

# NEW BEDFORD PORT AUTHORITY



## Invitation for Bids

### License for Dedicated Dockage at Leonard's Wharf

Contract No. NBPA-FY21-003

November 10, 2020

***Note: Addenda will be emailed to all bidders on record as having picked up this IFB. Please call 508-961-3000 to add your contact information to the list of bidders.***

**INVITATION FOR BIDS (IFB)**  
**License for Dedicated Dockage at Leonard's Wharf**  
**NBPA-FY21-003**

**I. GENERAL INFORMATION AND BID SUBMISSION REQUIREMENTS**

The New Bedford Harbor Development Commission (HDC) d.b.a. New Bedford Port Authority (NBPA) is seeking sealed bids for the licensing for Dedicated Dockage at Leonard's Wharf in the Port of New Bedford.

***DOCUMENTS, INTENT, EXECUTION, CORRELATION***

Sealed bids will be received at the New Bedford Port Authority, 123 MacArthur Drive, New Bedford, MA, until November 24, 2020 at 10:00 AM on Tuesday, at which time the bids will be opened and publicly read. No bid received after the date and time established herein for the opening of the bids will be considered.

The contract will be awarded within thirty (30) days after the bid opening. The time for award may be extended for up to forty-five (45) additional days by mutual agreement between the NBPA and the apparent highest responsive and responsible bidder.

Specifications will be available on November 10, 2020 at 8:00 AM on Tuesday and may be obtained at the NBPA office between the hours of 8:00 AM and 4:00 PM, Monday through Friday, thereafter. If any changes are made to this IFB, an addendum will be issued. Addenda will be mailed, faxed, or emailed to all bidders on record as having picked up the IFB.

All inquiries from prospective bidders concerning this IFB must be submitted in writing and addressed to Barbra Stone, Port Authority, 123 MacArthur Drive, New Bedford, MA 02740 (e-mail: Barbara.Stone@newbedford-ma.gov). Questions may be delivered via e-mail. Inquiries must be received no later than November 17, 2020 at 12:00 PM. All responses to questions will be in writing, will be simultaneously distributed to all recipients of the IFB, and will be made available to all interested parties.

A bidder may correct, modify, or withdraw a bid by written notice received by the NBPA prior to the time and date set for the bid opening. Bid modifications must be submitted in a sealed envelope clearly labeled "Modification No. \_\_\_\_." Each modification must be numbered in sequence, and must reference the original IFB.

After the bid opening, a bidder may not change any provision of the bid in a manner prejudicial to the interests of the NBPA or fair competition. Minor informalities will be waived or the bidder will be allowed to correct them. If a mistake and the intended bid are clearly evident on the face of the bid document, the mistake will be corrected to reflect the intended correct bid, and the bidder will be notified in writing; the bidder may not withdraw the bid.

There is no scheduled site visit to the Port, however any and all bidders can schedule a site visit after November 10, 2020 at 10:00 AM and before November 17, 2020 at 12:00 PM by contacting Director of engineering & Operations Ceasar Duarte: at [Ceasar.duarte@newbedford-ma.gov](mailto:Ceasar.duarte@newbedford-ma.gov). All reasonable site visit requests are encouraged and will be accommodated subject to the availability of the Assistant Harbormaster.

The NBPA may cancel this IFB, or reject in whole or in part any and all bids, if the NBPA determines that cancellation or rejection serves the best interests of the NBPA.

All bid prices submitted in response to this IFB must remain firm for forty-five (45) days following the bid opening.

If, at the time of the scheduled bid opening, the NBPA office is closed due to uncontrolled events such as fire, snow, ice, wind, or building evacuation, the bid opening will be postponed until 12:00 PM on the next normal business day. Bids will be accepted until that date and time.

### ***SUBMISSION OF BIDS***

One copy of the bid response is required. Bid envelopes must be clearly marked with the Name of the Firm and Bid No. NBPA-FY21-003.

### ***BIDDING PROCEDURE***

Each bid **must** include a non-collusion form, bid form, tax compliance certificate, reference form, Chapter 803 disclosure form, W-9 tax form, and contractor certification form, all of which are attached.

A bid must be signed as follows: 1) if the bidder is an individual, by him/her personally; 2) if the bidder is a partnership, by the name of the partnership, followed by the signature of each general partner; and 3) if the bidder is a corporation, by the authorized officer, whose signature must be attested to by the Clerk/Secretary of the Corporation and the corporate seal affixed.

Any misinterpretation of facts in a bidder's presentation shall be sufficient grounds for invalidating such bid.

