

City of Clovis

**NOTICE
SOLICITATION OF BIDS FOR THE PURCHASE OF
VARIOUS USED RECREATIONAL EQUIPMENT**

Notice is hereby given that sealed bids will be received at the Clovis Recreation Center, prior to **4:00 p.m., on Saturday, February 13, 2016**, at which time they will be publicly opened and read for:

- Lot 1 Bidders will place a bid on desired quantity of up to seven (7) Automated Batting Cages (ABC) Baseball pitching machines with coin box, ball trough and pinch motor (as a package);
- Lot 2 Bidders will place a bid on desired quantity of up to five (5) Automated Batting Cage (ABC) Softball pitching machines with coin box, ball trough and pinch motor (as a package).
- Lot 3 Bidders will bid on desired quantity of up to 101 dozen used Jugs dimple baseballs – yellow in color
- Lot 4 Bidders will bid on desired quantity of up to 80 dozen used Jugs dimple softballs – yellow in color
- Lot 5 Pallet with five heavy punching bags (sold as one lot)
- Lot 6 Pallet with various fencing equipment (sold as one lot)
- Lot 7 Air Hockey table – Dyno brand

The offers will be opened at the **City of Clovis Recreation Center, 3495 Clovis Ave. Clovis CA. 93612.**

Bids shall be delivered and addressed to the City of Clovis Recreation Section, 3495 Clovis Ave, Clovis, CA 93612, and shall be labeled “Recreational Equipment Bid”. Any Bidder who wishes their bid to be considered is responsible for making certain that their offer is received at the Clovis Recreation Center by the proper time. No oral, telegraphic, electronic, facsimile, or telephonic bids or modifications will be considered. Bids must be on the form(s) provided by City of Clovis Recreation and bear original signatures and figures. Bids received after the scheduled Bid Submittal Deadline will be returned unopened.

As is Sale. All Recreational equipment is presented for sale on an “as is” condition. Equipment must be removed from the Clovis Winery Property (3495 Clovis Avenue, Clovis) by Wednesday February 17, 2016.

Pre-Bid Inspection. If you are not able to attend the equipment viewing on Saturday February 13, 2016 from 10:00 AM – 4:00 PM and would like to view the equipment, a private viewing can be scheduled by contacting the Recreation Supervisor at 559-324-2776.

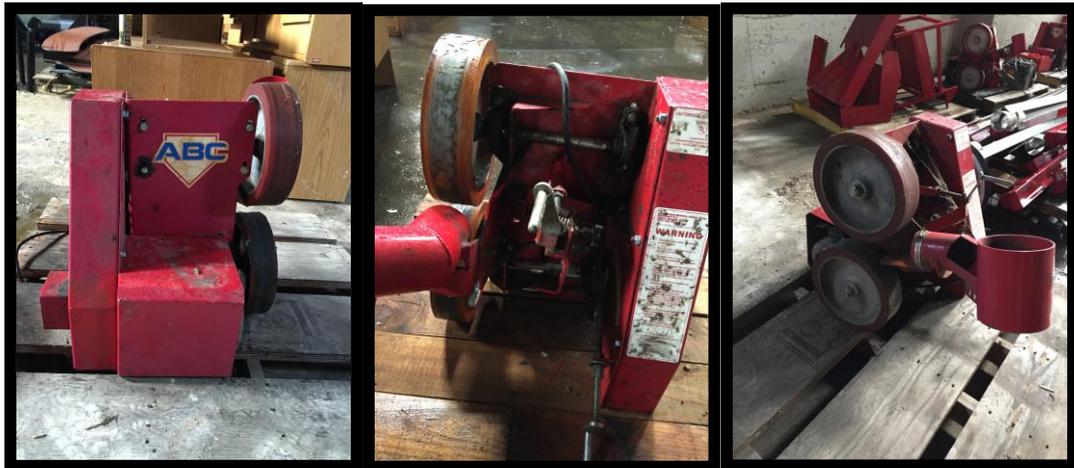
Bid Packets. Equipment specifics, bid forms and other information are available by contacting the Recreation Supervisor at 559-324-2776.

