A Complete Vendor Guide
Doing Business with the City of Palm Bay

Welcome to the City of Palm Bay!

The Purchasing function of the City of Palm Bay is vitally important to those of us within the municipality and to all our citizens who are concerned with the prudent and honest expenditure of public funds. Purchasing, for and by the City of Palm Bay, must be conducted fairly with opportunity given to all who desire to participate in the purchasing process. This can only be accomplished when all participants completely understand the rules, regulations and procedures that are utilized by the City.

This guide outlines those rules, regulations and procedures answering some of the more common questions about doing business with the City of Palm Bay. After reading this guide, you should have a better understanding of how the City purchases supplies and services.

If you have any questions, please feel free to contact the Purchasing & Contracts Division at (321) 952-3424 for clarification and information.

Sincerely,

Bobbye Marsala

Bobbye Marsala, CPPO, CPPB, C.P.M., FCPM, FCPA
Purchasing & Contracts Division Manager
City of Palm Bay, Florida

We hope your business experience with the City of Palm Bay is a pleasant one…….

Please feel free to let us assist you in any way possible!

SECTION 1: GENERAL INFORMATION

A. PURPOSE

The purpose of this guide is to acquaint you with procedures used for purchasing by the City of Palm Bay. If you have additional questions that are not answered in this guide, please call for clarification, or to make an appointment at (321) 952-3424. The Purchasing & Contracts Division office is located at 120 Malabar Road, SE, Palm Bay, Florida, 32907.

B. PURCHASING POLICY

Purchasing policies for the City of Palm Bay are:

1. To conduct all purchasing in accordance with the City's Code of Ordinances.
2. To obtain the right supplies and services at the right time, in the right quantity for the right price.
3. To maximize competition by providing all interested and qualified vendors with the opportunity to offer their supplies or services to the City of Palm Bay.
4. To treat all vendors fairly.

C. WHO PURCHASES FOR THE CITY OF PALM BAY

The City of Palm Bay has a centralized purchasing authority through the Purchasing & Contracts Division of the Finance Department. All purchase orders issued and contracts for purchases of all supplies and services will be processed through Purchasing.

The responsibility to obtain verbal/written quotations under the City's formal solicitation threshold amount ($25,000) has been delegated to the individual departments. Therefore, one or more of these departments may contact you for price quotations.

It shall be unlawful for any city officer or employee to issue any purchase order or make any contract other than through the Purchasing Manager and any purchase order or contract made contrary to the provisions of the City Code of Ordinance or City Purchasing Policy, shall not be approved and the city shall not be bound thereby. This section shall not apply to any emergency purchase which is subsequently approved by the City Manager upon City staff justification in writing, stating the reasons the emergency affects life, health or convenience of citizens.

SECTION II: GUIDELINES FOR ELIGIBILITY

A. REGISTRATION PROCEDURES

The City of Palm Bay utilizes electronic on-line services for notification and distribution of its solicitation documents. The City's solicitation information can be obtained:

1. **FREE** of charge from Public Purchase (http://www.publicpurchase.com/gems/palmbay,fl/buyer/public/home).
   This is a new on-line vendor registration program that the City has implemented. Solicitation documents can be downloaded from the Public Purchase website at no charge; however, prospective vendors must

complete a one-time initial on-line registration process to obtain this **FREE** automatic notification. Please contact Public Purchase at support@publicpurchase.com; or call 801-932-7000 for additional questions about registration.

2. For those vendors who currently are members of Demandstar by Onvia (www.demandstar.com), or would like to become a member, the City will continue to post its solicitation documents to that website. Demandstar generally charges a fee to its members for their services. If you are interested in receiving free notification solely for the City of Palm Bay's solicitation documents, please contact them directly at 1-800-711-1712 with your request.

Both companies are responsible for the distribution of the City's solicitation documents and for the maintenance of their automated vendor list. These lists categorize each vendor by commodity codes for the specific supplies or services offered by the vendor. Businesses who have subscribed to either or both vendor lists are notified by fax or e-mail whenever a formal sealed proposal or departmental written request for quotation has been issued for the supplies or services offered by the vendor.

Please visit the City of Palm Bay Purchasing and Contracts Division website at http://www.palmbayflorida.org/finance/purchasing/index.html for links to both of these sites and for additional information regarding the City's purchasing program. Please continue to check our website at www.pbfl.org and the Florida Today Newspaper for legal advertisements for additional information for solicitation opportunities.

