



**CITY OF ALPHARETTA
VENDOR GUIDE**

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VENDOR GUIDE

DOING BUSINESS WITH OUR CITY



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VENDOR GUIDE
LETTER TO OUR VENDORS

To all suppliers, vendors, and contractors:

The City of Alpharetta's Budget and Procurement Team of the Finance Department is proud to present this informational brochure on how to do business with our City. It is our goal to provide business partners with information on the City's policies, procedures, and processes in order that both profit from the business relationship.

Included within this document are procurement definitions, instructions on how to register to become a vendor, information on procurement methods, solicitation, and evaluation processes, etc. Please familiarize yourself with the City's business methods and contact us in the event additional information is needed.

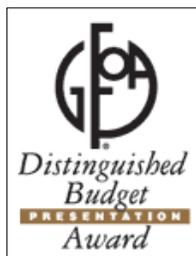
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The City of Alpharetta appreciates our relationships with suppliers, vendors, and contractors and recognizes the willingness each has in doing business with governmental entities in order to facilitate the needs of the public. We look forward to continuing our progressive approach to managing these relationships.

Sincerely,



Thomas G. Harris CPA
Director of Finance



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GENERAL INFORMATION

Introduction

The City of Alpharetta Finance Department, Budget & Procurement Team (hereafter the “procurement team”), is the procurement office for all City departments.

The objective of the procurement team is to:

1. To provide a uniform system for procurement;
2. To ensure a system of quality and integrity in procurement;
3. To simplify, clarify, and modernize methods for governing procurement, encouraging advance planning, reducing small purchases and/or emergency purchases, and reducing paperwork where feasible;
4. To maximize open and fair competition, assuring the best value is received for the tax dollars expended;
5. To obtain the best value for the usage of public funds, taking into consideration such factors as, but not limited to, product safety, environmental impact, total cost of ownership, product performance, compatibility issues, and availability of goods/services;
6. To encourage the use of environmentally preferable and economically sustainable goods and services to reduce the City’s environmental impact;
7. To enhance public confidence in the City’s procurement;
8. To promote the fair and ethical treatment of all suppliers of goods/services; and
9. To encourage active participation by local businesses.

The procurement team’s purpose is to ensure that all prospective vendors and City departments adhere to the purchasing policies and procedures established by the City Council and in accordance with the laws of the United States of America and the State of Georgia.

These policies and procedures are designed to ensure that all City funds are expended in accordance with sound business practices, recorded in compliance with acceptable accounting procedures, and meet the requirements of federal and state agencies that may assist in the financing activities of the City of Alpharetta. No provision is intended to conflict with Federal, State, or local statutes.

Definitions

Best Value: The most advantageous balance of price, quality, time, environmental impact, and performance considerations at competitive costs over the useful life of the goods/services, which best meet the operational needs of the user department. When applicable, procurement decisions should include costs beyond the initial purchase (e.g. total cost of ownership principles, which include maintenance, support, useful life, efficiencies, operational savings, etc.).

Bid: the response submitted by a Bidder to an Invitation to Bids (ITB) to provide goods or services at the prices quoted.

Bidder: One who submits a response to an ITB.

Bonds:

Bid Bond: An insurance agreement, accompanied by a monetary commitment, by which a third party (the surety) accepts liability and guarantees that the bidder will not withdraw

the bid. The bidder will furnish bonds in the required amount and if the contract is awarded to the bonded bidder, the bidder will accept the contract as bid, or else the surety will pay a specific amount. A Bid Deposit may be accepted in lieu of the Bid Bond.

Labor and Materials Bond (Payment Bond): A financial or contractual instrument, issued by a surety that guarantees that subcontractors will be paid for labor and materials expended on the contract. Acceptable forms of payment bonds may include cashier's check, certified check, or irrevocable letter of credit issued by a financial institution; a surety or blanket bond; United States Treasury bond; or certificate of deposit.

Performance Bond: An instrument executed, subsequent to award, by a successful bidder that protects the public entity from loss due to the bidder's inability to complete the contract as agreed. A risk mechanism that secures the fulfillment of all contract requirements. May be referred to as a Completion Bond.

Contract: the formal written agreement executed by the City and the Contractor setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the Work/Services and the basis of payment.

Contract Documents: collectively refer to the ITB, RFP, or RFQ as issued by the City and including all appendices attached, referenced, and/or incorporated in the request; addenda; and Bid or proposal of awarded contractor including any amendments thereto.

Contractor: the successful Bidder or Offeror to whom (or which) a contract resulting from the ITB, RFP, or RFQ is awarded by the City, and who (or which) has executed a formal written contract with the City to furnish goods, services, or construction for an agreed upon price.

