

# REQUEST FOR PROPOSAL

NYSDOT PIN 3935.89.301

Contract #DR39098



The Port of Oswego Authority is requesting proposals for (1) Electric Railcar Mover. Sealed bids will be received by the Port of Oswego Authority Administrative Office at 1 East Second Street, Oswego NY 13126. Proposals will be received until **Thursday, April 3<sup>rd</sup>, 2025 at 4:00PM Eastern Standard Time.**

The acquisition of the Railcar Mover by the Port of Oswego Authority is funded through a New York State Department of Transportation, Passenger Freight Rail Assistance Program (PFRAP) grant awarded to the Port in 2024; NYSDOT PIN 3935.89.301, Contract #DR39098.

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## **REQUEST FOR PROPOSAL SCHEDULE:**

Project Advertisement Begins	March 3, 2025
Pre-bid Informational Meeting (Virtual)	March 12, 2025
Questions and RFI's Due	March 26, 2025
Addendum Issued by Port of Oswego Authority (If Necessary)	March 31, 2025
Bids Due	April 3, 2025, 4:00PM (EST)
Resolution to Award at Port of Oswego Authority Board Meeting	April 21, 2025
Notice of Award Issued	April 22, 2025
Notice to Proceed	May 23, 2025
Delivery of Electric Railcar Mover	December 8, 2025*

*\*Bidder shall include estimated date of delivery with their bid response.*

## **DISTRIBUTION OF REQUEST FOR PROPOSAL DOCUMENTS:**

Distribution of the Request for Proposal will commence on **March 3<sup>rd</sup>, 2025**. RFP documents are available on the New York State Contract Reporter website, <https://www.nyscr.ny.gov/> and the Port of Oswego Authority's website, <https://portoswego.com/request-for-proposal>

## **PRE-BID INFORMATION MEETING**

A pre-bid informational meeting will be held virtually on March 12<sup>th</sup>, 2025, at 1:00PM Eastern Standard Time. This meeting is for informational purposes only; attendance is not mandatory to provide submit a response. Invite information for the pre-bid meeting is included as Exhibit "E".

## **BIDDER RESPONSES TO REQUEST FOR PROPOSALS:**

The specification herein states the minimum requirements of the Port of Oswego Authority. All bids must be regular in every respect. Unauthorized conditions, limitations, or provisions shall be cause for rejection. The Port will consider as irregular or non-responsive any and all bids that are not prepared and submitted in accordance with the bid document and specification, or any bid lacking sufficient technical literature to enable the Port to make a reasonable determination of compliance to the specification. It shall be the bidder's responsibility to carefully examine each item of the specification.

All bids must be made on the official Bid Form included in Exhibit "A" or an exact copy by reproduction thereof and enclosed in a sealed envelope.

Bidders shall respond with their compliance (COMPLY: YES – NO – N/A) to the technical specifications included in Exhibit "B" and Exhibit "C". Failure to offer a completed bid or failure to respond to each section of the technical specification may cause the proposal to be rejected without review as non-responsive. All variances, exceptions and/or deviations shall be fully

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described in the appropriate section. Deceit in responding to the specification will be cause for rejection.

**Proposals excluding this information will be considered non-responsive and not accepted.**

**Mail or hand deliver by the deadline the completed documents to:**

*Label envelop as "Electric Railcar Mover" and address to:*

Port of Oswego Authority  
Attn: Mr. Tom Schneider, Interim Executive Director  
1 East Second Street  
Oswego, New York 13126

**No electronic (email, fax, USB drive, etc.) submitted proposals will be considered or accepted.**  
No Bidder may withdraw their bid within sixty (60) calendar days after the actual date of the opening thereof.

All expenses involved with the preparation and submission of proposals, and any work performed in connection therewith, shall be borne by the Bidder. No payment will be made for any responses received nor for any other effort required of or made by the Bidder prior to award of a contract.

## **PORT OF OSWEGO AUTHORITY RIGHTS**

The Port reserves the right to cancel this RFP in writing or postpone the date and time for submitting proposals at any time prior to the proposal due date. The Port by this RFP does not promise to accept the lowest cost or any other proposal and specifically reserves the right to reject any or all proposals, to waive any formal proposal requirements, to investigate the qualifications and experience of any Bidder, to reject any provisions in any proposal, to modify RFP contents, to obtain new proposals, to negotiate the requested services and contract terms with any Bidder, or to proceed to do the work otherwise.

The Port hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into, pursuant to this request, minority business enterprises will be afforded full opportunity and are encouraged to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award. The Port reserves the right to accept or reject any and all bids that is in the best interest of the Port.