SECTION III: IMPORTANT CONSIDERATIONS FOR VENDORS

A. There are three different types of solicitation procedures that are utilized by the City of Palm Bay. They are as follows:

1. Purchase of supplies/services not to exceed $5,000:

These quotations are typically handled by the individual user departments. Departments are encouraged to obtain a minimum of three (3) verbal quotations for orders valued in excess of $2,500 (whenever possible) from vendors who can provide the supplies/services required.

2. Purchase of supplies/services valued in excess of $5,000 and not exceeding $25,000:

These quotations are typically handled by the individual user departments. Departments are required to obtain a minimum of three (3) quotations (whenever possible) which must be confirmed in writing by the offeror.

3. Purchase of supplies/services valued in excess of $25,000:

These purchases are processed only through the Purchasing & Contracts Division and may require the utilization of a formal solicitation process. Vendors who are registered with the City's on-line solicitation distribution service(s) under the type of commodity code desired will be sent automatic electronic or fax notification as to the availability of a solicitation package. These solicitations may also require an advertisement in a local newspaper. The City currently advertises its formal solicitations in the Brevard County Edition of the Florida Today Newspaper. The legal advertisement will state the general nature of the supplies/services to be purchased, where the

solicitations may be obtained and the time and place of the formal opening. The solicitation information will also be posted on the Legislative Departments' official bulletin board which is located in the main lobby at City Hall, 120 Malabar Road, SE, Palm Bay, FL 32907.

a. Openings

All formal offers will be opened and read publicly by representatives of the Purchasing & Contracts Division whose office is located at 120 Malabar Road, SE, Palm Bay, Florida, 32907. The only information that will be released at that time will be the offerors name and the prices as submitted. In the case of a Request for Qualifications for professional services, there will be no pricing information available; only the name of the offerors will be read aloud.

All offers will be date and time stamped when received by the Purchasing & Contract Division Office. Offers received after the identified time and date will not be accepted. The City of Palm Bay is not responsible for late deliveries or mail delays. The time/date stamp shall be the official authority for determining late offerors.

Offerors are not required to attend the openings; however, they are more than welcome. All offers are electronically re-tabulated after the opening to confirm prices as submitted. Copies may be obtained by supplying a pre-addressed and self-stamped envelope in the offerors package when submitted. Tabulations will also be posted on the City's website and available through its on-line service provider(s).

b. Alternate/Equal Offers

Whenever the specifications of an article or material is defined by a brand name, the name and model number of a particular manufacturer or vendor, the term "OR EQUAL" is to be implied, unless otherwise indicated in the solicitation document.

Any reference to a manufacturer's product either by brand name or limited description is typically used for the purpose of setting a standard for performance, quality, composition, construction or size. If there is any deviation in the packaging, source or quality of the item(s) submitted by offerors from that requested in the specification, the substitution shall be clearly indicated and literature denoting comparative analysis should be submitted with the offer.

c. Changes and Withdrawals of Offers

A written request for the withdrawal of an offer or any part thereof may be granted if the request is received by the Purchasing Manager prior to the specified time of the solicitation close.

Under no circumstances will changes be allowed to submitted offers after the solicitation close date and time. All offers submitted will

remain in effect until the minimum period of time as specified in the solicitation package has expired.

d. A Word About Bonds and Insurance

The City of Palm Bay may require offeror(s) to submit one or both of the following bonds:

***PROPOSAL BOND**: a firm commitment (deposit) to an offer, typically in the amount of 5-10% of total amount submitted by the offeror. This bond will assure that the offeror will enter into a contract, upon acceptance of their offer by the City of Palm Bay. A bank cashier's check or a certified bank check may be accepted in lieu of a proposal bond. Personal checks or company checks will not be accepted. This proposal bond of the successful offeror will be forfeited to the City should they fail to accept the award.

***PERFORMANCE BONDS AND LABOR AND MATERIAL PAYMENT BONDS**: bonds executed by the successful offeror, each typically in the amount of 100% of solicitation/contract price, to protect the City from loss due to the offerors inability to complete the contract as agreed. The City will retain the bonds until successful completion of the contract to the satisfaction of the City. These bonds will be forfeited to the City should the successful offeror fail to comply with the terms and conditions as set forth in the solicitation documents.

These bonds will be issued by a Surety company who is licensed by the Insurance Department of the State of Florida in favor of the City of Palm Bay.