DOAS: The State of Georgia's Department of Administrative Services.

Ineligible Vendor List: List maintained by the procurement team of vendors that are not eligible to provide any commodities or services to the City due to non-performance (see Penalties for Non-Performance section for more information). The length of time a vendor remains on the Ineligible Vendor List is dependent upon the severity of the performance problem(s), not to exceed three years

Invitation to Bid (also known as Competitive Sealed Bids, ITB, Request for Bid, or Bid): The method of procurement when the cost of goods and/or services is \$50,000.01 or greater, where there are clear and defined specifications available, and where cost is the primary basis of award. Evaluation is based solely on the response to the criteria set forth in the Bid document. This process does not include discussion or negotiations with bidders.

Legal Organ: The local newspaper selected for the posting of legal notices and advertisements for the City to reach the most citizens in an economical manner. At the time of this publication, our legal organ is the Alpharetta-Roswell Revue & News.

Local or Alpharetta Vendor: person or business entity that meets the following eligibility requirements:

- a. Has a permanent place of business with full-time employee(s) within City limits for a minimum of six months prior to the issuance date of any formal solicitation to which the business will be responding. The permanent place of business must distribute goods/services and cannot be a post office box or a residence.
- b. Has a valid business license from the City.
- c. Is not delinquent on any taxes/fees owed to the City (e.g. property taxes, business license fees, etc.).

The Alpharetta Vendor will be required to certify their eligibility as part of the formal solicitation process.

NIGP: National Institute of Governmental Purchasing whose mission is to develop, support and promote the public procurement profession through premier educational and research programs, professional support, and advocacy initiatives that benefit members and constituents.

Offeror: One who submits a response to a Request for Proposal (RFP).

Procurement: The acquisition of goods/services that meets the City's needs.

Procurement Agent: Procurement team member representing the primary public contact for these procurement processes: facilitating, issuing, and receiving Bids, Proposals, and Statements of Qualifications.

Procurement Official: Finance Director or his/her designee.

Project: the entire services, function, construction, work product, Improvement, repairs, deliverables, and/or goods to be performed, provided, and/or supplied as set forth in the ITB, RFP, or RFQ and the Contract Documents and as generally described in the title to this ITB, RFP, or RFQ.

Request for Proposals (also called Formal Sealed Proposal, RFP or Proposal): The method of procurement when the cost of goods and/or services is \$50,000.01 or greater and where the Competitive Sealed Bid method is neither practical nor advantageous and cost is not the primary consideration. This process does provide for the negotiation of terms, including price, prior to contract award.

Request for Qualifications (also called RFQ, or Statement of Qualifications, SOQ): The Formal Request for Qualifications is a prequalification process used to obtain statements of qualifications (SOQ) from contractors prior to issuing the solicitation. An RFQ is often Step 1 of a two-step process followed by an RFP or ITB to which only Contractors determined to be Qualified are invited to participate.

Responsible Vendor: The vendor or contractor has the capacity in all respects to perform fully the contract requirements, and the experience, integrity, perseverance, reliability, capacity, facilities, equipment, and credit that will assure good faith performance. Must possess the full capability, including financial and technical, to perform as contractually required. Must be able to fully document the ability to provide good faith performance.

Responsive Vendor: The contractor has submitted a response to an ITB/RFP/RFQ that conforms in all material respects with all requirements, specifications, terms, and conditions stated in the solicitation document, including all form and substance.

Scope of Work/Project: A detailed, written description of the contractual requirements for materials and services contained within a Competitive Sealed Bid/ Request for Proposal. A well-conceived and clearly written scope serves many purposes including:

- Establishing a clear understanding of what is needed;
- Encouraging competition in the marketplace and promoting economic stimulus;
- Satisfying a critical need of government; and
- Obtaining the best value for the taxpayer.

Specifications: A precise description of the physical or functional characteristics of a product, good, or construction item. A description of goods and/or services. A description of what the purchaser seeks to buy and what a bidder must be responsive to in order to be considered for award of a contract. Specifications generally fall under the following categories: design, performance, combination (design and performance), brand name or approved equal, qualified products list and samples. May also be known as a purchasing description.

Work: the furnishing of all labor, materials, equipment, superintendence, and other incidentals necessary or convenient to the successful completion of the Project, including the

performance of all services and requirements set forth in the ITB, RFP, or RFQ hereof as the Scope of Work or Specification (in accordance with the specifications provided therein), and the carrying out of all obligations, duties, and responsibilities imposed by the Contract Documents in the provision thereof.

