The Contractor shall make a good faith effort to provide Tallmadge residents for fulfillment of this contract.
- B. The City will not be unreasonable in its rejection of Contractor's employees.
- C. Contractor will use its best efforts to compensate individuals performing labor services hereunder, on a weekly basis rather than daily.

10. DAMAGES

In the event Contractor fails to provide a sufficient number of individuals or otherwise fails to perform pursuant to the terms herein, Contractor shall be liable to the City for all additional expenses including but not limited to overtime costs.

11. TERMINATION CLAUSE

The contract may be terminated by either party with fourteen days prior written notice.

Section IV: BIDDER REFERENCES

Complete the following information about Municipalities, which have been serviced by the contractor for similar work, within a 30 miles radius of the City of Tallmadge.

Municipality	Address	Contact:	Phone Number

NON-MUNICIPALTY REFERENCES / and CONTACTS

Company Name	Address	Contact:	Phone Number

Section V: PROPOSAL and SIGNATURE PAGE

CITY OF TALLMADGE
Department of Public Service

Bidder's Proposal for
TEMPORARY LABOR SERVICES- 2021

Company _____

Address _____

Contact Person _____

Phone # _____ Email: _____

Bid Guaranty: Check #: _____ Amount: _____

Number of Years in Business: _____

Cost to the City of Tallmadge for **Temporary Labor Services** in accordance with the Bidding Documents and Specifications.

\$ _____ per hour, per employee

\$ _____ per hour, **over** forty-hour week, per employee

Contract to be in effect for a period of one year from date of contract.

We, the Undersigned, Propose to Furnish the Above Described Temporary Personnel for the Above Shown Rates

Authorized Signature

Title

Date

Section V: TALLMADGE CODIFIED ORDINANCE

Ordinance 4-2021

Presented by:
Director of Public Service Michael Rorar

AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS
AND THE MAYOR TO AWARD A CONTRACT FOR TEMPORARY LABOR AND
PROVIDING FOR IMMEDIATE ENACTMENT

WHEREAS, there is a need to hire additional temporary labor for the Street Department for the leaf manual labor.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TALLMADGE, COUNTIES OF SUMMIT AND PORTAGE, STATE OF OHIO:

SECTION 1. That the Mayor, acting through the Director of Public Service, is authorized and directed to advertise, solicit bids, and to award a contract to the lowest and best bidder for temporary labor for general labor in accordance with law upon the approval of the Board of Control.

SECTION 2. That such written contract shall be approved as to form and correctness by the Director of Law and proper certification of funds by the Director of Finance.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after November 28, 1975 that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this ordinance is necessary to provide for and to accomplish the purposes herein set forth, which are conducive to the health, safety, and welfare of the citizens of Tallmadge. For that reason, provided this ordinance shall receive the affirmative vote of three-fourths of the members of Council and approval by the Mayor, it shall be enacted immediately and shall be of immediate effect.

Passed: 1-14-21

Susan E. Burton
Susan E. Burton, Clerk of Council
MER/jt/rc
12/17/20
Filed with the Mayor 1-15-21

Carol A. Kilway
Carol A. Kilway, President of Council

Approved:
David G. Kline
David G. Kline, Mayor

This 15th day of Jan., 2021

Committee Assignment: Public's Serv.

Readings: 1st 1-14-21 2d _____ 3d _____

Vote: 7 - 0 - 0

For: 7 Against: 0 Abstain: 0