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## **GENERAL SPECIFICATION**

**INTENT:** It is the intent of this specification to provide for the purchase of one (1) new and unused Fully Electric Railcar Mover to be used by Port of Oswego Authority. The railcar mover provided shall be capable of continuously operating during a normal eight (8) hour shift, shall have a typical full battery recharging time of 8 hours (based on a 480 volt, 3-phase power source), and shall have the capability to handle (push or pull) a minimum of ten (10) loaded railcars along the Port's primary operating and yard tracks.

The Port of Oswego Authority has evaluated different styles of rail car movers and has determined that this published specification is best suited for the Port in terms of quality and features. **This specification shall not be interpreted as restrictive but rather as a measure of quality and performance against which all other Fully Electric railcar Movers will be compared.** In comparing proposals, comparison **will not** be confined to price only. The successful bidder will be one whose product is judged as best serving the interests of the Port when price, product, quality, serviceability, and delivery are considered. **The Port also reserves the right to reject any or all bids or any part thereof, and to waive any minor technicalities in its opinion.**

A contract will be awarded to the bidder submitting the lowest responsible bid meeting the requirements.

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The Product Technical Specifications are attached herewith as Exhibit "B" – Electric Railcar Mover Technical Specifications and Exhibit "C" – Electric Railcar Mover Technical Specifications (Optional Features). Bids will be reviewed on the basis of the specifications provided. Please include any notes as-needed confirming whether the requirements included throughout the specification will be met or addressed.

**MODEL:** Unit shall be a new 2025 or newer year model.

**NOTICE OF AWARD/NOTIFICATION TO PROCEED:** Bidder shall review with the Port of Oswego Authority the final build schedule for the electric rail car mover and provide any additional pre-build information or submittals requested following the notice of award. Upon completion of the review and acceptance of the final build schedule, including any revisions, the Port will issue to the Bidder the notification to proceed.

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**WARRANTY:** Warranty details are included and described within the product technical specification. Please state in writing confirming whether the conditions of the warranty as requested can be provided as described, or if different conditions are being proposed.

**TRAINING:** Training requirements for operators and mechanics are included and described within the product technical specification.

**DELIVERY:** Bidder shall perform a complete pre-delivery service prior to delivery of equipment. **All units are Free on Board (FOB) Destination, Port of Oswego Authority,** including setup.

Bidder shall state the number of days for delivery from time of order. If the delivery date is not met, a charge of \$1,000.00 per day may be assessed against the purchase price with the total not to exceed 2.5% of purchase price.

## **LOCAL PRESENCE:**

The successful bidder shall be a fully authorized dealer with trained/certified service staff and parts supply readily available. Successful bidder's main facility and shop should be located no more than 250 miles from the Port of Oswego.

## **PREVAILING WAGE RATES:**

For this opportunity, NYS prevailing wage rates are **NOT** required.

## **MINORITY OWNED BUSINESS ENTERPRISE/WOMEN OWNED BUSINESS ENTERPRISE/SERVICE-DISABLED VETERAN OWNED-BUSINESS:**

*For this opportunity, an IN-YEAR Exclusion has been granted from the NEW YORK STATE DEPARTMENT OF TRANSPORTATION waiving the normally prescribed M/WBE and SDVOB goal requirements. Bidders are encouraged though to continue seeking opportunities to engage M/WBE and SDVOB firms when possible.*

The Port of Oswego Authority shall implement the provisions of New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations ("NYCRR") for all State contracts, as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

The provisions of Article 15-A of the Executive Law and the rules and regulations promulgated thereunder pertaining to Equal Employment Opportunities (EEO) for minority group members and women shall apply to the Contract. In performing the Contract, the Contractor shall ensure that each contractor and subcontractor performing work on the Contract shall undertake or

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continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.

**M/WBE:** The Port of Oswego Authority has a 30% goal for minority and women-owned business enterprise (M/WBE) participation. Bidders are required to make a good faith effort and provide documentation in writing as part of their response to this RFP. <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>

**SDVOB:** The Port of Oswego Authority has a goal of 6% for SDVOB. Article 17-B of the Executive Law enacted in 2014 acknowledges that Service-Disabled Veteran-Owned Businesses (SDVOBs) strongly contribute to the economies of the State and the nation. Bidders are required to make a good faith effort and provide [documentation in writing](http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf) as part of their response to this RFP. [http://ogs.ny.gov/Core/docs/CertifiedNYS\\_SDVOB.pdf](http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf)

## **PAYMENT SCHEDULE:**

Payments will be made by the Port of Oswego Authority to the successful bidder based on the following schedule:

<b>Percent Payment</b>	<b>Description</b>	<b>Requirement</b>
0%	Following Project Award Designation	<ul style="list-style-type: none"><li>• Attend Kick-Off Meeting</li><li>• Submittal Reviews &amp; Approvals Complete</li></ul>
25%	Notice to Proceed	<ul style="list-style-type: none"><li>• Notice to Proceed Issued</li></ul>
20%	Interim Progress Payment 1	<ul style="list-style-type: none"><li>• Progress Report on Manufacturing Status Including Photos</li></ul>
20%	Interim Progress Payment 2	<ul style="list-style-type: none"><li>• Progress Report on Manufacturing Status Including Photos</li></ul>
25%	Assembly Complete & Delivery Scheduled	<ul style="list-style-type: none"><li>• Progress Report on Manufacturing Status Including Photos</li><li>• Delivery Date Scheduled and Confirmed</li></ul>
10%	Post Delivery and Commissioning	<ul style="list-style-type: none"><li>• Delivery &amp; Setup</li><li>• Operator, Maintenance &amp; Safety Training</li><li>• Documentation/Manuals Delivered</li></ul>

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## **EQUIVALENT PRODUCT:**

Bids will be accepted for consideration on any make or model that is equal or superior to the Electric Railcar Mover specified. **Decisions of equivalency will be at the sole interpretation of the Port of Oswego Authority.** A blanket statement that equipment proposed will meet all requirements will not be sufficient to establish equivalence. An original manufacturer's brochure of the proposed product is to be submitted with proposal.

## **INTERPRETATIONS:**

In order to be fair to all Bidders, no oral interpretations will be given to any Bidder, as to the meaning of the specification documents or any part thereof. Every request for such a consideration shall be made in writing. Based on such inquiry, the Port may choose to issue an Addendum in accordance with New York State laws.

All questions related to this project shall be directed via email both to Pat McMahon, Supervisor of Development and Maintenance at [pmcmahon@portoswego.com](mailto:pmcmahon@portoswego.com) and Carl W. Rode PE, Engineer at [crode@cscos.com](mailto:crode@cscos.com).

## **NON-COLLUSIVE BIDDING CERTIFICATIONS (NYS FINANCE LAW §139-D):**

1. Every bid hereafter made to the state or any public department, agency or official thereof, where competitive bidding is required by statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury:
  - a. 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 to the best of his knowledge and belief:
    - 1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
    - 2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and;

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- 3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- b. A bid shall not be considered for award nor shall any award be made where a. (1)(2) and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where a. (1)(2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the state, public department or agency to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder: (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph 1.a.

2. Any bid hereafter made to the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule or regulation, and where such bid contains the certification referred to in subdivision one of this section, shall be deemed to have been authorized by the board of directors of the bidder and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

## **CHANGES, CONTINGENCIES, EXTRA WORK AND DEDUCTIONS:**

Whenever the Owner determines that from any unforeseen cause the terms of any contract should be altered to provide for changes, contingencies, extra work, or the deletion of work, a change order may be issued to the Contractor/Vendor. Upon direction by the Owner, the Contractor/Vendor shall then promptly proceed with the Work in accordance with the pertinent specifications. Such changes in quantities and alterations shall not invalidate the contract and the Contractor/Vendor shall perform the Work as altered.

No instructions, either written or verbal from any employee or agent of the Owner shall be construed as an order for changes until receipt by the Contractor/Vendor of written notification that a change order has been approved by the Owner.



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## **EXAMINATION & AUDIT:**

The Contractor/Vendor agrees as follows:

- a. During the effective term of this Agreement and for six (6) calendar years after final payment is made to the Contractor/Vendor under this Agreement, or such longer period as may be required for final disposition of the items mentioned in subparagraph (c.) below, the Contractor/Vendor shall establish and maintain relevant books, records, payroll records, receipts, documents, papers and any other data or information which support and substantiate the charges made to and payments received from the Owner under the Agreement.
- b. During this time, unless a longer period of time is required in order to comply with paragraph (c.) below, the Owner or duly authorized representatives shall have access to and the right to examine any relevant books, records, documents, papers, receipts, and any other data or information of Contractor/Vendor relating to this Agreement.
- c. With respect to (1) litigation or the settlement of claims arising out of the performance of this Agreement or (2) charges by Contractor/Vendor to which the Owner takes exception, the Owner's right of access and examination, as well as the duty of Contractor/Vendor under paragraph (a) above, shall continue until disposal of such litigation, claims or exception.