Inspection of Records

Interested persons shall have access to information regarding City procurement transactions in accordance with City policy and the Georgia Open Records Act, O.C.G.A. §50-18-70, *et seq.* Copies of open records may be obtained by completing the open record request document (<http://www.alpharetta.ga.us/government/departments/administration/city-clerk>). Charges may apply – see form for details.

- Competitive Sealed Bids are considered open records shortly after public Bid opening and Finance review.
- Formal Sealed Proposals and Statements of Qualification are considered open records upon contract award by City Council.
- Informal procurements are considered open records at any point during the process.

City Employee and Vendor Relations

Meetings

Vendors are encouraged to meet with procurement team members. However, the desired process is for vendors to formally request appointments in advance of the desired meeting day. During busy times, it may be impossible for the procurement team to meet with vendors, or time allotted for the meeting may be limited. Information such as catalogs, line cards, or new product information is always helpful and welcome.

Requested Research / Advisory Services

The City recognizes the value of and may request vendors to perform specific research, consulting, or advisory services prior to an official solicitation. It should be understood that the vendor has no guarantee of receiving the award as a result of providing research or other information. Dollar limits for the procurement may require the commodity or service to be formally procured by ITB, RFP, or RFQ, which will result in an award based on the best value to the City regardless of which vendor conducted the initial research/consulting. If the initial research or consulting services are significant enough to require some monetary reimbursement, the vendor should notify the requesting department in advance of performing any services otherwise no compensation may be paid for any such services.

Ethics

To maintain the public trust, each person involved in the procurement process must adhere to the highest standard of ethics and avoid any appearance that their actions are motivated by private or personal interest. Actions such as the acceptance of gratuities or kickback are expressly prohibited. Unethical actions by employees or vendors will not be tolerated.

The following ethical principles shall govern the conduct of all City employees engaged in the procurement process:

1. Consider the best interest of the City in all procurement transactions;
2. Purchase without prejudice, seeking to obtain the best value for each tax dollar expenditure in accordance with the required quality standards;
3. Subscribe to and demonstrate honesty and truth in purchasing and avoid all forms of conflicts of interest, as well as the appearance of such conflicts of interest;

4. Avoid all unethical practices and the appearance of any unethical practices, including the improper or unlawful attempt to influence the outcome of the procurement process.

City employees found in violation of one or more of the ethical standards set forth in this Policy will face disciplinary action pursuant to established policy/procedures.

Accessing Procurement Opportunities

Bidders interested in receiving notification of and participating in any City procurement process may register at <https://www.ebidexchange.com/alpharetta>. Registration and login at this eBid Systems site is required to view/download procurement documents and view/ask questions. Basic information is available without registration/login.

Vendor Registration

Those interested may register as a vendor with the City by going to www.alpharetta.ga.us and choosing *City Hall Online – Online Services – Vendor Registration*. Web based registration is the method of registration used by the City for all transactions such as contracts, purchase orders, payments, etc. A vendor may submit a response to an ITB or RFP without first entering vendor registration, but online registration is required of an awarded contractor.

Once registered, vendors can utilize the Vendor Self Service site to view their purchase orders, invoices, and AP payments as well as update their profile including address, contact information, commodities offered, and upload/update documents.

Disqualified Vendor

Vendors will be disqualified from doing business with the City if any of the following apply:

- Any vendor currently in material default or in liquidated damages on another City contract;
- Any vendor (including any owner, officer, director, or key employee) who has been convicted in the last 5-years of any crime involving bid-rigging, kick-backs, or similar conduct;
- Any vendor that is currently in litigation with the City regarding a City contract; or
- Any vendor that has previously performed unsatisfactory work on another City contract as documented within the Ineligible Vendor List.

Green City Purchasing Program

The City of Alpharetta is a proactive, environmentally sensitive community, and will be a leader with respect to diverting and reducing waste, as well as closing the recycling loop by purchasing recycled products whenever technically and economically feasible.

The City recognizes the impact our purchasing decisions have on the environment, including those decisions of our stakeholders (e.g. vendors, contractors, etc.). Accordingly, the City has adopted formal policies to ensure we minimize the environmental impact of our purchasing decisions. These policies are represented in the solicitation process.



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PROCUREMENT METHODS

Invitation to Bid (ITB)

The Invitation to Bid (Formal Sealed Bid, Request for Bid, Competitive Sealed Bid, ITB, or Bid) is a method of formal solicitation requesting prospective vendors to submit sealed price bids. The award is made to the lowest responsive and responsible bidder, based on the criteria (e.g. specifications, scope of work, etc.) set forth in the ITB. When applicable, the ITB should be structured to include best value principles (e.g. support costs). Bids are advertised for a minimum of two weeks in the City's legal organ. Bid notification is also posted on the City procurement posting site, <https://www.ebidexchange.com/alpharetta> during the request phase. The States DOAS e-business procurement site is frequently used as well. Vendors can use the following link to access this website: https://ssl.doas.state.ga.us/PRSapp/PR_index.jsp.

