

**RESOLUTION 2023-07**  
**FOR THE YEAR 2023**  
**CONTRACT AWARD FOR THE FOXIANNA ROAD PAVING AND GUIDE RAIL**  
**INSTALLATION**

**A RESOLUTION OF LONDONDERRY TOWNSHIP BOARD OF SUPERVISORS** to award the bid for the contract for the Foxianna Road Paving and Guide Rail Installation to E.K. Services, Inc., for a Unit Price Bid amount of \$106,216.88. subject to the following conditions:


1. Complete bid review by the Township Solicitor.
2. Execution of the Agreement between Owner and Contractor.
3. Receipt of required Insurance documents.
4. Receipt of acceptable Performance and Payment bonds

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisors of Londonderry Township accept this lowest submitted bid.

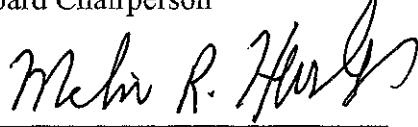
**THIS RESOLUTION** has been duly acted upon and is hereby adopted by the Supervisors of Londonderry Township this 3rd<sup>h</sup> day of April 2023.

**LONDONDERRY TOWNSHIP  
BOARD OF SUPERVISORS**

Attest:

By:   
Secretary/Treasurer

By:   
Board Chairperson

By:   
Board Supervisor

By:   
Board Supervisor

Res 2023 ~~07~~ Attachment



Herbert, Rowland & Grubic, Inc.  
369 East Park Drive  
Harrisburg, PA 17111  
717.564.1121  
www.hrg-inc.com

March 27, 2023

Andy Brandt, Public Works Director  
Londonderry Township  
783 South Geyers Church Road  
Middletown, Pennsylvania 17057

Re: Recommendation of Award, Foxianna Road Paving and Guide Rail Installation

Dear Andy Brandt:

We have reviewed the bids for the above captioned project which were received on March 23, 2023. All of the bids appear to be in order and with no irregularities found. The low bidder is a reputable and qualified contractor.

We recommend that the Board award this contract to E.K. Services, Inc. for a Unit Price bid amount of \$106,216.88, subject to receipt of acceptable Performance and Payment Bonds. We also recommend authorizing the issuance of Notice of Intent to Award to E.K. Services Inc. transmitting the Agreement and bonds for execution subject to the following conditions:

1. Complete bid review by the Township Solicitor;
2. Execution of the Agreement Between Owner and Contractor;
3. Receipt of required insurance documents, and
4. Receipt of acceptable Performance and Payment Bonds.

The Engineer's cost estimate for the project was \$187,000.

Attached is a certified bid tabulation and accompanying bid documentation for your files.

Sincerely,

Herbert, Rowland & Grubic, Inc.

*Brian Schreffler*

Brian Schreffler  
Senior Engineering Technician

BAS/LB

R001068.0507

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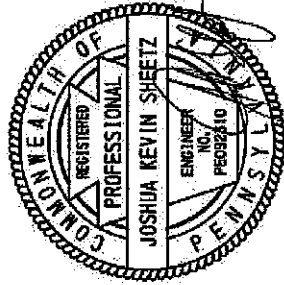
C: James A. Diamond (JDiamond@eckertseamans.com)  
Susan A. Yocum (syocum@eckertseamans.com)  
William Swanick (wswanick@hrg-inc.com)  
Michael Wood (mwood@hrg-inc.com)  
Chad Gladfelter (cgladfelter@hrg-inc.com)



OWNER: Londonderry Township  
BID DATE: March 23, 2023  
11:00 A.M.  
PROJECT: Foxianna Road Paving and Guide Rail Installation

BIDDER	ATTACHMENTS								TOTAL BASE BID
	BID SECURITY	NON-COLLUSION AFFIDAVIT	PUBLIC WORKS EMPLOYMENT	VERIFICATION	LIST OF PROPOSED SUBCONTRACTORS	LIST OF PROPOSED SUPPLIERS	EVIDENCE OF AUTHORITY TO DO BUSINESS IN THE STATE OF THE PROJECT	EEO	
E.K. Services Inc.	X	X	X	X	X	X	X	X	\$106,216.88
New Enterprise Stone & Lime Co., Inc.	X	X	X	X	X	X	X	X	\$149,962.00

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT TABULATION OF BIDS RECEIVED THURSDAY, MARCH 23, 2023.



