City of Franklin, Tennessee Instructions for Bidders

Purchasing Office Solicitation No.: 2020-004

1. Solicitation identified: These Instructions for Bidders apply to the following procurement solicitation:

   supply and delivery of winterized diesel fuel to multiple delivery sites during a term of award

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2. Solicitation packet component documents: These Instructions for Bidders accompany the following documents which, in total, represent the complete solicitation packet:

   a. Notice to Bidders;
   b. City of Franklin Instructions for Bidders (this document);
   c. City of Franklin Specifications;
   d. Appendix A (available to potential bidders upon request made to the City of Franklin Purchasing Office (purchasing@franklintn.gov));
   e. City of Franklin Bid Submittal Form;
   f. City of Franklin Affidavit of Non-Collusion;
   g. City of Franklin Affidavit of Title VI Compliance;
   h. City of Franklin Standard Procurement Terms and Conditions;
   i. City of Franklin Procurement Agreement sample;
   j. City of Franklin Indemnification Agreement; and
   k. City of Franklin Affidavit of Drug-Free Workplace.

3. Location of bid opening: Bid opening will be held in the City of Franklin Purchasing Office (see address below, under "Delivery of bids"), or at another location within the City of Franklin City Hall. If the location of the bid opening is other than at the Purchasing Office, such location shall be posted on the front door of the Purchasing Office at least five (5) minutes before the appointed time of bid opening.

4. Who may attend bid openings: City of Franklin bid openings are open to the public. Bidders are specifically welcome to attend.

5. Withdrawal of bids; expiration of submittal validity (see also "Errors and omissions" below):

   a. Before the bid submittal deadline, submitted bids may be withdrawn upon the request of the submitting party. At the request of the submitting party, withdrawn bids may be returned unopened to the submitting party but only at the submitting party's expense. Such a request to withdraw a bid and such a request to return a withdrawn bid must be in writing, shall be addressed to the Purchasing Office, must be received by the Purchasing Office before the bid submittal deadline, and may be submitted via either e-mail (purchasing@franklintn.gov) or fax (615-550-0079).

   b. After the bid submittal deadline, submitted bids may not be withdrawn.

   c. Before award, all bids and associated pricing as submitted shall be considered valid and may be accepted by the City at least through January 31, 2020 and until the date

indicated on the bidder's Bid Submittal Form as the "last date that bid and associated pricing is valid and may be accepted by the City."

d. Upon award, the accepted bid and associated pricing shall be considered valid for the term of award (see Specifications).

6. Submittal timing:

   a. Bids to be delivered by submittal deadline: Bids shall be delivered *no later than* the submittal deadline.

   b. Bids delivered too early: The City requests that bids be delivered *no earlier than* five (5) City of Franklin business days before the submittal deadline. Bids delivered more than five (5) City of Franklin business days before the submittal deadline may be rejected and not evaluated.

   c. Bids delivered too late: Bids delivered after the submittal deadline shall be rejected and not evaluated.

7. Bids rejected on account of timing: Submitters of bids rejected on account of timing shall be notified by the City of such rejection as soon as practicable. Bids rejected on account of timing may be retrieved by the submitter at the submitter's expense. The City shall promptly cause to be destroyed and discarded any and all bids rejected on account of timing and not retrieved by the submitter within five (5) City of Franklin business days of the submitter being notified of the rejection.

8. Bid to be signed and sealed: Each bid shall be printed on paper, signed and submitted inside one (1) or more sealed container(s). Bids submitted to the City electronically (e.g., via e-mail or fax) are not permitted and shall be rejected.

9. Submittal to include one (1) set of original bid documents: Please submit one (1) set of bid documents on paper with original signatures. No duplicate copies, either printed on paper or in electronic or digital medium, are required.

10. Set of original bid documents to be easily scanned in monochrome (gray-scale): The set of bid documents on paper with original signatures shall:

    a. be loose-leaf or, if necessary, bound only by means of one or more paper clips or binder clips;
    b. have no hole-punches;
    c. include no staples;
    d. contain no tabs;
    e. be printed using black or other dark ink on white or near-white 8.5-inch by 11-inch standard-weight office paper (except any pre-printed documentation which may use colored ink but which shall still be printed on white or near-white 8.5-inch by 11-inch standard-weight office paper); and
    f. be single-sided throughout (except any pre-printed documentation which may be double-sided).

11. Bid submittal contents: Included with the bid are to be the following components:

    a. City of Franklin Bid Submittal Form, executed in full;
    b. City of Franklin Specifications, marked by the bidder as to compliance therewith as per the instructions therein;
    c. Identification, listing and description of any exceptions to the procurement solicitation including the Specifications;
    d. Contact information for required references (see below);
    e. City of Franklin Standard Procurement Terms and Conditions, with the bidder's contact information inserted;
    f. Bidder's proposed agreement or contract, if any, the terms and conditions of which are not inconsistent with the City's Standard Procurement Terms and Conditions;
    g. City of Franklin Affidavit of Non-Collusion, executed in full;
    h. City of Franklin Affidavit of Title VI Compliance, executed in full; and
    i. if the bidder employs five (5) or more employees, then City of Franklin Affidavit of Drug-Free Workplace, executed in full.