Conditions for use. ITBs may be used when:

1. The proposed procurement is \$50,000.01 or greater;
2. Precise specifications of the needed goods/services are known and can be described in an ITB; and
3. Price is the primary basis of award. When applicable, the ITB should be structured to include best value principles (e.g. include support/maintenance to determine a total cost of ownership as opposed to simply acquisition costs).

Final procurement approval and award is made by the City of Alpharetta Council ("City Council") upon recommendations by the originating department and the procurement team.

Request for Proposal (RFP)

The Request for Proposal (Formal Sealed Proposal, RFP, or Proposal) is a formal solicitation requesting prospective vendors to submit sealed proposals. The award is made to the responsive and responsible vendor whose proposal is determined to provide the best value to the City based on evaluation criteria provided in the solicitation document (cost is not the primary criteria). When applicable, the RFP should be structured to include best value principles (e.g. total cost of ownership). Request for Proposals are advertised in the City's legal organ for a minimum of two weeks. RFP notification is also posted on the City procurement posting site, <https://www.ebidexchange.com/alpharetta> during the request phase. The States DOAS e-business procurement site is frequently used as well. Vendors can use the following link to access this website: https://ssl.doas.state.ga.us/PRSapp/PR_index.jsp.

Conditions for use. An RFP may be used when:

1. The proposed procurement is \$50,000.01 or greater;
2. A need can be identified, outlined, and the user department desires to utilize the expertise of proposers in arriving at a solution;
3. The need or solution is fairly detailed or complex;
4. The need or solution involves services or a combination of goods/ services;
5. Specifications of the project or item cannot be clearly defined;
6. The skills, expertise, or technical capability of the proposer will be evaluated;

7. Factors other than lowest price will be considered when determining whether to make an award. Best value is determined by the combination of criteria or factors, of which price may only be one component; and
8. Price negotiation is desired.

Final procurement approval and contract award is made by City Council upon recommendations by the evaluation committee as presented by the originating department and the procurement team.

Request for Qualifications (RFQ)

The Request for Qualifications (Request for Qualified Contractors, Statement of Qualifications, or RFQ) is a process used to gather and evaluate statements of qualifications (SOQ) from contractors and is often a prequalification process prior to issuing the solicitation. The objective of the RFQ is to identify one or more responsible vendors who meet the City's qualification requirements to provide the goods and/or services outlined in an RFQ.

Not all RFQ's may result directly in a Contract Award. An RFQ may be Step 1 of a two-step process followed by an RFP or ITB to be issued only to contractors determined to be qualified contractors.

Informal Procurements (Informal Invitation to Quote, ITQ)

The written quote method is used for the purchase of goods and services between \$5,000.01 and \$50,000.00. Purchases at this dollar level:

1. require a minimum of three quotes with written documentation from the vendor through mail, e-mail, fax, or hand-delivery to the originating department;
2. do not require formal advertising; and
3. do not require formal approval by the City Council.

Small Purchases

All departments may purchase up to \$2,499.99 at their discretion from any eligible vendor with department director approval. Purchases between \$2,500.00 and \$5,000.00 require one quote. Quotes for small purchases may be written, emailed, or faxed. The Finance Department recommends that each department obtain multiple quotes to ensure the best price and value for the City.

On-Call / Unit-Price Contracts

On-call/unit-price contracts (e.g. on-call electrical services, on-call tree services, uniform vendors, etc.) awarded by the City through a competitive procurement process (ITB, RFP, or other legal method of procurement) only require one quote assuming the procurement is:

1. for work within the approved scope and
2. follows the approved contract pricing. However, approval requirements based on the procurement dollar amount are still in effect.

The On-Call / Unit-Price contract allows the City to order products or services directly from the awarded vendors using a Price Agreement. Should the awarded vendor be unable to provide the contract item or service by the stated delivery date, items may be obtained on the open market through the competitive process.

Alpharetta Vendor Preference (a.k.a. Local Vendor)

It is the policy of the City to invest in the local community when appropriate through securing goods/services from local businesses at competitive pricing and terms. This is to allow local businesses to compete for City Business for formal procurement between \$50,000.01 and \$500,000.00.

Depending on the type of procurement, Local Vendor Preference is available if all the following apply:

- Vendor has a permanent place of business with full-time employee(s) within City limits for a minimum of six months prior to the issuance date of any formal solicitation to which said business will be responding. The permanent place of business must distribute goods/services and cannot be a post office box or a residence.
- Vendor has a valid business license from the City.
- Vendor is not delinquent on any taxes/fees owed to the City (e.g. property taxes, business license fees, etc.).
 - Vendors will be asked to complete a **Local Vendor Certification** as part of the formal solicitation process (when applicable, Local Vendor Certification form will be available as part of the procurement document).