3/27/2023

**Bid Response Summary**

**Bid Number** Londonderry Township, Dauphin County  
**Bid Title** Foxianna Road Paving and Guide Rail Installation - R001068.0507  
**Due Date** Thursday, March 23, 2023 11:00:00 AM [(UTC-05:00) Eastern Time (US & Canada)]  
**Bid Status** Closed to Bidding  
**Company** E.K. Services Inc.  
**Submitted By** Tyler Walker - Thursday, March 23, 2023 10:43:06 AM [(UTC-05:00) Eastern Time (US & Canada)]  
 twalker@ekservicesinc.com 717-774-7913

**Comments****Question Responses**

Group	Reference Number	Question	Response
Supporting Documents			
	1	Upload Required Bid security Here	Bid Security.pdf
	2	Upload Non-Collusion Affidavit Here	Non-Collusion Affidavit.pdf
	3	Upload Public Works Employment Verification Form Here	Public works Employment Verification Form.pdf
	4	Upload List of Proposed Subcontractors Here	List of Proposed Subcontractors.pdf
	5	Upload List of Proposed Suppliers Here	List of Proposed Suppliers.pdf
	6	Upload Evidence of authority to do business in the state of the Project; or a written covenant to obtain such authority within the time for acceptance of Bids Here	Commonwealth of PA Entity Information.pdf
	7	Upload Certification of Bidder regarding Equal Employment Opportunity Here	Certification of Bidder Regarding Equal Employment Opportunity.pdf
	8	Upload Additional Document(s) Here	Signed Bid Form and Evidence to Sign.pdf
Owner and Bidder			
	1.02	The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents. (Enter I Agree or I Do Not Agree)	I Agree
Attachments to this Bid			
	2.01A	The following documents are submitted with and made a condition of this Bid: Required Bid security. (Enter I Agree or I Do Not Agree)	I Agree
	2.01B	The following documents are submitted with and made a condition of this Bid: Non-Collusion Affidavit. (Enter I Agree or I Do Not Agree)	I Agree
	2.01C	The following documents are submitted with and made a condition of this Bid: Public Works Employment Verification Form (Enter I Agree or I Do Not Agree)	I Agree
	2.01D	The following documents are submitted with and made a condition of this Bid: List of Proposed Subcontractors (Enter I Agree or I Do Not Agree)	I Agree
	2.01E	The following documents are submitted with and made a condition of this Bid: List of Proposed Suppliers (Enter I Agree or I Do Not Agree)	I Agree

2.01F	The following documents are submitted with and made a condition of this Bid: Evidence of authority to do business in the state of the Project, or a written covenant to obtain such license within the time for acceptance of Bids (Enter I Agree or I Do Not Agree)	I Agree
2.01G	The following documents are submitted with and made a condition of this Bid: Certification of Bidder regarding Equal Employment Opportunity (Enter I Agree or I Do Not Agree)	I Agree
<b>Basis of Bid</b>		
3.01A	Bidder will perform the following Work at the indicated unit prices (Enter I Agree or I Do Not Agree)	I Agree
3.01B1	Bidder acknowledges that: each Bid Unit Price includes an amount considered by Bidder to be adequate to cover Contractor's overhead and profit for each separately identified item (Enter I Agree or I Do Not Agree)	I Agree
3.01B2	Bidder acknowledges that: estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Work will be based on actual quantities, determined as provided in the Contract Documents. (Enter I Agree or I Do Not Agree)	I Agree
<b>Time of Completion</b>		
4.01	Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement. (Enter I Agree or I Do Not Agree)	I Agree
4.02	Bidder accepts the provisions of the Agreement as to liquidate damages. (Enter I Agree or I Do Not Agree)	I Agree
<b>Bid Acceptance Period</b>		
5.01	This Bid will remain subject to acceptance for 60 days after the Bid opening, unless award is delayed by a required approval of another government agency, the sale of bonds, or the award of a grant or grants, in which case this Bid shall remain subject to acceptance for 120 days after the bid opening date as provided by the Act of November 26, 1978 (P.L. 1309, No. 317), as amended by the Act of December 12, 1994 (P.L. 1042, No. 142). (Enter I Agree or I Do Not Agree)	I Agree
<b>Instructions to Bidders</b>		
5.02	Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. (Enter I Agree or I Do Not Agree)	I Agree
<b>Receipt of Addenda</b>		
5.03	Bidder hereby acknowledges receipt of the following Addenda: Enter Addendum Number and Date(s)	I Agree - None
<b>Bidder's Representations</b>		
6.01A1	In submitting this Bid, Bidder represents the following: Bidder has examined and carefully studied the Bidding Documents, including Addenda. (Enter I Agree or I Do Not Agree)	I Agree

