



### **Competitive Bidding and Specifications**

Whenever possible, all specifications for materials, supplies, equipment and services shall be worded or designed so as to permit open and competitive bidding for the supplying of the service or project to which they apply. It will be considered open and competitive bidding by utilizing one of the following purchasing techniques.

1. Specifications based on brand names, model numbers, trade names or other descriptions peculiar to specific brand product is made to establish a required level of quality and functional capabilities.
2. Specifications based on a specialized service.
3. Specifications based on standard specifications.
4. Specifications based on qualified products list.
5. Specifications based on published Request for Proposal (RFP).

#### **A. Invitation to Bid**

Invitations to bidders shall specify the following:

1. Time and place that the bids will be received and opened.
2. Goods or services for which such bids are to be submitted and the specifications for such goods or services.
3. Amount or number of goods or services required.
4. Time of delivery.
5. Date bid evaluations will be available for viewing,
6. Any other requirements, conditions, or information in reference to the purchase deemed necessary.

#### **B. Bid Withdrawal, Bid Revision, and Bid Rejection**

Before bid opening, a vendor may be permitted to withdraw a bid entirely and/or submit a substitute bid.

After bid opening, a vendor will be permitted to withdraw a bid only where there is obvious clerical error in the bid such as a misplaced decimal point, or where enforcement of the bid would impose unconscionable hardship due to an error in the bid resulting in a quotation substantially below the other bids received. Withdrawal will be considered only upon written request from the vendor.

In cases of errors in the extension prices in the bid, the unit price will govern.

A bid may not be revised after bid opening.

When it becomes necessary to reject all bids, the reason for such rejection must be set out in complete detail and made available to all bidders who submitted a bid.

Action to reject all bids shall be taken only for unreasonable high price errors in the invitation to bid, cessation of need, unavailability of funds, or any other reason approved by the General Manager.

### **C. Acceptance of Bids**

All bids shall be subject to rejection by the General Manager. If awarded, the contract for purchase shall be awarded to the lowest qualified and responsible bidder, taking into consideration quantifiable factors including but not limited to the apparent ability of the bidder to perform the proposed contract, the conformity of the goods or services to the specification, any discount allowed for local bidders or for any other reason, and the date of delivery specified in the invitation to bidders.

Bids must be received in the specified location on or before the date and hour designated for bid opening. Late bids will not be considered in contract award.

All bids shall be publically opened and examined by the Finance Department at the time and place specified in the Invitation to Bid. All bids conforming to the invitation together with the name of the bidder shall be recorded, become a matter of public record, and remain open to the public inspection after award.

Each bid shall give the full name and business address of the bidder. Unsigned bids will be rejected. The person signing the bid must show his/her title, and if requested, must furnish satisfactory proof of his/her authority to bind his/her company in contract. Bids must be legible, otherwise they may not be considered. The purchase order will be issued to the firm name appearing on the bid.

Alternate bids will not be considered unless specifically called for in the bid.

### **D. Protested Bids**

An aggrieved bidder may submit a protest in writing to the Finance Department within (10) ten days after he/she knows or should have known the facts giving rise to the protest and may request a stay of award prior to the award of the contract.

If the protest is not resolved by the Finance Department to the satisfaction of the aggrieved bidder, the aggrieved bidder may request an opportunity to meet with the General Manager to present his grievance. The determination of the General Manager is final and shall be given in writing and submitted to the protester.

**E. Tie Bids**

A tie bid exists when two or more bidders offer products that meet all specifications, terms and conditions at identical prices, including discounts offered. In such case, a tie bid will be broken by the following methods in descending order of preference:

1. Local business will be given preference over non-local businesses.
2. In the event that all ties bidders are either local or non-local businesses, the bids shall be re-bid with the lower bid receiving the contract.
3. If there are still tied bidders, then a coin toss by the General Manger shall decide the bidder to whom the contract shall be awarded.

**F. Prevailing Wage**

All construction projects are considered public works jobs and must be bid using the prevailing wage rate.

**Types of Solicitations (Bids)**

Invitations to Bid (ITB)

1. Informal – Bids that are estimated be less than \$25,000
2. Formal – Bids that are estimated to be in excess of \$25,000

Request for Proposal (RFP)

RFP's are generally used for professional services where the District is seeking solutions from vendors in the form of proposals. RFP's may or may not be advertised as most are specific in nature and vendors will be pre-selected.