## **II. DESCRIPTION / SCOPE OF SERVICES**

The Port of New Bedford is a deepwater port and has easy access to the maritime corridor along the Massachusetts coast and serves as the City's greatest natural resource and most critical asset to stimulate investment, attract new industry, create jobs, and develop a healthy economy. The New Bedford fishing industry generates economic activity in excess of \$11 billion. New Bedford is connected to the world market through its Port and can capitalize on unique import/export distribution opportunities developing rapidly in the free global marketplace. The maturing nexus between marine science and the fishing industry puts New Bedford on the forefront as a leader in marine education, research, and technology. The Port also serves as an important land/sea intermodal center for ferry,

cruise, excursion, water taxi, and other passenger operations. It is the goal of the New Bedford Port Authority to support the maritime businesses of the Port, seek out new opportunities, and maximize the natural competitive advantage the Port provides to the New Bedford economy.

The New Bedford Port Authority (NBPA), in accordance with MGL c30B, is seeking proposals from individuals interested in licensing dedicated dockage at Leonard's Wharf in New Bedford Harbor, starting January 1, 2021.

The site is approximately 200 linear feet of dockage on the north face of Leonard's Wharf. The area is the eastern-most 200' of the pier with a maximum berthing area of 200' x 52', or approximately four (4) commercial fishing vessels. This dedicated dockage will be for the sole use by the licensee. Signage will delineate the dedicated dockage area and parking is available for crews. A plan of the site is incorporated in the license agreement.

The license is limited to commercial marine industrial vessels, including commercial fishing vessel dockage or other marine industrial vessels.

The NBPA is soliciting proposals from prospective candidates interested in licensing the bulkhead area for a one-year period with options for renewal or extension, not to exceed 3 years. Utilities and services are not included in the license.

Prospective candidates are hereby advised that any license will be subject to the terms of the license agreement between the NBPA, including nonexclusive use of the site. The licensee will be required to assume the obligations of the NBPA enumerated in said license agreement.

The NBPA desires to locate a qualified individual to license this bulkhead area in a way that:

- is consistent and in harmony with other existing uses of Leonard's Wharf and the Port of New Bedford;
- maximizes the disposition value to the NBPA and City of New Bedford.

Based on local market conditions and other factors, the NBPA has determined a minimum proposal bid of \$6,000 per month for the term of the license.

The lease of space must be consistent with Chapter 91 and Designated Port Area use requirements and must be consistent with City zoning requirements.

### **III. REFERENCES**

Each bidder is required to submit as an essential part of his/her proposal the following:

1. A list of financial references demonstrating financial soundness and performance capability. These statements should be furnished in a separate envelope and marked Confidential: Financial References.

2. Certification as to the payment of state taxes as required by MGL c62, section 49A. The certification shall be furnished in separate envelope and marked: Certification of State Taxes.

3. A list of 3 customer references with address, phone number, and business relationship. A customer reference form is contained herein and must be submitted with the bid package.

#### **IV. RULE FOR AWARD**

One contract will be awarded to the responsive and responsible bidder offering the highest total price.

No bid will be accepted from or contract awarded to any person, firm, or corporation that is in arrears or is in default to the City of New Bedford upon any debt or contract, or that is a defaulter upon any obligation to said City, or had failed to perform faithfully any previous contract in any contractual obligation in the last five (5) years.

The New Bedford Port Authority, the awarding authority, reserves the right to reject any or all bids or make the award with or without modifications when it deems to be in the best interest of the NBPA.

The award shall not be binding upon the NBPA until the Contract has been executed by the bidder and the NBPA.

The Awarding Authority shall be the Port Authority.

#### **V. NON-COLLUSION FORM AND TAX COMPLIANCE FORM**

Persons submitting a bid or proposal must submit a certification of non-collusion and tax compliance.

#### **VI. ADDITIONAL CONTRACT TERMS AND CONDITIONS**

##### ***CONTRACT***

The successful bidder will be required to enter into a written Contract. The requirements of these specifications are considered a part of the Contract with the successful bidder. Any knowing or intentional violation by the successful bidder of any provision of the Contract, or of the specifications forming a part thereof, shall constitute cause for termination of said Contract by the NBPA if said NBPA so elects; but no waiver thereof by said NBPA shall be taken, deemed, or construed as affecting the right of said NBPA to so terminate for any other or future violation, or for any repetition of the same violation. It is understood, agreed upon and made part hereof, and shall become a part of the Contract, that the Contract entered into between the successful bidder and the NBPA

shall not be assigned nor assignable by way of subcontract or otherwise, unless or until the NBPA shall have first assented to in writing.

**PAYMENT**

Payment shall be made at the first of each month for the duration of the contract. The agreed payment schedule shall become part of the written contract.

If the successful bidder shall be adjudged bankrupt, or if said firm should make a general assignment for the benefit of creditors, or if a receiver should be appointed on account of the firm's insolvency, or otherwise be guilty of substantial violation of any provision of the Contract, then the NBPA without prejudice to any other right or remedy, may terminate the Contract.