***INSURANCE**: The City may require an insurance certificate evidencing insurance coverage as may be required, naming the City as an additional insured.

e. Basis of Award

Contracts are usually awarded to the responsive and responsible offeror making the "best" offer in accordance with the evaluation criteria stated in the specifications. Evaluation criteria may include price, quality, experience and/or other factors that are relevant to the nature of the supplies or services to be purchased. The City does not award its contracts on the basis of price alone.

f. Notification of Award

Once offers have been tabulated, evaluated and awarded, a purchase order will be issued to the awarded offeror, or contract documents will be processed. Contact will be made with the awarded offeror only. It is the responsibility of all offerors to keep abreast on the status of their submittals. Solicitation progress information is regularly posted on the City's website at http://www.palmbayflorida.org/finance/purchasing/index.html.

Automatic notification will be provided by the City's on-line service provider(s).

g. Acceptance/Rejection of Offers

The City of Palm Bay reserves the right to accept or reject any and all offers and to accept the offer which best serves the interest of the City of Palm Bay. The City may award sections individually or collectively whichever is in its best interest.

h. Protest of Award

Protests of any city recommendation for an award in response to a request for bids or proposals shall be filed with the city attorney, with a copy to the Purchasing Manager, and mailed by the protesting party to all participants in the competitive process within seven (7) days of the city's recommendation for an award. Such protest shall be in writing, shall state the particular grounds on which it is based, shall include all pertinent documents and evidence and shall be accompanied by a non-refundable cashier's check in the amount of one thousand two hundred fifty dollars ($1,250.00), made payable to the City of Palm Bay, to reimburse the city for all administrative costs associated with the appeal process. Any grounds not stated shall be deemed waived.

The city attorney shall select a hearing examiner who shall hold a hearing and submit written findings and recommendations within ten (10) days of the filing of the protest. The hearing examiner shall consider the written protest, supporting documents and evidence, the city's recommendation and supporting documentation, and all evidence presented at the hearing. Such findings and recommendations shall be filed with the Purchasing Manager.

Hearing examiners may be retired judges, certified mediators or other impartial parties as selected by the city attorney.

The hearing examiner's findings and recommendations shall be presented to the city council for final action. Notice shall be mailed to all participants in the competitive process at least seven (7) days in advance of any final action by the city council. The notice shall include the hearing examiner's findings and recommendations.

i. Special Purchases

The city may waive the formal solicitation and advertising process for the following reasons:

1) In the event of an emergency affecting the public's health and safety; 2) for sole source items which cannot be obtained through a competitive process; 3) when in its best interest, the City may purchase supplies and/or services from contracts and/or agreements awarded by other governmental agencies; 4) when

standardization is determined to be in the City's best interest; 5) when the City joins with other governmental entities in a cooperative purchasing effort; 6) Contracts for Private Property Expending Community Development Block Grant, HOME Incentive Partnership, or State Housing Initiative Partnership Funds; or 7) sales tax recovery programs in conjunction with construction project awards.

B. COMPLETED SOLICITATION OR QUOTATION FORMS

Offers must be submitted on the solicitation form that is provided by the City of Palm Bay. The forms will typically be in the format of a Request for Proposal (RFP) or a Request for Quotation (RFQ). These forms must be signed, and returned to the appropriate requestor. If a vendor cannot provide the items as requested, they should respond with the provided "REASON FOR NO SUBMITTAL" form and identify the reason for their "NO SUBMITTAL" response.

In the case of a difference between a unit price and an extended total, the unit price shall govern. An authorized agent of the company must sign their submittal, or it will be subject to rejection.

C. SAMPLES

When samples are requested, they will be held until after the award is made unless otherwise specified. If a vendor wishes to submit a sample of his product for trial, the product must be presented at no cost or obligation to the City of Palm Bay. If samples are to be returned to the vendor, provisions must be made for the vendor prepayment of shipping charges or pick-up of the materials. Failure of the vendor to make such arrangements will preclude the return of that vendor's samples.

D. SUBMITTING A FORMAL SOLICITATION DOCUMENT

All formal offers must be properly identified and mailed or delivered to the Office of the Purchasing & Contracts Division, City of Palm Bay, 120 Malabar Road, SE, Palm Bay, Florida, 32907. Written request for quotations must be properly identified and mailed or delivered to the department requesting the quote. Offers must be received prior to the time cited for the opening as identified in the request. Any solicitations received late will not be considered. Receipt by the U.S. Postal Service, or any express mail service, is not recognized as receipt by the City of Palm Bay.