Procurement exceptions where Local Vendor Preference is not applicable:

- Public Works Construction project totaling \$100,000.00 and greater (O.C.G.A. Chapter 91 of Title 36)
 - Public Works Construction means the building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to any public real property other than those projects covered by Chapter 4 of Title 32 (road construction) or by Chapter 37 of Title 50 (energy savings contracts). Such term does not include the routine operation, repair, or maintenance of existing structures, buildings, or real property.
- Formal solicitations with a contract value equal to or greater than \$500,000.01
- Federal or State law prohibits the use of Local Preference
- Please refer to Purchasing Policy for other exceptions

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SOLICITATION PROCESS

Notification

Newspaper and Other Publications

Formal procurement such as ITB, RFP, and RFQ with an anticipated cost of \$50,000.01 or more will be publicly advertised in the City's legal organ for a minimum of two consecutive weeks. Additionally, other forms of advertising such as trade journals, other newspapers, and the State's DOAS Procurement Registry may be utilized in order to provide maximum competition for specific projects, purchases, or services.

City Procurement Site

Formal procurement and some informal requests are posted online and can be accessed by using the following link, <https://www.ebidexchange.com/alpharetta> for the City's eBid site. Registration and login at this eBid Systems site is required to view/download procurement documents and view/ask questions.

Mail / E-mail

Notice of an ITB, RFP, RFQ, and certain informal quote requests are e-mailed to vendors that have registered at the City's eBid site, <https://www.ebidexchange.com/alpharetta> and have chosen commodities that relate to the particular procurement. However, the City cannot guarantee that vendors on the list will receive notification of every procurement opportunity for a particular commodity. Interested vendors are urged to consistently review the various methods of advertisements the City uses in the solicitation process.

Solicitation Document

Formal procurement and some informal requests (ITB, RFP, RFQ, ITQ) are used by the City to solicit offers to buy goods or services and should not be construed as an order by the City to make any purchase.

Vendors should review instructions and conditions of each solicitation document and include all information and signatures as required when returning a response. The quote, Bid, or Proposal must be returned to the Procurement Agent on or before the time and date indicated in the solicitation document. The use of a company bid form containing terms and conditions, which are in conflict with those of the solicitation document, constitutes a counteroffer and is not acceptable.

Pre-Bid and Pre-Proposal Conferences

A pre-bid conference for certain Bids and Proposals may to explain the procurement requirements or to allow the vendor to perform an on-site review and inspection may be held at the discretion of the procurement team. Some pre-bid conferences are mandatory, while others are optional. If a conference is advertised as mandatory, Bids or Proposals will only be accepted from the vendors that attended and signed-in at the meeting. In the case of an optional conference, attendance is strongly suggested.

Any changes to the original solicitation or any document section clarification will be made in writing in the form of an official, written addendum, and will be posted online with other solicitation documents at the eBid Systems site, <https://www.ebidexchange.com/alpharetta>. All questions and information requests must be directed to the Procurement Agent noted in the solicitation document to insure that all vendors receive the same information.

Solicitation Response

Follow the instructions set forth in the Invitation to Bid, Request for Proposal, or Request for Qualification document.

All formal solicitations include instructions to ensure full compliance with the City's procurement requirements. Any questions regarding the solicitation should be directed to the procurement team contact noted in the solicitation document as Procurement Agent. No other City employee or elected official should be contacted regarding an open solicitation.

Formal solicitation responses must be in writing and in a sealed opaque envelope or package and marked as directed in the solicitation document before they will be eligible for consideration. The procurement team must receive all responses at the correct address by the date and time specified.

Receipt of Bids in Response to ITB

No bid shall be eligible for consideration unless it is placed in a sealed envelope or package and actually received by the City by the date, time, and location specified in the ITB. All responses received will be stamped with the date and time of receipt and will be secured until the designated opening time.

Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the ITB. After opening each bid, the bidder's name and bid amount shall be recorded. Such bid records are open to public inspection, including posting online with other solicitation documents at the eBid Systems site, <https://www.ebidexchange.com/alpharetta> and as provided by law.

Once the Competitive Sealed Bid has been opened and recorded, copies of each bid are forwarded to the requesting department(s) for review and verification of correctness. The award is made to the lowest responsive and responsible bidder, based on the specification and/or scope of work set forth in the ITB.

