City of Franklin, Tennessee Instructions for Bidders

Purchasing Office Solicitation No.: 2017-002

1. Solicitation identified: These instructions apply to the following procurement:

   supply and delivery upon demand of an unknown quantity of winterized diesel fuel to multiple delivery sites during a term of service

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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. City of Franklin Bid Submittal Form;
   e. City of Franklin Affidavit of Non-Collusion;
   f. City of Franklin Affidavit of Title VI Compliance;
   g. City of Franklin Standard Procurement Terms and Conditions;
   h. City of Franklin Procurement Agreement form;
   i. City of Franklin Indemnification Agreement; and
   j. City of Franklin Affidavit of Drug-Free Workplace.

3. 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   a. Before the bid submittal deadline, submitted bids may be withdrawn upon the request of the submitting party. At the request of the submitting party, withdrawn bids may be returned unopened to the submitting party but only at the submitting party's expense. Such a request to withdraw a bid and such a request to return a withdrawn bid must be in writing, shall be addressed to the Purchasing Office, must be received by the Purchasing Office before the bid submittal deadline, and may be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   b. After the bid submittal deadline, submitted bids may not be withdrawn.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 November 30, 2016 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).

4. 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.

5. 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 submitted on paper and 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 submitted on paper and 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.

6. Bid need not be sealed: Each bid may but need not be submitted inside one (1) or more sealed container(s). Bids may be submitted on paper or electronically (e.g., via fax or e-mail; see below).

7. Submittal to include one (1) set of original bid documents: If the bid is submitted on paper instead of electronically, then please submit one (1) set of bid documents. No copies are necessary.

8. Set of original bid documents to be easily scanned: If the bid is submitted on paper instead of electronically, then the set of bid documents on paper shall:

    a. be loose-leaf or, if necessary, bound only by means of a single paper clip or binder clip;
    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 office paper; and
    f. be single-sided throughout (except any pre-printed documentation which may be double-sided).

9. 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 for this procurement, marked by the bidder as to compliance therewith as per the instructions therein;
    c. Detailed vendor-supplied identification, listing and description of any exceptions to the written specifications as per the instructions therefor;
    d. Vendor-supplied contact information for minimum of three references (see below);
    e. City of Franklin Standard Procurement Terms and Conditions, with the vendor's contact information inserted;
    f. Vendor's proposed terms and conditions, if any, that 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.

10. Bid container label: If the bid is submitted on paper instead of electronically and is sealed, and if the bidder prefers that the bid remain sealed until the bid submittal deadline, then 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.
    2017-002 (supply and delivery upon
    demand of winterized diesel fuel)
    NOT TO BE OPENED EXCEPT
    AFTER BID SUBMITTAL
    DEADLINE October 13, 2016, 2:00
    p.m. Central Time

11. Delivery of bids:

    a. Bids are to be addressed to:

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

    b. Bids submitted on paper may be mailed via U.S. Mail or shipped or hand-delivered to the City of Franklin Purchasing Office (see address above).

    c. Bids submitted electronically shall be e-mailed to purchasing@franklintn.gov or faxed to 615-550-0079.

    d. A bid is not considered delivered unless and until it has been received by the City of Franklin Purchasing Office, either at the physical location listed above or electronically at the e-mail address or fax number listed above. A bid that is en 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.

    e. 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.

12. Reference request: Bidders shall provide references for similar services provided within the last twelve months from three (3) different customers/clients. Information to be provided shall include: customer/client name, 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 customer/client of the bidder for similar services, then add the City of Franklin to the list of references as a fourth reference.

13. Selection criteria: Selection of the lowest and best responsive and responsible bid shall be based upon a combination of some or all of the following factors: the quoted purchase costs and/or life-cycle costs to the City of bids that are responsive to the solicitation; compliance with the City's instructions, specifications and standard procurement terms and conditions; any terms and conditions stated by the bidder in the bid; anticipated timeliness of delivery of the bid item(s); the character, integrity and reputation of the bidder; the results of any reference checks; and any prior experience of the City of Franklin with the bidder and/or the bid item(s) and/or any component thereof.

14. 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 lowest and best responsive and responsible bid, 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).

15. Awards to be made by City Administrator: Purchases shall be awarded by the City of Franklin City Administrator. See Specifications for tentative date of award. Purchases shall be awarded to the bidder who submits the lowest and best responsive and responsible bid. The awards shall be memorialized in writing, using the City's Procurement Agreement form.

16. Other documents to be required of successful bidder: Before award of the procurement by the City, the successful bidder (that is, the vendor who is recommended be awarded the purchase) shall provide the following documents:

    a. Vendor-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 vendor;
    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 vendor; and
    e. If the vendor prefers to be paid by direct deposit (such as "ACH" or "Electronic Funds Transfer") as opposed to credit card, and if the vendor has not been paid by the City by means of direct deposit within the last two (2) years, then the vendor shall submit a completed City's Vendor Information Form and IRS Form W-9 (both of which forms are available upon request from the Purchasing Office).

17. City's right to reject bids, waive formalities: The City of Franklin reserves the right to reject any and all bids, and to waive formalities.

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

    a. Errors 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 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 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 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. 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. 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. Omissions from a bidder's submittal packet shall be considered on a case-by-case basis by the City. Omissions 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.

19. Questions, requests for clarifications, and requests to revise the procurement solicitation; addenda: To ask questions, to request clarifications about any aspect of this procurement solicitation, or to request revisions to the procurement solicitation before the deadline for optional submittal in writing of questions seeking to revise or clarify any aspect of the procurement solicitation, please contact:

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

    Depending upon the inquiry, the City may request that the question, request for clarification, or request for revision be submitted in writing, whereupon the City may choose to announce, typically in the form of an addendum, both the inquiry and the City's response thereto.

20. 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 (http://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.

21. Communication with City during procurement phase: Any questions about either the content of or the procurement process pertaining to this procurement solicitation should be addressed as described above. Until the procurement award has been made, vendors 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 vendor that initiates unauthorized communication with the City during the procurement phase.

22. Vendor protest: A vendor who feels the need to object to either a deficiency of this procurement solicitation or 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: http://www.franklintn.gov/government/finance-administration/purchasing-office/vendor-protest-procedure.