E. DELIVERY DATE

Offerors should always state the number of calendar days required for the delivery of a product after the receipt of an order, or the specific date upon which delivery will be made. The time required for delivery may be a factor in consideration in the award of solicitation. Successful offerors will be expected to deliver the materials and/or services to be provided within the specified time.

F. SHIPPING POINT

All prices submitted will include delivery, F.O.B. to the department as addressed under the "Requesting Department" on the solicitation document.

G. TAX EXEMPT CERTIFICATION

The City of Palm Bay is tax exempt. The tax-exempt number is 85-8012646361C-4. No tax should be included on any invoice to the City of Palm Bay. The City's Federal I.D. Number is 59-6018984.

H. CONTRACTOR IDENTIFICATION – SECURITY ID

All vendors and contractors (to include their employees assigned to the City's projects) who enter into a business arrangement with the City will be required to obtain, at no charge, from the City's Human Resources Department, a security identification badge prior to performance of their awarded contract. This law is established by the City Council through the City Code of Ordinance Title IX, General Regulations, Chapter 97, Public Protection Act.

I. LOCAL PREFERENCE

On September 4, 2008, the City of Palm Bay City Council authorized Resolution #2008-76 which allows for a Local Business Purchasing Preference Policy.

1. Class A Business (10% preference) – shall mean any Business that has established and agrees to maintain a permanent place of business located in a non-residential zone and staffed with full-time employees within the limits of the City **and** shall maintain a staffing level for the proposed work of at least fifty percent (50%) who are residents of the City.
2. Class B Business (7.5% preference) - shall mean any Business that has established and agrees to maintain a permanent place of business located in a non-residential zone and staffed with full-time employees within the limits of the City **or** shall maintain a staffing level for the proposed work of at least fifty percent (50%) who are residents of the City.
3. Class C Business (5% preference) - shall mean any Business that has established and agrees to maintain a permanent place of business located in a non-residential zone and staffed with full-time employees within the limits of Brevard County.
4. Class D Business (0% preference) – shall mean any Business that does not qualify as either a Class A, Class B, or Class C business.

Conditions do apply. Please visit the City's website at http://www.palmbayflorida.org/finance/purchasing/index.html for more information.

SECTION IV: DELIVERY AND PAYMENT

A. DELIVERIES

All shipments to the City of Palm Bay must be made to the location designated on the purchase order under the heading "SHIP TO". The purchase order number must appear on the shipping or delivery ticket. Failure to meet the specified delivery schedule may result in cancellation of the purchase order.

A delivery normally must be made in the exact quantity called for by the purchase order; however, partial deliveries are accepted in some instances. The City of Palm Bay will make payment on partial deliveries when a contract for the commodity or services extends over a long period of time, or a discount is offered on the partial shipment. In the case of any partial delivery, the shipping ticket and invoice must indicate the quantity being delivered, quantity back ordered and the total quantity ordered by the City.

B. VENDOR'S INVOICES

Vendors must submit an original invoice, and one copy, to: City of Palm Bay, Finance Department, Accounts Payable Division, 120 Malabar Road, SE, Palm Bay, Florida, 32907. Invoices should not be sent to the using department or to the Purchasing & Contracts Division. To do so will delay the payment.

Invoices must include the City of Palm Bay's purchase order number, complete description of the supplies or services furnished, quantity delivered, unit prices and extensions and prompt payment discount terms if applicable.

C. PAYMENT

Upon acceptance of work by using department of the City, employees and others, the City shall make payment to the vendors in accordance with the Florida Prompt Payment Act, Section 218.70, Florida Statues. The City reserves the right, with justification, to partially pay any invoice submitted by the vendors when requested to do so by the using City department.

The typical sequence of events for invoice payment occur as follows: The vendor will receive payment after: 1) delivery of supplies or services to the requesting Department, 2) acceptance by the City of Palm Bay, 3) submittal of an original invoice and one copy, and 4) the Departmental submittal of an electronic receiving report of which will all be forwarded to the Accounts Payable Division. Payment to the vendor will be made in the amount due by either VISA (for those vendors who accept credit card payments), or by a check. Checks are mailed to the vendor; at no time will vendors be allowed to pick up their checks from the Finance Department

SECTION V: SURPLUS PROPERTY

The Purchasing and Contracts Division holds a live surplus vehicle and heavy equipment auction once a year. Live public auctions will be advertised in the local newspaper and posted to the City's website. The City also utilizes the on-line auction services of www.GovDeals.com for sale of general city surplus property. Police Department Abandoned/Lost Property and Unclaimed Evidence items are sold on-line through www.propertybureau.com.