Receipt of Response to RFP or RFQ

No proposal or statement of qualifications (SOQ) shall be eligible for consideration unless it is placed in a sealed envelope or package and actually received by the City by the date, time, and location specified in the RFP or RFQ. All responses received will be stamped with the date and time of receipt and will be secured until the designated opening time.

The proposal or SOQ shall not be opened until the time designated in the public notice of the RFP or RFQ. A record of each proposal or SOQ shall be prepared containing the identification of the RFP or RFQ and name of each Offeror. This record of receipt shall be open to public inspection, including posting online with other solicitation documents at the eBid Systems site, <https://www.ebidexchange.com/alpharetta> and as provided by law.

Once Proposals or SOQ's are received and the Procurement Team review is complete, copies of the documents are forwarded to the designated evaluation committee. The committee will make a recommendation to the director of the user department and to the Procurement Official. The selection of an offeror with who to negotiate shall be made based on the proposal that is determined to provide the best value to the City. Such selection shall be based on the content of the proposal along with the following criteria:

1. the offeror's capacity to perform in terms of facilities, personnel, and financial viability;
2. the skill, experience, performance, and reliability demonstrated by the proposer in performing contracts of a similar nature; and
3. the adherence to the scope of work/specifications.

Formal Procurement Commonalities

Addenda

The terms of an ITB, RFP, or RFQ may be modified or clarified through a written addendum issued by the Procurement Official. Addenda will be posted online with other solicitation documents at the eBid Systems site, <https://www.ebidexchange.com/alpharetta>.

1. Acknowledgment of receipt of an addendum is required along with the solicitation response.
2. Failure to respond to any solicitation in accordance with an addendum may be cause for rejection.
3. In unusual circumstances, the City may postpone an opening in order to notify vendors of a change and to give vendors sufficient time to respond to the addendum.
4. The City may withdraw or cancel a solicitation at any time. A notice of cancellation will be issued.
5. If the solicitation document is cancelled, the City will not reimburse any vendor for the preparation of their proposals.

Late Responses

Solicitation responses **must be received** at the designated location by or before the date and time stated in the solicitation document. In order to avoid confusion, the outside packaging of each response must be noted with the solicitation number, title and due date/time. The envelope or package will be time and date stamped when received and placed in a secure location until the date and time of the solicitation opening.

Late responses **will not** be eligible for consideration by the City and shall be

1. returned unopened to the bidder (at bidder's expense) or
2. destroyed.

A delay in delivery due to visible packaging lacking solicitation information, a traffic issue, delivery to the wrong City office, or failure to deliver by a third party delivery service (i.e., USPS, UPS, FedEx, etc.) is not an acceptable reason for late responses. Again, late responses **will not** be considered.

Withdrawals

A vendor requesting to withdraw their solicitation response prior to the opening may submit a letter to the Procurement Agent requesting to withdraw. The letter must be on company letterhead and signed by an individual authorized to legally bind the firm.

A vendor requesting to withdraw after the bid or proposal has been opened will be required to submit a letter with documented facts supporting the reason for withdrawal within two business days of the opening. The letter must be on company letterhead and signed by an individual authorized to legally bind the firm. The vendor must present clear and convincing evidence that an unintentional error was made. The Procurement Official will review the withdrawal request and a judgment will be made. Generally, bid withdrawal after bids are opened for reasons other than obvious clerical errors is not permitted.

Corrections

If an error is discovered prior to the opening, the vendor can submit a corrected solicitation response. The corrected solicitation response should be clearly marked that it supersedes the response originally submitted.

If an obvious clerical error is discovered after the solicitation response has been opened, the vendor may submit a letter to the Procurement Official within two business days of opening,

requesting that the error be corrected. The letter must be on company letterhead and signed by an individual authorized to legally bind the firm. The vendor must present clear and convincing evidence that an unintentional error was made. The Procurement Official will review the correction request and a judgment will be made. Generally, modifications to opened solicitations for reasons other than obvious clerical errors are not permitted.

Waiver of Irregularities

The Procurement Official shall have the authority to waive all nonmaterial irregularities on any and all bids except timeliness and signature requirements. Nonmaterial irregularities are those irregularities that do not affect price and/or competition.

Tie Bids

A tie bid exists when two or more bidders offer, at identical prices, goods/services that meet all specifications, terms, and conditions.

Bids received from two or more vendors, which are identical and meet the requirement of the bid specifications shall, in most instances, be awarded on the following basis:

1. Past performance of the bidders;
2. Earliest delivery date;
3. Closest proximity to delivery site (e.g. in the event of ongoing services/maintenance);
4. Discount terms;
5. Warranty terms;
6. Any other factors which affect the bid;
7. Flip of a coin (if all other factors are equal).

Re-Bids

To ensure sufficient competition for any procurement, a minimum of three bids is preferred. If less than three bids are received, the Procurement Official will make a determination on the necessity of rebidding based on the circumstances surrounding the bid responses and the feasibility/practicality of rebidding.

Bonding and Insurance Requirements

Sureties such as bid bonds, payment bonds, and performance bonds are required by law (See O.C.G.A. 36-91) for construction (public works) contracts in excess of \$100,000. All bid bonds must be in a sum equal to five (5%) percent of the total amount of the solicitation, unless otherwise specified. All payment and performance bonds must be in an amount at least equal to 100% of the total contract price unless otherwise specified. Bond requirements will be identified in the solicitation document. Bonding may also be required for other purchases/services when deemed necessary by the City. Any bonding requirements will be specifically stated in the solicitation document.

The bond surety either must be authorized by the Insurance Commissioner to do business in Georgia or must be on the United States Department of Treasury's list of approved bond sureties (O.C.G.A. § 36-91-40[a][1]). The list may be accessed via the Internet at <https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570.htm>. The procurement team will verify all bonds prior to contract award or project beginning.

Insurance requirements may include workers compensation, comprehensive general liability, comprehensive auto liability, excess umbrella liability, etc. Insurance limits are set and periodically reviewed by the City's Risk Manager and insurance advisor. Limit requirements for each type of insurance will be listed in the solicitation document.

VENDOR GUIDE

SOLICITATION EVALUATION

Solicitation Responsiveness

All solicitation responses are initially classified as either “Responsive” or “Non-Responsive”. The solicitation response is deemed Responsive if it conforms in all material respects to the requirements stated in the solicitation document.

Solicitation responses may be found Non-Responsive any time during the evaluation process. If a solicitation is found to be Non-Responsive, it will not be considered further. Examples of a Non-Responsive solicitation include, but are not limited to, the following:

- Failure to conform to required delivery, specifications, or detailed requirements;
- Failure to return or acknowledge applicable addenda;
- Failure of vendor to sign all requested solicitation documents;
- Failure to submit solicitation response by deadline will result in automatic rejection;
- A solicitation response in such a manner that would prevent the establishment or determination of a firm price. Such qualifications would include refusing to hold firm prices or submitting prices subject to change due to manufacturer increases/decreases or market conditions, or minimum order quantities;
- A solicitation response that is contingent upon receiving the award of another solicitation;
- Failure to provide a bid surety or meet insurance requirements (when specifically required in the solicitation);
- Submission of unacceptable exceptions to specifications and/or contract clauses;
- Submission of solicitation exceptions, when not acceptable to the City based on its own best interest, etc.

Vendor Responsibleness

All vendors will be classified as either “Responsible” or “Non-Responsible”. The vendor is deemed Responsible if it has the capacity in all respects to perform fully the contract requirements, and the experience, integrity, perseverance, reliability, facilities, equipment, and credit which will assure good faith performance.

Vendors may be found Non-Responsible any time during the evaluation process. If a vendor is found to be Non-Responsible, it will not be considered further. Examples of how a vendor may be deemed Non-Responsible include, but are not limited to, the following:

- Previous vendor performance problems for the City as documented in City records;
- Failure to meet contractual obligations after the award has been made;
- Vendor references provide reports of poor contract performance on similar projects, etc.

Solicitation Evaluation

Invitation to Bid (ITB)

Bid responses are reviewed by the Procurement Agent for Responsiveness and Responsibleness (see above). The originating department performs a thorough evaluation of each response to ensure compliance with all stated requirements and cost calculations are confirmed. An award recommendation to the lowest cost Responsive and Responsible vendor meeting the stated requirements is made to City Council.

Formal Sealed Proposal (RFP) or Statement of Qualifications (RFQ)

The solicitation responses are reviewed by the Procurement Agent for Responsiveness and Responsibility (see above). An evaluation committee is established to ensure compliance with all stated requirements and to review and rank the responses received in accordance with the criteria set forth in the solicitation document.

When the City elects to use the RFQ process, it is often the first step to be followed by an RFP. A short list of qualified contractors is selected from all statements of qualification received. These firms are then invited to respond to the subsequent RFP.

In the RFP process, the evaluation committee may also create a short list from solicitations received, based on the stated criteria. The top vendors may be interviewed, invited to provide a presentation, and/or the price may be negotiated with the highest-ranking vendor. Once the successful vendor has been selected, the evaluation committee submits a recommendation to the Procurement Agent and Procurement Officer. The recommendation is then forwarded to the originating department that recommends award to City Council. Award, if any, will be made to the highest-ranking vendor that provides all required documents and successfully completes the negotiation process.

Split and Multiple Awards

Split awards may occur when more than one item is requested in a solicitation and the procurement is divided into two or more parts with each part awarded to the best-ranked supplier. The Procurement Agent reserves the right to determine the lowest responsible vendor either on an overall basis, or based on individual items or groups of items. Ordinarily, split awards will not be made unless the savings to the City is substantial.

In the multiple award scenario, the City reserves the right in the solicitation to identify multiple sources of supply for the same desired goods and/or services. In the multiple award scenario, each supplier has equal standing and the City may choose amongst the awarded suppliers as permitted by the solicitation, based on availability. Often services with multiple awards may be task order based and no baseline amount of work is guaranteed with the contract to any awarded contractor.

Solicitation Rejection

The City reserves the right to reject any and all Bids/Proposals submitted in response to any solicitation document, to reject any portion thereof, or to waive any minor irregularity or administrative requirement.

Contract Award

When an award of a Competitive Sealed Bid or Proposal is made, a purchase order is issued, a contract is prepared, and/or a price agreement is established.

When contracts are issued for projects or services, the vendor returns the signed contract with any required insurance and bonding documents. Once the contract is fully executed, the Procurement Agent will send a copy of the executed contract and a Notice to Proceed to the successful vendor. All the vendors who submitted a Bid/Proposal will be notified through the City's eBid site, <https://www.ebidexchange.com/alpharetta>.

All contracts and/or purchases which include any service element and valued \$2,500 or more, must also be accompanied with a completed E-verify Affidavit. As of the date of enactment of O.C.G.A. § 13-10-91, the applicable federal work authorization program is "E-Verify", (<https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES>), operated by the United States Citizenship and Immigration Services Bureau of the United States Department of Homeland Security. Information and instructions regarding E-Verify program registration, corporate administrator registration, and designated agent registration can be found at that website address.

Purchase orders, prior to being issued, must have funds approved and the dollar amount encumbered in the originating department's budget. The procurement team will not issue a purchase order before funds have been encumbered and the budget line item has been verified. City departments cannot authorize items to be delivered or services to be performed prior to the vendor's receipt of a purchase order. Any purchases made contrary to this method are considered unauthorized and the City may choose not to authorize payment.

Payment Terms

The standard payment terms for payment of an invoice are Net 30 days, as noted solicitation document, or as negotiated and executed in contract.

The City will make payments to the vendor based on a preferred payment method, for example: lump sum at completion of contract term; percentage payments tied to deliverables as specified; progress payments tied to event completion per schedule; or monthly payments taking total bid and dividing by months in contract from month of contract performance start to end of project as described in the solicitation document. Upon submittal of invoice for payment, the vendor is to reference the purchase order number on the invoice.

Penalties for Non-Performance

Performance problems documented by City department(s) and forwarded to the Procurement Agent and/or Project manager will be reviewed and every effort will be made to resolve the issue(s). Should a performance problem exist which cannot be resolved with the intervention of the Procurement Agent, a recommendation may be submitted to the Procurement Officer that the vendor be placed on the Ineligible Vendor List.

Any vendor who is placed on the Ineligible Vendor List will not be eligible to provide any commodities or services to the City during the time period such vendor remains on the list. The length of time a vendor remains on the Ineligible Vendor List is dependent upon the severity of the performance problem(s), not to exceed three years.

Vendors may be placed on the Ineligible Vendor List for various infractions including, but not limited to:

- Submitting a Bid or Proposal in bad faith;
- Willfully or repeatedly breaching a contract with the City;
- Repeatedly refusing to accept a Bid or Proposal award;
- Establishment of a pattern or practice of unethical or immoral business practices.

Protests

Right to protest. Any bidder or proposer who is aggrieved in connection with an ITB/RFP or other solicitation may protest such procurement.

Procedure. A protest must be made in writing and shall state the reason for the protest. It shall be submitted to the Finance Director within seven calendar days of the first date that the aggrieved party knew or should have known of the facts giving rise to the protest. The Finance Director shall review the protest and issue a written decision as soon as practical after such a review is completed. The Finance Director's decision may be appealed in writing to City Council within seven calendar days after the date of the Finance Director's written decision. The decision of the City Council shall be final.

Stay of procurement during protest. Procurement which is the subject of a timely protest shall be stayed until a final decision by the Finance Director (or City Council, if appealed). The Procurement Official shall not proceed further with the ITB/RFP or other procurement solicitation which is the subject of the protest until all administrative remedies have been exhausted and a final decision has been rendered. If the Mayor makes a written determination that the execution of a contract without delay is necessary to protect substantial interests of the City, this provision shall not apply to the procurement which is the subject of the protest.