


Town of Harwich
Harbormaster's Office
715 Main Street – PO Box 207
Harwich, MA 02646
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Memo

To: Chairman, Board of Selectmen
Via: Joseph F. Powers, Town Administrator
Chairman, Waterways Committee
From: John C. Rendon, Harbormaster 
Date: April 8, 2021
Subject: Surplus Dredge Material

Ref: (a) Town of Harwich Policy for Disposition of Surplus Goods and Equipment

Request Board of Selectmen approval to make available for purchase surplus dredge material in accordance with reference (a). Barnstable County is scheduled to be dredge both Allen Harbor and Saquatucket Harbor entrance channels this spring (starting end of May). Some of the dredge material will be used as beach nourishment for Grey Neck and Wah Wah Taysee public beaches, but I anticipate having surplus sand available to sell to interested private homeowners. It has been several years since we had sand available for private homeowners to purchase, so I anticipate significant interest. Disposition of the surplus material will be in accordance with MGL Chapter 30B. I have enclosed the Invite to Bid that will run for two weeks in the Chronicle, along with the specifications, bid form, sales agreement and other supporting forms that we have used in the past. Thanks for your consideration.

Encl (1) Bid Forms

TOWN OF HARWICH
POLICY FOR DISPOSITION OF SURPLUS GOODS AND EQUIPMENT

1. If the surplus goods or equipment have no resale or salvage value less than \$100, the Department Head shall determine how best to dispose of such property at the least cost to the town and keep a record of the disposition

2. If the surplus property is determined by the Department Head to have resale or salvage value of less than \$5,000, and the Department Head has offered it and determined that no other department has an interest in the property, the property may be disposed of pursuant to the procedure set forth below in subsection A and B.

A. The Department Head shall solicit written bids/ quotes from at least 2 individuals or companies that may be interested in the item, maintaining a written record of the names and addresses of the individuals and/or companies from which a bid /quote was solicited;

B. The Department Head shall also advertise the surplus property for sale on the town website or on any internet site that offers such property for sale at least 14 calendar days prior to the sale. Any such advertisement shall state the sale date, the date by which a sealed bid/ quote shall be submitted to the town, and shall prescribe a format in which a sealed bid / written quote shall be submitted (written and delivered to a prescribed address).

3. If the surplus property is determined to have resale or salvage value greater than \$5,000, it must first be declared as surplus by the Board of Selectmen, and then may be disposed of in conformance with the procedures of Massachusetts General Laws Chapter 30B.

Approved by the Board of Selectmen on February 21, 2012.

First Reading: February 6, 2012
Second Reading: February 13, 2012
Third Reading: February 21, 2012

**INVITATION FOR BIDS
TOWN OF HARWICH
SURPLUS BEACH SAND**

The Town of Harwich is accepting sealed bids for approximately 10,000 cubic yards or portion thereof of surplus beach sand from the dredging of Allen Harbor and Saquatucket Harbor entrance channel. This material will be placed on private beaches covered under the Town of Harwich Comprehensive Beach Nourishment Permits.

Information, bid specifications and general bid forms may be obtained from the office of the Town Administrator, 732 Main Street, Harwich, Ma 02645 (508/430-7513). Sealed bids, clearly marked "SURPLUS BEACH SAND" will be received in that office until 2:00 p.m. on Thursday, May 13, 2021, at which time they will be publicly opened and read. For further information, contact Harbormaster John Rendon at 508/430-7532.

The instructions to bidders, Form of Sales Agreement, Specifications, and other Contract Documents may be examined, obtained or mailed from the Town Administrator's Office from 8:30 am to 4:00 pm Monday through Friday. To request mailing, call (508) 430-7513.

All bids for this project are subject to applicable bidding laws of Massachusetts; including General law Chapter 30B, as amended.

The Successful Bidder must furnish a Certified Check Prior to the commencement of the dredging project.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of thirty days, Saturdays and Sundays and Legal Holidays excluded, after the opening of the bids. The surplus sand will be awarded to the responsive bidder offering the highest price for the sand described in the invitation for bids. The Town reserves the right to reject any and all bids and to dispose of the sand through a negotiated sale, provided that the negotiated sale price is higher than the highest bid received from a responsive bidder. Bidders shall be allowed to submit bids for less than the total number of Cubic Yards of sand available.

Joseph F. Powers
Town Administrator

Posted: April, 22 2021
Chronicle: April , 22 2021

SPECIFICATIONS

1. Sand will be placed on the successful bidders property and spread with mechanical equipment from the County Dredge Department.(Owner to provide Release of Damages to Town and County)
2. All work and sand deposit shall take place above the mean high water mark or in the intertidal zone in compliance with the Town's permits.
3. Successful bidder shall own beachfront property covered under the Town of Harwich Comprehensive Dredging and Beach Nourishment Permits.
4. The Successful Bidder's property must be located within 3500 feet of the dredge site.
5. Multiple Bidders may be selected if the High Bidder cannot use all of the available surplus material.
6. The minimum acceptable bid shall be \$9.00 per cubic yard. (the Towns' cost)
7. The Town of Harwich will be operating this project under an existing Order of Conditions granted to the Town of Harwich for a comprehensive dredge and beach nourishment Chapter 91 License issues for various projects along Nantucket Sound by the State Department of Environmental Protection. Further, the Town will assume the cost and responsibility for managing a Piping Plover protection plan in conjunction with the Massachusetts Audubon Society.

**FORM OF GENERAL BID
SURPLUS BEACH SAND**

To:

Town Administrator
Town of Harwich
732 Main Street
Harwich, MA 02645

The undersigned proposes to Purchase surplus beach sand dredged from the Allen Harbor or Saquatucket Harbor entrance channels in accordance with the Invitation for Bids, Instructions to Bidders, Bid Specifications and any other related documents, for the price per cubic yard specified below:

_____ Dollars and _____ cents
(\$ _____). Per cubic Yard

Total volume bid _____ Cubic yards.

The undersigned shall provide the following with this Form of General Bid:

- Two Signed Agreements
- Non-Collusion Certification (attached)

The undersigned agrees that, if he is selected as a successful bidder, he will within ten days, Saturdays, Sundays, and legal holidays excluded after presentation thereof by the awarding authority, execute a Sales Agreement in accordance with the terms of this bid.

Property Owner _____

Property Address _____

Date _____

SALES AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 2021 by the Town of Harwich, Massachusetts, hereinafter called the "TOWN" and _____ hereinafter called the "OWNER."

WITNESSETH, that the Town and the Owner for the consideration hereinafter named, agree as follows:

ARTICLE 1. SCOPE OF WORK:

The Town shall perform all the work required for the PLACEMENT AND SPREADING OF _____ CUBIC YARDS OF BEACH SAND ON THE OWNERS PROPERTY at:

_____ In the Town of Harwich, MA in accordance with the Invitation for Bids, Instructions to Bidders, Bid Specifications and any other related documents, prepared by the Town of Harwich.

ARTICLE 2. TIME OF COMPLETION:

The Town shall commence work under this Contract as soon as possible after the receipt of the certified check from the Owner.

ARTICLE 3. THE CONTRACT SUM:

The Owner shall pay the Town for the performance of the work, the Contract Sum of: _____ Dollars and _____ cents per cubic yard (\$ _____) for a total of _____ cubic yards .

The Total amount paid is _____ Dollars and _____ Cents (\$ _____)

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed.

OWNER

AWARDING AUTHORITY

_____ Town of Harwich by the Board of Selectmen

CERTIFICATION OF NON-COLLUSION

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

Signed: _____

Printed Name: _____

Date: _____

LIABILITY RELEASE FORM

On this _____ day of _____, 2021, intending to be legally bound hereby, the undersigned agrees and does hereby release from liability and to indemnify and hold harmless The Town of Harwich Massachusetts, and the County of Barnstable Massachusetts, and any of its employees or agents representing or related to the placement and spreading of sand on the property of _____ the Owner, located at _____ Harwich Port, Massachusetts. This release is for any and all liability for property losses or damage occasioned by, or in connection with any activity involved in the placement and spreading of sand. The undersigned further agrees to allow access to the property in order for the work to be carried out.

COMMONWEALTH OF MASSACHUSETTS

County of _____

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____ (source of identification) to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purposes.

Notary Public

My Commission expires, Date: _____

Property Owner

Address of Owner