6.01A2	In submitting this Bid, Bidder represents the following: Bidder has visited the Site, conducted a thorough visual examination of the Site and adjacent areas, and become familiar with the general, local, and Site conditions that may affect cost, progress, and performance of the Work. (Enter I Agree or I Do Not Agree)	I Agree
6.01A3	In submitting this Bid, Bidder represents the following: Bidder is familiar with all Laws and Regulations that may affect cost, progress, and performance of the Work. (Enter I Agree or I Do Not Agree)	I Agree
6.01A4	In submitting this Bid, Bidder represents the following: Bidder has carefully studied the reports of explorations and tests of subsurface conditions at or adjacent to the Site and the drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, with respect to the Technical Data in such reports and drawings. (Enter I Agree or I Do Not Agree)	I Agree
6.01A5	In submitting this Bid, Bidder represents the following: Bidder has carefully studied the reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, with respect to Technical Data in such reports and drawings. (Enter I Agree or I Do Not Agree)	I Agree
6.01A6	In submitting this Bid, Bidder represents the following: Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Technical Data identified in the Supplementary Conditions or by definition, with respect to the effect of such information, observations, and Technical Data on (a) the cost, progress, and performance of the Work; (b) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, if selected as Contractor; and (c) Bidder's (Contractor's) safety precautions and programs. (Enter I Agree or I Do Not Agree)	I Agree
6.01A7	In submitting this Bid, Bidder represents the following: Based on the information and observations referred to in the preceding paragraph, Bidder agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract. (Enter I Agree or I Do Not Agree)	I Agree
6.01A8	In submitting this Bid, Bidder represents the following: Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents. (Enter I Agree or I Do Not Agree)	I Agree
6.01A9	In submitting this Bid, Bidder represents the following: Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and of discrepancies between Site conditions and the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor. (Enter I Agree or I Do Not Agree)	I Agree

6.01A10	In submitting this Bid, Bidder represents the following: The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work. (Enter I Agree or I Do Not Agree)	I Agree
6.01A11	In submitting this Bid, Bidder represents the following: The submission of this Bid constitutes an incontrovertible representation by Bidder that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents. (Enter I Agree or I Do Not Agree)	I Agree
<b>Bidder's Certifications</b>		
6.02A1	The Bidder certifies the following: This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation. (Enter I Agree or I Do Not Agree)	I Agree
6.02A2	The Bidder certifies the following: Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid. (Enter I Agree or I Do Not Agree)	I Agree
6.02A3	The Bidder certifies the following: Bidder has not solicited or induced any individual or entity to refrain from bidding. (Enter I Agree or I Do Not Agree)	I Agree
6.02A4	The Bidder certifies the following: Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. (Enter I Agree or I Do Not Agree)	I Agree
6.02A4a	For the purposes of this Paragraph 6.02.A: Corrupt practice means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process. (Enter I Agree or I Do Not Agree)	I Agree
6.02A4b	For the purposes of this Paragraph 6.02.A: Fraudulent practice means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition. (Enter I Agree or I Do Not Agree)	I Agree
6.02A4c	For the purposes of this Paragraph 6.02.A: Collusive practice means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels. (Enter I Agree or I Do Not Agree)	I Agree
6.02A4d	For the purposes of this Paragraph 6.02.A: Coercive practice means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract. (Enter I Agree or I Do Not Agree)	I Agree
<b>Bid Submittal</b>		
7.01	Enter: Bidder Name, Title, Address, Phone Number, Fax Number, Email Address, Bidder's Contract License No. (if applicable)	Tyler Walker, Estimator, 260 Old York Road New Cumberland PA 17070, 717-774-7913 x118, 717-774-7917, twalker@ekservicesinc.com, PA023561