INSTRUCTIONS TO BIDDER

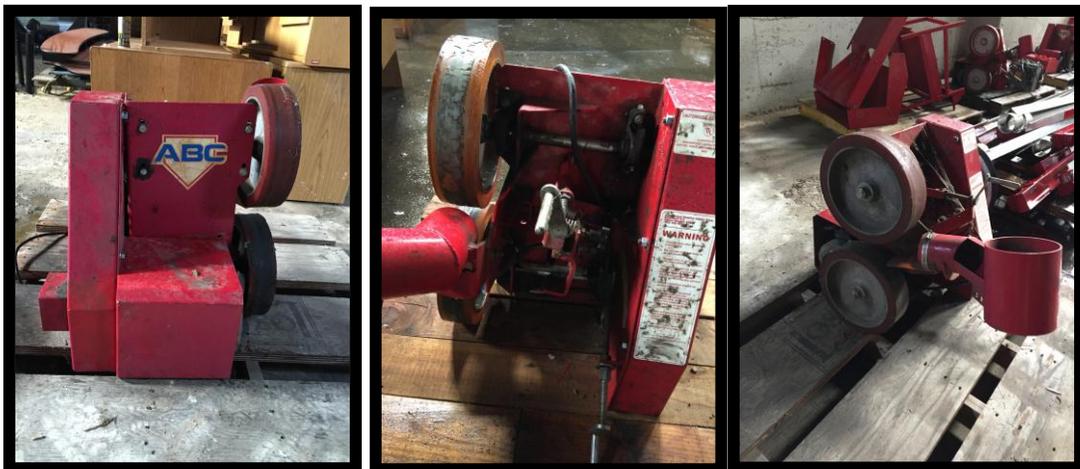
DESCRIPTION OF BID. The City of Clovis is accepting bids for the purchase of the used recreation equipment items listed below:

FOR LOT 1, 2, 3, 4, USE FORM ON EXHIBIT A. ONE FORM FOR EACH LOT.

- Lot 1 Bidders will bid on desired quantity of up to seven (7) Automated Batting Cages (ABC) Baseball pitching machines with coin box, ball trough and pinch motor. Bids are for machine package listed. The opening bid for a pitching machine package is \$100. All of these pitching machines were removed from the Clovis Batting Range approximately 10 years ago. The pitching machines have been sitting in storage since they were removed. Replacement parts can be purchased from Automated Batting Cages.



- Lot 2 Bidders will bid on desired quantity of up to five (5) Automated Batting Cages (ABC) Softball pitching machines with coin box, ball trough and pinch motor. Bids are for machine package listed. The opening bid for a pitching machine package is \$100. All of these pitching machines were removed from the Clovis Batting Range approximately 10 years ago. The pitching machines have been sitting in storage since they were removed. Replacement parts can be purchased from Automated Batting Cages.



- Lot 3 Bidders will bid on desired quantity of up to 101 dozen used jugs dimple baseballs – yellow in color. Bids are per dozen balls. The opening bid is \$12 per dozen. Each year the Clovis Batting Range buys all new dimple baseballs. The baseballs that are up for sale were only used for one season.



- Lot 4 Bidders will bid on desired quantity of up to 80 dozen used jugs dimple 12” softballs – yellow in color. Bids are per dozen balls. The opening bid is \$12 per dozen. Each year the Clovis Batting Range buys all new dimple softballs. The softballs that are up for sale were only used for one season.



For Lot 1, 2, 3, and 4, bidders will state their offered price on the required form(s) in EXHIBIT A and the quantity desired of each item up to the maximum quantity offered. Bidders are not required to bid on the entire quantity offered per lot. Minimum bid for each item is one. For example: A bidder may offer \$12 for 20 dozen baseballs. Each pitching machine package will include the coin box, ball trough and pinch motor.

For Lot 1, 2, 3, and 4, the highest bidder will be given first choice to select from the equipment up to the quantity of items in their bid offer. The winning bidder must take the entire packaged set of the item. For example, they may not select the pitching machine from one set, the ball trough from another and the motor from another. Once the winning bidder has made their selection, the next highest bidder will select from the remaining equipment packages. This will continue through all the bidders until all the equipment has been purchased.

If two bidders make the same offer, the bidder who turned in their bid first will be given first choice of equipment. Any equipment left after the sale may be sold at the lowest bid price at the discretion of the City of Clovis.

FOR LOT 5, 6, 7, 8, 9, USE FORM ON EXHIBIT B. ONE FORM FOR EACH LOT BELOW

- Lot 5 Pallet with five heavy punching bags (sold as one lot). Opening bid for lot 5 is \$50.



- Lot 6 Pallet with various fencing equipment (sold as one lot). Opening bid for lot 6 is \$400.