**CONTRACT TERMINOLOGY**

The term "Port Authority" shall mean the duly appointed, qualified, and acting members of the Harbor Development Commission acting within the scope of the particular duties entrusted to them.

**ATTACHMENTS**

- **OWNERSHIP INFORMATION FORM**
- **BID FORM**
- **REFERENCE FORM**
- **CERTIFICATE OF NON-COLLUSION**
- **TAX COMPLIANCE CERTIFICATION**
- **CHAPTER 803 DISCLOSURE STATEMENT**
- **CONTRACTOR CERTIFICATION**
- **LICENSE AGREEMENT**
- **W-9 FORM**
- **SITE DIAGRAM**

**OWNERSHIP INFORMATION FORM**

**PLEASE FURNISH FOLLOWING INFORMATION REGARDING BIDDER:**

(1) If a Proprietorship:

Name \_\_\_\_\_ of

Owner \_\_\_\_\_

Business \_\_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_ Telephone No. \_\_\_\_\_

Home \_\_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_ Telephone No. \_\_\_\_\_

(2) If a Partnership, Full names and addresses of all partners:

Name \_\_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_ Telephone No. \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_ Telephone No. \_\_\_\_\_

Business Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Tel. No. \_\_\_\_\_

(3) If a Corporation

Full Legal Name: \_\_\_\_\_

State of Incorporation: \_\_\_\_\_ Qualified in Massachusetts? Yes \_\_\_\_\_ No \_\_\_\_\_

Principal Place of Business

\_\_\_\_\_

Street / P.O. Box

\_\_\_\_\_

City/Town State Zip

Telephone No. \_\_\_\_\_

Place of Business in Massachusetts

\_\_\_\_\_

Street / P.O.Box

\_\_\_\_\_

City/Town State/Zip

Telephone No. \_\_\_\_\_

**BID FORM**

Bid Price \$ \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_  
(Officer, Authorized Individual, or Owner)

Title: \_\_\_\_\_

Mailing  
Address: \_\_\_\_\_

\_\_\_\_\_

Zip Code \_\_\_\_\_ Date: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Note: Bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid.

**REFERENCE FORM**



New Bedford Port Authority  
License for Dedicated Dockage on Leonard's Wharf

**Bidder:** \_\_\_\_\_

Bidders must submit a list of five (5) professional project references. At least two (2) of these references must relate to jobs performed in the past two (2) years that are similar in size and scope to this project.

- Reference: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

Description and date(s) of supplies or services provided:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Reference: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

Description and date(s) of supplies or services provided:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Reference: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

Description and date(s) of supplies or services provided:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Reference: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

Description and date(s) of supplies or services provided:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Reference: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

Description and date(s) of supplies or services provided:

*New Bedford Port Authority*  
License for Dedicated Dockage on Leonard's Wharf

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**Attach additional sheets if necessary**

**CERTIFICATE OF NON-COLLUSION**

The bidder asserts that no agreement exists with any other bidder or prospective bidder or with any other person, firm, or corporation relating to the price named in this proposal, nor any agreement or arrangement for any act or omission in restraint of free competition among bidders, and further stating that this proposal is made with no past or present collusion with any other person, firm, or corporation.

The undersigned certifies under penalties of perjury that this bid or proposal has been made or submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals.

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(Signature of individual submitting bid or proposal)

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(Name of business / firm)

**TAX COMPLIANCE CERTIFICATION**

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

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(Signature of individual submitting bid or proposal)

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(Name of business / firm)

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**CHAPTER 803 DISCLOSURE STATEMENT**

In compliance with Chapter 60, Section 77B of the Massachusetts General Laws as amended by Chapter 803 of the Acts of 1985, I hereby certify, that I have never been convicted of a crime involving the willful and malicious setting of a fire, or of a crime involving the aiding, counseling, or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim for fire insurance; nor am I delinquent in the payment of real estate taxes in the City of New Bedford, or being delinquent, an application for the abatement for such tax is pending or a pending petition before the appellate tax board has been filed in good faith.

This statement is made under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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(Signature)

**BIDDERS CERTIFICATION**

As evidenced by the signature of the Bidder's Authorized signatory below, the Bidder certifies under the pains and penalties of perjury that the Bidder shall not knowingly use undocumented workers in connection with the performance of any City contract; that pursuant to federal and state requirements, the Bidder shall verify the immigration status of all workers assigned to such contracts without engaging in unlawful discrimination; and that the Bidder shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker(s). The Bidder understands and agrees that breach of any of these terms during the period of each contract may be regarded as a material breach, subjecting the Bidder to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

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Bidders Authorized Signature

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Printed Name

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Title

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Company / Firm

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Date

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Telephone

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Fax

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Email

SITE PLAN