12. Bid container label: The outside face of the bid container(s) must be labeled with the following information:

    a. the bidder's name and address; and

    b. the following text:

    SEALED BID
    City of Franklin solicitation no.
    2020-004 (supply and delivery of
    winterized diesel fuel)
    NOT TO BE OPENED EXCEPT AT
    BID OPENING November 21, 2019,
    2:00 p.m. Central Time

13. Delivery of bids:

    a. Bids are to be sealed, addressed and delivered to:

    City of Franklin Purchasing Office
    Franklin City Hall, Suite 107
    109 3rd Ave. South
    Franklin, TN 37064

    b. Sealed bids may be mailed via U.S. Mail or shipped or hand-delivered. Bids submitted to the City electronically (e.g., via e-mail or fax) are not permitted and shall be rejected.

    c. A bid is not considered delivered unless and until it has been received by the City of Franklin Purchasing Office at the physical location listed above. A bid that is in route via U.S. Mail or courier, or delivery of a bid to another City office or location, does not in and of itself constitute delivery of that bid to the City of Franklin Purchasing Office.

d. The Purchasing Office shall exclusively determine whether a bid was received before the submittal deadline, and shall use the most accurate time piece available in its office as an aide to doing so.

14. Reference request: Bidders shall provide references for similar services provided within the last twelve months from three (3) different accounts/customers/clients. Information to be provided shall include: accounts/customer/client name, accounts/customer/client address, description of services provided, contact name and title, and contact telephone number and e-mail address. If the City of Franklin is a recent accounts/customer/client of the bidder for similar services, then add the City of Franklin to the list of references as a fourth reference.

15. Bid tabulation; notice of intent to award: The tabulation of bids received, as prepared by the City, may also indicate a recommendation as to the selection of the bid to be awarded the purchase, in which case the tabulation of bids received also functions as the City's notice of intent to award. Bidders may request a copy of the tabulation of bids received by contacting the City's Purchasing Office (see contact information below) at any time on or after the tentative date of release of the City's tabulation of bids received and notice of intent to award (see Specifications).

16. Award to be made by BOMA: Purchases shall be awarded by the City of Franklin's Board of Mayor and Aldermen. See Specifications for tentative date of award. If awarded, the procurement shall be awarded to the responsible bidder that submits the lowest priced responsive bid. (The term "responsible bidder" shall mean a business entity or individual determined by the City to have the integrity and reliability as well as the financial and technical capacity to perform the requirements of the procurement solicitation and subsequent contract. The term "responsive bid" shall mean a bid determined by the City to fully conform in all material respects to the procurement solicitation and all of its requirements, including all form and substance.) The award shall be memorialized in writing, using the City's Procurement Agreement form.

17. Other documents to be required of the bidder recommended to be awarded the purchase: Before award of the procurement by the City, the bidder recommended to be awarded the purchase shall provide the following documents:

    a. Bidder-supplied agreement or contract, if any, by and between the City and the bidder to be awarded the procurement, the final terms and conditions of which are mutually acceptable to both parties, executed for the bidder;
    b. City of Franklin Indemnification Agreement, executed in full;
    c. Certificate of Insurance that meets or exceeds the City's Insurance Requirements;
    d. City of Franklin Procurement Agreement, executed for the bidder; and
    e. If the bidder prefers to be paid by direct deposit (such as "ACH" or "Electronic Funds Transfer") as opposed to credit card, and if the bidder has not been paid by the City by means of direct deposit within the last two (2) years, then the bidder shall submit a completed City of Franklin Vendor Information Form and IRS Form W-9 (both of which forms are available upon request from the Purchasing Office).

18. City's right to reject bids: The City reserves the right to reject any and all bids.

19. City's right to waive minor informalities: The City reserves the right to waive minor informalities (defined to mean matters of form rather than substance evident from the bid document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders; that is, the effect on price, quantity, quality, delivery, or contractual conditions is negligible). The Purchasing Manager shall waive minor informalities or allow the bidder to correct them depending on which is in the best interest of the City. Examples of minor informalities include the failure of a bidder to: (i) return the number of signed bids required by the procurement solicitation; (ii) sign the bid, but only if the unsigned bid is accompanied by other material indicating the bidder's intent to be bound; or (iii) acknowledge receipt of an addendum to the procurement solicitation, but only if: (A) it is clear from the bid that the bidder received the addendum and intended to be bound by its terms; or (B) the addendum involved had a negligible effect on price, quantity, quality, or delivery.

20. Errors, omissions and deficiencies (see also "Withdrawal of bids; expiration of submittal validity" above):

    a. Errors and/or omissions made by the bidder on the Bid Submittal Form or elsewhere in the bidder's submittal packet that are discovered by the bidder before submittal shall be corrected by the bidder. If such a correction results in altering but not replacing one or more documents, then the bidder's representative shall initial each such correction in non-erasable ink.

    b. Errors and/or omissions made by the bidder on the Bid Submittal Form or elsewhere in the bidder's submittal packet that are discovered by the bidder after submittal but before the bid submittal deadline may be corrected by the bidder but only by submitting such replacement documents as necessary to make the correction. Such a submittal of replacement documents shall be labeled "SEALED AMENDED BID" and shall otherwise be submitted pursuant to the same instructions above as for the submittal of the original bid documents. Such a submittal of replacement documents shall not be submitted electronically, and shall not be submitted after the bid submittal deadline.

    c. Uncorrected errors made by the bidder on the Bid Submittal Form or elsewhere in the bidder's submittal packet shall be considered on a case-by-case basis by the City. Uncorrected errors made by the bidder may be deemed by the City to be so severe as to make the bid non-responsive. (The term "non-responsive" shall mean a response to a procurement solicitation determined by the City not to conform to the mandatory or essential requirements contained in the solicitation.) At the discretion of the City, bidders may be permitted to clarify a submitted bid, but no bid shall be altered or amended by the bidder after submittal except in the case of minor informalities. In the case of a discrepancy between the bidder's unit price for a particular line item as quoted in the bid and the unit price calculated by dividing the bidder's extension price for that same line item by the quantity indicated for that same line item, then the bidder's unit price for that line item as quoted in the bid shall prevail.

d. Uncorrected omissions from and/or other deficiencies to a bidder's submittal packet shall be considered on a case-by-case basis by the City. Omissions and/or other deficiencies may be deemed by the City to be so severe as to make the bid non-responsive. At the discretion of the City, bidders may be permitted to clarify a submitted bid, but no bid shall be altered or amended by the bidder after submittal except in the case of minor informalities.

21. Questions seeking to clarify or revise the procurement solicitation: Questions seeking to clarify or revise any aspect of the procurement solicitation shall be submitted by contacting:

    City of Franklin Purchasing Office (see street address above)
    purchasing@franklintn.gov
    Tel: 615-550-6692
    Fax: 615-550-0079

    Such questions of a non-procedural nature shall be submitted before the deadline for optional submittal in writing of questions of a non-procedural nature seeking to clarify or revise the procurement solicitation.

    Such questions of a procedural nature may be submitted either before or after the deadline for optional submittal in writing of questions of a non-procedural nature seeking to clarify or revise the procurement solicitation.

    Depending upon the inquiry, the City may request that the question seeking to clarify or revise any aspect of the procurement solicitation be submitted in writing, and the City may choose to announce, typically in the form of an addendum, both the inquiry and the City's response thereto.

22. Addenda: Addenda to this procurement solicitation may be issued. Before submitting its response, it is the responsibility of each respondent to determine whether any addenda to this procurement solicitation have in fact been issued by the City. To do so, please browse to the Business Opportunities webpage of the City's website (https://www.franklintn.gov/), or contact the City of Franklin Purchasing Office (purchasing@franklintn.gov; 615-550-6692). Other than by posting addenda on the City's website, the City does not anticipate notifying prospective respondents of the issuance of addenda.

23. Communication with City during procurement phase: Any questions seeking to clarify or revise any aspect of the procurement solicitation should be addressed to the City as described above. Until the procurement award has been made, suppliers / service providers shall not communicate about either the content of or the procurement process pertaining to this procurement solicitation with any official, employee or other representative of the City except through the City's Purchasing Office. The City reserves the right to disqualify any supplier / service provider that initiates unauthorized communication with the City during the procurement phase (that is, the period of time between when the procurement solicitation has been posted on the Business Opportunities webpage of the City's website (https://www.franklintn.gov/) and when the procurement award has been made).

24. Vendor protest: Vendors who feel the need to object either to a deficiency of this procurement solicitation or to a proposed award pertaining to this procurement solicitation are encouraged, as soon as possible, to express their concerns to and seek remedy from the Purchasing Manager (see contact information above). Vendors who are not satisfied with, or who choose not to pursue, such an informal resolution of their concerns and who feel compelled to lodge a formal protest about some aspect of a City procurement not pertaining to new construction shall do so pursuant to the City's Vendor Protest Procedure for City procurements not pertaining to new construction, a mandatory administrative procedure which all aggrieved actual or prospective vendors must utilize and exhaust prior to seeking judicial review or remedy. For a copy of the City's Vendor Protest Procedure for City of Franklin procurements not pertaining to new construction, please contact the City's Purchasing Office (see contact information above) or click on the following link: https://www.franklintn.gov/government/departments-a-j/finance-administration/purchasing-office/vendor-protest-procedure.