### Pricing Responses

Group	Reference Number	Description	Type	Unit Of Measure	Quantity	Unit Price	Ext Base Price	Comment	User Field 1	User Field 2	User Field 3
Pricing Section											
	HRG20-100-001	MOBILIZATION	Base	LS	1.00	6940.4400	6940.440000				
	HRG20-400-018	2A SUBBASE, 6" DEPTH	Base	SY	1480.00	11.2300	16620.400000				
	HRG20-400-033	SUPERPAVE ASPHALT MIXTURE DESIGN, BASE COURSE, PG 64S-22, 0.3 TO &lt;3 MILLION ESALS, 25.0 MM MIX, 4" DEPTH	Base	SY	1480.00	21.3700	31627.600000				
	HRG20-400-062	SUPERPAVE ASPHALT MIXTURE DESIGN, WEARING COURSE, PG 64S-22, 0.3 TO &lt;3 MILLION ESALS, 9.5 MM MIX, 1 1/2" DEPTH, SRL-L	Base	SY	1480.00	13.3900	19817.200000				
	HRG20-400-143	SUBGRADE REPAIR	Base	CY	50.00	133.1300	6656.500000				
	HRG20-400-145	DRIVEWAY RESTORATION, ASPHALT	Base	SY	20.00	62.8500	1257.000000				
	HRG20-400-147	DRIVEWAY RESTORATION, GRAVEL	Base	SY	54.00	17.3700	937.980000				
	HRG20-400-241	GUIDE RAIL - TYPE II ENERGY ABSORBING TERMINAL	Base	EA	1.00	4284.4400	4284.440000				
	HRG20-400-245	TYPE 31-S GUIDE RAIL 8' Extra Length Posts	Base	LF	364.00	39.5500	14396.200000				
	HRG20-400-246	TYPE 31-S TERMINAL SECTION	Base	EA	3.00	236.1900	708.570000				
	HRG20-400-248	TYPE 31-S IN-LINE ANCHOR	Base	EA	1.00	2416.8700	2416.870000				
	HRG20-400-253	CURVED W-BEAM GUIDE RAIL AT INTERSECTIONS	Base	LF	12.00	46.1400	553.680000				
<b>Total Base Bid</b>		\$106,216.88									



## BID BOND (PENAL SUM FORM)

<b>Bidder</b> Name: E.K. Services, Inc. Address (principal place of business): 260 Old York Road New Cumberland, PA 17070	<b>Surety</b> Name: Hudson Insurance Company Address (principal place of business): 100 William Street, 5th Floor New York, NY 10038
<b>Owner</b> Name: Londonderry Township Address (principal place of business): 783 South Geyers Church Road Middletown, PA 17057	<b>Bid</b> Project (name and location): Foxianna Road Paving and Guide Rail Installation  Bid Due Date: March 23, 2023
<b>Bond</b> Penal Sum: 10% Ten Percent of Amount Bid Date of Bond: March 23, 2023	
Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth in this Bid Bond, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.	
<b>Bidder</b> E.K. Services, Inc. (Full formal name of Bidder)	<b>Surety</b> Hudson Insurance Company (Full formal name of Surety) (corporate seal)
By: <u>Elaine W. Beinhouwer</u> (Signature)	By: <u>Diane S. Loughry</u> (Signature) (Attach Power of Attorney)
Name: <u>Elaine W. Beinhouwer</u> (Printed or typed)	Name: <u>Diane S. Loughry</u> (Printed or typed)
Title: <u>Pres</u>	Title: <u>Attorney-In-Fact</u>
Attest: <u>[Signature]</u> (Signature)	Attest: <u>[Signature]</u> (Signature)
Name: <u>Kenneth E. Beinhouwer, Sr.</u> (Printed or typed)	Name: <u>Robert A. Chlada</u> (Printed or typed)
Title: <u>V.P.</u>	Title: <u>Witness to Surety</u>
Notes: (1) Note: Addresses are to be used for giving any required notice. (2) Provide execution by any additional parties, such as joint venturers, if necessary.	

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond will be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder occurs upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation will be null and void if:
  - 3.1. Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
  - 3.2. All Bids are rejected by Owner, or
  - 3.3. Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions does not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.
6. No suit or action will be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety, and in no case later than one year after the Bid due date.
7. Any suit or action under this Bond will be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder must be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Postal Service registered or certified mail, return receipt requested, postage pre-paid, and will be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond will be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute governs and the remainder of this Bond that is not in conflict therewith continues in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.



## BID BOND POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

**Joseph Pierson, Diane S. Loughry, Jeffrey Alan Rees, Steven A. Dzurik**

**Joshua Carl Lecker, Paul William Whaley, Michael Patrick Goode, Robert A. Chlada**

**of the State of Maryland**

its true and lawful Attorney(s)-in-Fact, at New York City in the State of New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bid bonds for any and all purposes.

Such bid bonds, when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Senior Vice President thereunto duly authorized, on this 19th day of September, 20 22 at New York, New York.



Attest: Dina Daskalakis  
Dina Daskalakis, Corporate Secretary

STATE OF NEW YORK  
COUNTY OF NEW YORK SS.

HUDSON INSURANCE COMPANY

By: Michael P. Cifone  
Michael P. Cifone, Senior Vice President

On the 19th day of September, 20 22 before me personally came Michael P. Cifone to me known, who being by me duly sworn did depose and say that he is a Senior Vice President of HUDSON INSURANCE COMPANY, the Company described herein and which executed the above instrument that he knows the seal of said Company, that the seal affixed to said instrument is the corporate seal of said Company, that it was so affixed by order of the Board of Directors of said Company, and that he signed his name thereto by like order.

(Notarial Seal)



Ann M. Murphy  
ANN M. MURPHY  
Notary Public, State of New York  
No. 01MU6067553  
Qualified in Nassau County  
Commission Expires December 10, 2025

## CERTIFICATION

STATE OF NEW YORK  
COUNTY OF NEW YORK SS.

The undersigned Dina Daskalakis hereby certifies:

THAT the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27<sup>th</sup>, 2007, and has not since been revoked, amended or modified:

"RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company's surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company's seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertakings made in the course of this Company's surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOLVED, that the signature of any such Officer of the Company and the Company's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed."

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

Witness the hand of the undersigned and the seal of said Company this 23rd day of March, 20 23



By: Dina Daskalakis  
Dina Daskalakis, Corporate Secretary

NON-COLLUSION AFFIDAVIT

STATE OF Pennsylvania :

S.S. E.K. Services, Inc.

COUNTY OF York :

CONTRACT NO. R001068.0507

I state that I am President [Title] of E.K. Services, Inc. [Contractor] and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price(s) and the amount of this bid.

I state that:

- (1) The price(s) and amount of this bid have been arrived at independently and without consultation, communication or agreement with any other contractor, bidder or potential bidder.
- (2) Neither the price(s) nor the amount of this bid, and neither the approximate price(s) nor approximate amount of this bid, have been disclosed to any other firm or person who is a bidder or potential bidder, and they will not be disclosed before bid opening.
- (3) No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit a bid higher than this bid, or to submit any intentionally high or noncompetitive bid or other form of complementary bid.
- (4) The bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive bid.
- (5) E.K. Services, Inc. (Contractor), its affiliates, subsidiaries, officers, directors and employees and have not, in the last four years, been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as follows:

I state that E.K. Services, Inc. (Contractor) understands and acknowledges that the above representations are material and important, and will be relied on by the Londonderry Township (Owner) in awarding the contract(s) for which this bid is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the Londonderry Township (Owner) of the true facts relating to the submission of bids for this contract.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 23rd DAY OF March, 2023

Elaine W. Beinhower - President

Name and Company Position

Tamara S. O'Brien  
Notary Public  
Gennie A. Intrieri  
(SEAL)

Elaine W. Beinhower  
Signature Date

My Commission Expires: June 25th, 2025 April 14, 2026

Commonwealth of Pennsylvania - Notary Seal  
Tamara Sue O'Brien, Notary Public  
York County  
My commission expires April 14, 2026  
Commission number 1282877  
Member, Pennsylvania Association of Notaries



COMMONWEALTH OF PENNSYLVANIA

## PUBLIC WORKS EMPLOYMENT VERIFICATION FORM

Business or Organization Name (Employer) E.K. Services, Inc.

Address 260 Old York Road

City New Cumberland State PA Zip Code 17070

Check One:

- ☒ Contractor  
☐ Subcontractor

Contracting Public Body Londonderry Township

Contract/Project No R001068.0507

Project Description Paving and Guide Rail Installation

Project Location Foxianna Road - Londonderry Township

Date Enrolled in E-Verify: 10/06/2010

As a contractor/subcontractor for the above referenced public works contract, I hereby affirm that as of the above date, our company is in compliance with the Public Works Employment Verification Act ('the Act') through utilization of the federal E-Verify Program (EVP) operated by the United States Department of Homeland Security. To the best of my/our knowledge, all employees hired post January 1, 2013 are authorized to work in the United States.

It is also agreed to that all public works contractors/subcontractors will utilize the federal EVP to verify the employment eligibility of each new hire within five (5) business days of the employee start date throughout the duration of the public works contract. Documentation confirming the use of the federal EVP upon each new hire shall be maintained in the event of an investigation or audit.

I, Elaine W. Beinhower, authorized representative of the company above, attest that the information contained in this verification form is true and correct and understand that the submission of false or misleading information in connection with the above verification shall be subject to sanctions provided by law.

Elaine W. Beinhower  
Authorized Representative Signature

03/23/2023  
Date of Signature

**List of Proposed Subcontractors**

Wm. Orr & Sons, Inc.

Or

Green Acres Contracting

## **List of Proposed Suppliers**

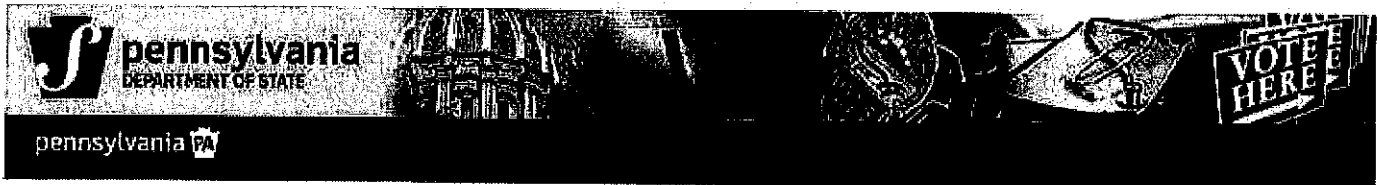
New Enterprise Stone & Lime Co., Inc.



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## Commonwealth of Pennsylvania Registered Business Entity Record



Corporations

### Business Entity Filing History

#### Business Name History

Name	Name Type
E.K. SERVICES INC.	Current Name

#### Business Corporation - Domestic - Information

Entity Number:	1617562
Status:	ACTIVE
Entity Creation Date:	11/6/1990
State of Business:	PA
Registered Office Address:	260 OLD YORK RD NEW CUMBERLAND PA 17070 York
Mailing Address:	No Address

#### Officers

Name:	ELAINE W BEINHOWER
Title:	President
Address:	260 OLD YORK RD NEW CUMBERLAND PA 17070-21

Name:	KENNETH BEINHOWER
Title:	Secretary
Address:	260 OLD YORK RD NEW CUMBERLAND PA 17070-21

Name:	ELAINE W BEINHOWER
Title:	Treasurer
Address:	260 OLD YORK RD NEW CUMBERLAND PA 17070-21

Name:	KENNETH BEINHOWER
Title:	Vice President
Address:	260 OLD YORK RD NEW CUMBERLAND PA 17070-21

[www.ekservicesinc.com](http://www.ekservicesinc.com)

260 Old York Road, New Cumberland, PA 17070 • Phone: (717) 774-7913 Fax: (717) 774-7917



## CERTIFICATION OF BIDDER REGARDING EQUAL EMPLOYMENT OPPORTUNITY

### INSTRUCTIONS

This certification is required pursuant to Executive Order 11246 (30 CFR 12319-25). The implementing rules and regulations provide that any Bidder or prospective Contractor, or any of their proposed subcontractors, shall state as an initial part of the Bid or negotiations of the Contract whether it has participated in any previous contract or subcontract subject to the Equal Opportunity clause, and, if so, whether it has filed all compliance reports due under applicable Instructions.

Where the certification indicates that the Bidder has not filed a compliance report due under applicable instructions, such a Bidder shall be required to submit a compliance report within seven calendar days after Bid opening. No Contract shall be awarded unless such report is submitted.

### CERTIFICATION BY BIDDER

E.K. Services, Inc.

(Name of Bidder)

260 Old York Road

(Address)

New Cumberland

(City)

PA

(State)

17070

(Zip Code)

1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity clause.

☒ Yes ☐ No

2. Compliance reports were required to be filed in connection with such contract or subcontract.

☒ Yes ☐ No

3. Bidder has filed all compliance reports due under applicable instructions, including SF-100.

☒ Yes ☐ No ☐ None Required (If No, please explain in detail.)

4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?

☐ Yes ☒ No

Certification: The information above is true and complete to the best of my knowledge and belief.

Elaine W. Beinhower

(Name of Signer)

President

(Title)

Elaine W. Beinhower

(Signature)

03/23/2023

(Date)

## BID FORM FOR CONSTRUCTION CONTRACT

The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

### ARTICLE 1—OWNER AND BIDDER

1.01 This Bid is submitted to:

Londonderry Township  
783 S. Geyers Church Rd,  
Middletown, PA 17057

For: Foxianna Road Paving and Guide Rail Installation

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

### ARTICLE 2—ATTACHMENTS TO THIS BID

2.01 The following documents are submitted with and made a condition of this Bid:

- A. Required Bid security;
- B. Non-Collusion Affidavit;
- C. Public Works Employment Verification Form;
- D. List of Proposed Subcontractors
- E. List of Proposed Suppliers
- F. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such authority within the time for acceptance of Bids
- G. Certification of Bidder regarding Equal Employment Opportunity

### ARTICLE 3—BASIS OF BID—UNIT PRICES

3.01 *Unit Price Bids*

A. Bidder will perform the following Work at the indicated unit prices:

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT BID PRICE	TOTAL
HRG20-100-001	MOBILIZATION	1	LS	\$ 6,940.44	\$ 6,940.44
HRG20-400-018	2A SUBBASE, 6" DEPTH	1480	SY	\$ 11.23	\$ 16,620.40

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Herbert, Rowland & Grubic, Inc.

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R001068.0507

HRG20-400-033	SUPERPAVE ASPHALT MIXTURE DESIGN, BASE COURSE, PG 64S-22, 0.3 TO <3 MILLION ESALS, 25.0 MM MIX, 4" DEPTH	1480	SY	\$ 21.37	\$ 31,627.60
HRG20-400-062	SUPERPAVE ASPHALT MIXTURE DESIGN, WEARING COURSE, PG 64S-22, 0.3 TO <3 MILLION ESALS, 9.5 MM MIX, 1 1/2" DEPTH, SRL-L	1480	SY	\$ 13.39	\$ 19,817.20
HRG20-400-143	SUBGRADE REPAIR	50	CY	\$133.13	\$ 6,656.50
HRG20-400-145	DRIVEWAY RESTORATION, ASPHALT	20	SY	\$ 62.85	\$ 1,257.00
HRG20-400-147	DRIVEWAY RESTORATION, GRAVEL	54	SY	\$ 17.37	\$ 937.98
HRG20-400-241	GUIDE RAIL - TYPE II ENERGY ABSORBING TERMINAL	1	EA	\$ 4,284.44	\$ 4,284.44
HRG20-400-245	TYPE 31-S GUIDE RAIL 8' Extra Length Posts	364	LF	\$ 39.55	\$ 14,396.20
HRG20-400-246	TYPE 31-S TERMINAL SECTION	3	EA	\$ 236.19	\$ 708.57
HRG20-400-248	TYPE 31-S IN-LINE ANCHOR	1	EA	\$ 2,416.87	\$ 2,416.87
HRG20-400-253	CURVED W-BEAM GUIDE RAIL AT INTERSECTIONS	12	LF	\$ 46.14	\$ 553.68
<i>Foxianna Rd - Total</i>					\$ 106,216.88

B. Bidder acknowledges that:

1. each Bid Unit Price includes an amount considered by Bidder to be adequate to cover Contractor's overhead and profit for each separately identified item, and
2. estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Work will be based on actual quantities, determined as provided in the Contract Documents.

3.02 *Total Bid Price*

Total Bid Price	\$ 106,216.88
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**ARTICLE 4—TIME OF COMPLETION**

- 4.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 4.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

**ARTICLE 5—BIDDER'S ACKNOWLEDGEMENTS: ACCEPTANCE PERIOD, INSTRUCTIONS, AND RECEIPT OF ADDENDA**

**5.01 *Bid Acceptance Period***

- A. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

**5.02 *Instructions to Bidders***

- A. Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security.

**5.03 *Receipt of Addenda***

- A. Bidder hereby acknowledges receipt of the following Addenda: **[Add rows as needed. Bidder is to complete table.]**

Addendum Number	Addendum Date
None	

**ARTICLE 6—BIDDER'S REPRESENTATIONS AND CERTIFICATIONS**

**6.01 *Bidder's Representations***

- A. In submitting this Bid, Bidder represents the following:
1. Bidder has examined and carefully studied the Bidding Documents, including Addenda.
  2. Bidder has visited the Site, conducted a thorough visual examination of the Site and adjacent areas, and become familiar with the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
  3. Bidder is familiar with all Laws and Regulations that may affect cost, progress, and performance of the Work.
  4. Bidder has carefully studied the reports of explorations and tests of subsurface conditions at or adjacent to the Site and the drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, with respect to the Technical Data in such reports and drawings.
  5. Bidder has carefully studied the reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, with respect to Technical Data in such reports and drawings.
  6. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Technical Data identified in the Supplementary Conditions or by definition, with respect to the effect of such information, observations, and Technical Data on (a) the cost, progress, and performance of the Work; (b) the means, methods, techniques, sequences, and

procedures of construction to be employed by Bidder, if selected as Contractor; and  
(c) Bidder's (Contractor's) safety precautions and programs.

7. Based on the information and observations referred to in the preceding paragraph, Bidder agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
8. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
9. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and of discrepancies between Site conditions and the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
10. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
11. The submission of this Bid constitutes an incontrovertible representation by Bidder that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

#### 6.02 *Bidder's Certifications*

##### A. The Bidder certifies the following:

1. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation.
2. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid.
3. Bidder has not solicited or induced any individual or entity to refrain from bidding.
4. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 6.02.A:
  - a. Corrupt practice means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process.
  - b. Fraudulent practice means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition.
  - c. Collusive practice means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels.
  - d. Coercive practice means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

BIDDER hereby submits this Bid as set forth above:

Bidder:

E.K. Services, Inc.  
(typed or printed name of organization)  
By: Elaine W. Beinhower  
(Individual's signature)  
Name: Elaine W. Beinhower  
(typed or printed)  
Title: President  
(typed or printed)  
Date: 03/23/2023  
(typed or printed)

If Bidder is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.

Attest: [Signature]  
(Individual's signature)  
Name: Kenneth E. Beinhower, Sr.  
(typed or printed)  
Title: Vice President  
(typed or printed)  
Date: 3/23/2023  
(typed or printed)

Address for giving notices:

260 Old York Road New Cumberland, PA 17070

Bidder's Contact:

Name: Tyler Walker  
(typed or printed)  
Title: Estimator  
(typed or printed)  
Phone: 717-774-7913 x118  
Email: twalker@ekservicesinc.com  
Address: 260 Old York Road New Cumberland, PA 17070

Bidder's Contractor License No.: (if applicable) PA023561

CERTIFIED RESOLUTION

I, Kenneth E. Beinhower, Sr., the duly elected Secretary of  
(Name)

E.K. Services, Inc., a corporation organized and existing under the  
(Corporate Title)

laws of the State of Pennsylvania, do hereby certify that the following Resolution was unanimously adopted and passed by a quorum of the Board of Directors of the Said corporation at a meeting held in accordance with law and the by-laws of the said corporation.

"IT IS HEREBY RESOLVED THAT Elaine W. Beinhower (Name)"

The duly elected President of E.K. Services, Inc.  
(Title of Officer) (Corporate Title)

be and is hereby authorized to execute and submit a Bid and Bid Bond to the

Londonderry Township

(Owner)  
for: Foxlanna Road Paving and Guide Rail Installation  
(Contract)

and such other instruments in writing as may be necessary on behalf of the said corporation; and that the Bid, Bid Bond, and other such instruments signed by him/her shall be binding upon the said corporation as its own acts and deeds. The secretary shall certify the names and signatures of those authorized to act by the foregoing resolution.

The Owner shall be fully protected in relying upon such certification of the secretary and shall be indemnified and saved harmless from any and all claims, demands, expenses, loss or damage resulting from or growing out of honoring, the signature of any person so certified or for refusing to honor any signature not so certified.

I further certify that the above resolution is in force and effect and has not been revised, revoked or rescinded.

I further certify that the following are the names, titles and official signatures of those persons authorized to act by the foregoing resolution.

<u>NAME</u>	<u>TITLE</u>
<u>Elaine W. Beinhower</u>	<u>President/Treasurer</u>
<u>Kenneth E. Beinhower, Sr.</u>	<u>Vice President/Secretary</u>

SIGNATURE

Elaine W. Beinhower  
Kenneth E. Beinhower, Sr.

Given under my hand and the Seal of the said corporation this 23rd day of  
March, 20 23.

(SEAL)

BY: Kenneth E. Beinhower, Sr.

Secretary  
E.K. Services, Inc.  
Corporate Title