- Lot 7 Air Hockey table – Dynamo commercial air hockey table. This table has been located at the Clovis Recreation center for approximately 10 years. It comes with the table 4 paddles, 4 pucks and a cover. This machine is wired for home use, it doesn't require quarters to play. The start button sticks and should be replaced. Other than the start button the machine works fine. The starting bid on this lot is \$750



For Lot 5, 6, 7, the bid is for the entire lot and will use the form on EXHIBIT B. Items will not be sold separately and the highest bidder will commit to purchasing the entire lot. If two bidders make the same offer, the bidder who turned in their bid first will be considered the winning offer.

Specifics concerning the equipment and the bid process follow below.

BID FORMS. Bids must be submitted on the preprinted Bid Form(s) supplied by the City of Clovis attached. Exhibit A is to be used for Lot 1, 2, 3, 4. Exhibit B is for Lot 5, 6, 7, 8, 9. **USE ONE FORM PER LOT.**

BID OPENING AND BID RESULTS. Bids are opened publicly at the City of Clovis Recreation Center at or after 4:00pm on Saturday, February 13, 2016. Interested parties are invited to attend the bid opening. A tabulation of bids received will be available within a reasonable time after the bid opening. Bid results will be emailed to interested parties upon request.

BID SUBMITTAL DEADLINE. **The Bid Submittal Deadline is prior to 4:00 p.m., on Saturday, February 13, 2016.** Bids must be submitted in sealed envelopes and should be properly identified as “**Recreational Equipment Bid**”. **Bids must arrive at the City of Clovis Recreation Center, 3495 Clovis Ave, Clovis, CA 93612, by the bid submittal deadline.** Telephone, telegraphic, facsimile, electronic, and late bids will not be accepted or considered. Late bids will be returned to Bidders unopened. It is the Bidders' responsibility to see that their bids have sufficient time to be received by the Clovis Recreation Center before the Bid Submittal Deadline.

Pre-Bid Inspection. If you are not able to attend the equipment viewing on Saturday February 13, 2016 from 10:00 AM – 4:00 PM and would like to view the equipment, a private viewing can be scheduled by contacting the Recreation Supervisor at 559-324-2776.

BID WITHDRAWAL. Bidders' authorized representatives may withdraw bids only by written request received by the Clovis Recreation Center, before the Bid Submittal Deadline. After that time, Bidders may not withdraw their bids.

INFORMED BIDDERS. Before submitting bids, Bidders must fully inform themselves of the condition of the equipment and the terms of this bid process. Failure to do so will be at Bidders' own risk and they cannot secure relief on the plea of error. The subject equipment is considered used and will be sold in “as is” condition to the highest responsible bidder. The City of Clovis does not warranty the equipment operation or service. The City of Clovis does not assume any liability for the equipment following the transfer of ownership to the successful bidder.

PRICES, NOTATIONS, AND MISTAKES. All prices and notations must be in ink or typewritten. Mistakes may be crossed out and corrections typed or printed adjacent to the mistake and initialed in ink by the person who signs bid. Where there is a conflict between words and figures, words will govern.

PAYMENT TERMS. Payment of the successful bid amount must be received by the City of Clovis prior to pick up of the equipment. Payments of cash or check will be expected. If payment is not received by that time, the City of Clovis reserves the right to withdraw its acceptance of the initial bid award and award the bid to the next highest responsible bidder.

REMOVAL OF EQUIPMENT FROM CITY PROPERTY. Following confirmed payment by winning bidder and completion of a signed contract, an appointment must be made with the Recreation Supervisor for the removal of the equipment from City of Clovis property.

QUESTIONS AND COMMENTS. Questions and comments regarding this solicitation must be submitted in writing, either by mail to the Recreation Supervisor at 3495 Clovis Ave, Clovis CA, 93612 or by email at BryanH@CityofClovis.com. General questions may be directed to the Recreation Supervisor by calling (559) 324-2776.

TERMS OF THE OFFER. City of Clovis' acceptance of Bidder's offer shall be limited to the terms herein unless expressly agreed in writing by the City of Clovis.

BIDDER AGREEMENT TO TERMS AND CONDITIONS. Submission of a signed bid will be interpreted to mean Bidder has agreed to all the terms and conditions set forth in the pages of this solicitation.

COMPLIANCE WITH LAWS. All bids shall comply with current federal, state, local and other laws relative thereto.

FORMATION OF CONTRACT. Bidder's signed bid and the City of Clovis' acceptance shall constitute a binding contract.

LAWS GOVERNING CONTRACT. This contract shall be in accordance with the laws of the state of California. The parties stipulate that this contract was entered into in the county of Fresno, in state of California. The parties further stipulate that the county of Fresno, California, is the only appropriate forum for any litigation resulting from a breach hereof or any questions risen here from.

REJECTION OF BIDS. The City of Clovis reserves the right to reject any bids, all bids, or any part of a bid.

WAIVER OF INFORMALITIES. The City of Clovis reserves the right to waive informalities, irregularities, or technicalities in the bids.

BID FORM *Exhibit A*
SOLICITATION OF BIDS FOR THE SALE OF USED RECREATIONAL EQUIPMENT
LOTS 1, 2, 3, 4

To: City of Clovis Recreation
3495 Clovis Avenue
Clovis, CA 93612

From: _____
Name of Bidder

Mailing Address

City, State & Zip

Contact Phone

Email Address

In response to the above-referenced bid, the undersigned Bidder agrees to pay the following amount. Furthermore, I/We agree to the all of the stated terms and conditions of the bid documents and agree that they are a part of this bid and any resulting contract:

LOT #: _____ **USE THIS FORM FOR LOTS 1, 2, 3, or 4 ONLY**

Quantity of items in the lot for which you are bidding: _____ (one-dozen balls is considered one item, one pitching machine package is one item)

Price offered for each package within the lot (one-dozen balls is considered one package):

\$ _____

Price Stated In Words: _____

Authorized Signature

Agency/Company

Date

ONE LOT PER FORM

BID FORM *Exhibit B*
SOLICITATION OF BIDS FOR THE SALE OF USED RECREATIONAL EQUIPMENT
LOTS 5, 6, 7

To: City of Clovis Recreation
3495 Clovis Avenue
Clovis, CA 93612

From: _____
Name of Bidder

Mailing Address

City, State & Zip

Contact Phone

Email Address

In response to the above-referenced bid, the undersigned Bidder agrees to pay the following amount. Furthermore, I/We agree to the all of the stated terms and conditions of the bid documents and agree that they are a part of this bid and any resulting contract:

LOT #: _____ **USE THIS FORM FOR LOTS 5, 6, 7 ONLY**

Total Bid Price for ALL ITEMS within this lot: \$ _____

Price Stated In Words: _____

Authorized Signature

Agency/Company

Date

ONE LOT PER FORM

**CITY OF CLOVIS
ACKNOWLEDGEMENT AND RELEASE
SALE OF RECREATIONAL EQUIPMENT**

The Purchaser set forth below of City of Clovis recreational equipment understands that the equipment is sold "AS IS" with no service, parts or warranties express or implied.

THERE ARE NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO
MERCHANTABILITY, SUITABILITY, FITNESS FOR PURPOSE, OR OTHERWISE
CONCERNING THE EQUIPMENT.

The Purchaser acknowledges that the equipment has been idle for a period of time and may not be safe to operate without undertaking repairs.

The Purchaser accepts all risk associated with use of the equipment, and in that regard:

AGREES TO HOLD HARMLESS, DEFEND AND INDEMNIFY THE CITY OF
CLOVIS AND ITS OFFICERS, OFFICIALS, EMPLOYEES AND VOLUNTEERS
FROM AND AGAINST ANY AND ALL LIABILITY, LOSS, DAMAGE, EXPENSE,
COSTS (INCLUDING WITHOUT LIMITATION COSTS AND FEES OF
LITIGATION) OF EVERY NATURE ARISING OUT OF OR IN CONNECTION
WITH THE PURCHASE AND SUBSEQUENT USE OF THE RECREATIONAL
EQUIPMENT.

The Purchaser agrees to release the City from any liability associated with use of the equipment:

PURCHASER WAIVES, ON BEHALF OF ITSELF OR ANYONE CLAIMING
THROUGH PURCHASER, ANY CLAIMS THAT IT MAY HAVE, EITHER NOW OR
IN THE FUTURE, FOR DAMAGES OR OTHER MONETARY RELIEF AGAINST
CITY RESULTING FROM OR IN CONNECTION WITH THE EQUIPMENT. THIS
WAIVER SHALL APPLY TO ALL KNOWN AND UNKNOWN, ANTICIPATED
AND UNANTICIPATED INJURIES AND DAMAGES RESULTING FROM THE
ACTIVITIES DESCRIBED IN THE PRECEDING SENTENCE. IN SO AGREEING,
PURCHASER HEREBY KNOWINGLY WAIVES THE PROVISIONS OF SECTION
1542 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, WHICH READS AS
FOLLOWS:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIM WHICH THE
CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR
AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR
HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH
THE DEBTOR."

The equipment must be removed from City property within four (4) working days of the date of this agreement.

Purchaser
Print Name: _____
Signature: _____
Date: _____

City of Clovis
Print Name: _____
Signature: _____
Date: _____

List of Equipment: