

**CITY OF AUSTIN
PURCHASING OFFICE
SOLICITATION INSTRUCTIONS (IFB, SALE)**

1. **SOURCE GUIDE**

All Bidders desiring to buy from the City of Austin are required to obtain a current copy of the City Source Guide. The Source Guide contains additional information on how to prepare Bids and how to contract for City business. A copy of the source guide is available, upon request, in the Purchasing Office.

2. **SOLICITATION**

- A. **Review of Documents:** Bidders are expected to examine all documents that make up the Solicitation. Bidders shall promptly notify the City of any omission, ambiguity, inconsistency or error that they may discover upon examination of the Solicitation. Bidders must use a complete Solicitation to prepare Bids. The City assumes no responsibility for any errors or misrepresentations that result from the use of incomplete Solicitations.
- B. **Location of Documents:** Solicitations are issued by the Contract Awarding Authority. The location and phone number for the Contract Awarding Authority are specified in the advertisement and in the Solicitation.

3. **EXPLANATIONS OR CLARIFICATIONS**

Any explanation, clarification, or interpretation desired by a Bidder regarding any part of the Solicitation must be requested in writing from the Purchasing Office with sufficient time allowed for a written addendum to reach each Bidder before the submission of their Bid. Interpretations, corrections, or changes to the Solicitation made in any other manner are not binding upon the City, and Bidders shall not rely upon such interpretations, corrections or changes. Oral explanations or instructions given before the award of the Contract are not binding. Requests for explanations or clarifications may be faxed to the City at (512) 974-2388. The fax must clearly identify the buyer's name and solicitation number. Any material information given to one Bidder concerning a Solicitation will be furnished as an Addendum to all Bidders who have been issued a Solicitation.

4. **PRE-BID CONFERENCE**

If a pre-bid conference is mandatory, the time, place, and mandatory nature of the conference will be specified on the cover page of the solicitation. If a pre-bid conference is mandatory and is not attended by a Bidder, the Bid will be rejected.

5. **PREPARATION OF BIDS**

Each Bidder must furnish the information required by the Solicitation on the documents provided. Bids submitted on other than the forms included in the Solicitation shall be considered non-responsive. Any attempt to alter the wording in the Solicitation is ineffective and will generally result in rejection of the Bid.

- A. **Taxes:** This sale will be subject to all applicable City and State sales and use taxes unless the successful Bidder or the purchase qualifies as tax-exempt. The successful Bidder must provide the appropriate tax exemption certificate to the City at the time of payment.
- B. **Prices:** Bids shall be firm unless otherwise specified. Pricing shall be entered on the Bid Sheet in ink. Totals shall be entered in the "Total Price" column of the Bid Sheet. In the event of a discrepancy between unit price and extended price, the unit price shall govern.

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- C. **Signature:** The Bidder must sign each document in the Solicitation requiring a signature. Any change made to the Bid must be initialed by the Bidder.
- D. **Bid Guaranty:** When required by the Solicitation, a Bid must be accompanied by a Bid bond with Power of Attorney attached, issued by a solvent surety authorized under laws of the State of Texas and acceptable to the City.
- E. **Alternate Bids:** Alternate Bids will be rejected unless the Solicitation authorizes their submission.
- F. **Exceptions:** Be advised that exceptions to any portion of the Solicitation may jeopardize acceptance of the Bid.
- G. **Bid Preparation Costs:** All costs associated with preparing a Bid in response to a Solicitation shall be borne by the Bidder.

6. **SUBMISSION OF BIDS**

Unless otherwise specified, Bidders are required to submit an executed original and one (1) copy of the Bid.

- A. **Documents required with Bid:** The following documents must be submitted with each Bid prior to the Due Date:
 - i. the signed Offer Sheet;
 - ii. the Bid Sheet;
 - iii. any other document included in the Solicitation requiring completion or execution by the Bidder
 - iv. any additional document required by the Solicitation.

All other pages in the Solicitation should be retained by the Bidder.

- B. **Mailing:** Bids must be returned in a sealed envelope or container marked on the outside with the:

Bidder's name & address
Solicitation number
Due date and time.

- i. When sending a Bid, use the proper address for the type of service desired, as shown below.

PO Address for US Mail	Street Address for Hand Delivery or Courier Service
City of Austin	City of Austin
Purchasing Office	Purchasing Office
PO Box 1088	Municipal Building
Austin, Texas 78767-8845	124 W 8 th Street Rm. 308
	Austin, Texas 78701
	Phone: (512) 974-2500

Note: Bids that are not submitted in a sealed envelope or container will not be considered.

- ii. Unless authorized in the Solicitation, telegraphic or facsimile Bids will not be accepted.

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- C. **Addendum.** Receipt of an Addendum must be acknowledged by signing and returning the Addendum with the Bid or under separate cover prior to the Due Date. The Addendum must be returned in a sealed envelope marked on the outside with the Bidder's name, address, the Solicitation number, and the Due Date.
- D. **Late Bids.** Bids must be received in the Purchasing Office prior to the Due Date. All Bids received after the Due Date are considered late and will be returned to the Bidder unopened. The time stamp clock on the receptionist's desk in the Purchasing Office is the time of record and is verified daily with the local time service at (512) 476-7744. It is the sole responsibility of the Bidder to ensure timely delivery of the Bid. The City will not be responsible for failure of service on the part of the US Postal Service, courier companies, or any other form of delivery service chosen by the Bidder.

7. **MODIFICATION OR WITHDRAWAL OF BIDS**

- A. **Modification of Bids:** Bids may be modified in writing at any time prior to the Due Date.
- B. **Withdrawal of Bids:** Bids may be withdrawn in writing, telegraphically, by facsimile (provided that the facsimile is signed by the Bidder), or in person, at any time prior to the Due Date. A receipt of withdrawal must be signed by the Bidder. No Bids may be withdrawn after the Due Date without forfeiture of the Bid Bond, unless there is a material error in the Bid. Withdrawn Bids may be resubmitted, with or without modifications, up to the Due Date.

8. **OPENING OF BIDS**

The Purchasing Office representative responsible for opening Bids shall confirm the time and announce the bid opening. The representative shall then personally and publicly open all Bids timely received, reading each Bid aloud.

9. **EVALUATION FACTORS AND AWARD**

- A. **Evaluation:** Bidders may furnish pricing for all or any portion of the Solicitation (unless otherwise specified). However, the City may evaluate and award the Contract for any item or group of items shown on the Solicitation, or any combination deemed most advantageous to the City. Bids that specify an "all or none" award may be considered if a single award is advantageous.
- B. **Award:** Bids will be awarded to the Highest Responsible Bidder.
- C. **Acceptance of Bid:** Acceptance of a Bid will be in the form of a Price Agreement. The contents of the Bid will become part of the Agreement.
- D. **Reservations:** The City expressly reserves the right to:
 - i. specify approximate quantities in the Solicitation;
 - ii. extend the Solicitation opening date and time;
 - iii. consider and accept Alternate Bids, if specified in the Solicitation, when most advantageous to the City;
 - iv. waive as an informality, minor deviations from specifications provided they do not affect competition;
 - v. waive any minor informality in any Bid or Solicitation procedure (a minor informality is one that does not affect the competitiveness of the Bidder);
 - vi. add additional terms or modify existing terms in the Solicitation;

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- vii. reject a Bid containing exceptions, additions, qualifications or conditions not called for in the solicitation;
- viii. reject a Bid received from a Bidder or Principal who is currently debarred or suspended by the City;
- ix. reject a Bid received from a Bidder or Principal who is currently debarred or suspended by the Federal Government (Applicable if project receives Federal funding);
- x. reject a Bid that contains fraudulent information;
- xi. reject a Bid that has material omissions;
- xii. reject or cancel any or all Bids;
- xiii. reissue a Solicitation; and/or
- xiv. sell any item by other means.

10. OPPORTUNITY TO PROTEST

The Purchasing Officer has the authority to settle or resolve any claim of an alleged deficiency or protest. The procedures for notifying the City of Austin of an alleged deficiency or filing a protest are listed below. If you fail to comply with any of these requirements, the Purchasing Officer may dismiss your complaint or protest.

- A. **Prior to Bid Due Date:** If you are a prospective Bidder and you become aware of the facts regarding what you believe is a deficiency in the solicitation process before the bid is opened, you must notify the City in writing of the alleged deficiency before that date, giving the City an opportunity to resolve the situation prior to the Bid Due Date.
- B. **After Bid Due Date:** If you submit a bid to the City and you believe that there has been a deficiency in the solicitation process or the award, you have the opportunity to protest the solicitation process or the recommended award as follows:
 - i. You must file written notice of your intent to protest within four (4) calendar days of the date that you know or should have known of the facts relating to the protest. If you do not file a written notice of intent within this time, you have waived all rights to protest the solicitation process or the award.
 - ii. You must file your written protest within fourteen (14) calendar days of the date that you know or should have known of the facts relating to the protest unless you know of the facts before the bid has been opened. If you know of the facts before those dates, you must notify the City as stated in paragraph 10 a above.
 - iii. You must submit your protest in writing and must include the following information:
 - (1) your name, address, telephone, and fax number;
 - (2) the Solicitation number and the CIP number, if applicable;
 - (3) a detailed statement of the factual grounds for the protest, including copies of any relevant documents.
 - iv. Your protest must be concise and presented logically and factually to help with the City's review.
 - v. When the City receives a timely written protest, the Purchasing Officer will determine whether the grounds for your protest are sufficient. If the Purchasing Officer decides that the grounds are sufficient, the Purchasing Office will schedule a protest hearing, usually within five (5) working days. If the Purchasing Officer determines that your grounds are insufficient, the City will notify you of that decision in writing.
 - vi. The protest hearing is informal and is not subject to the Open Meetings Act. The purpose of the hearing is to give you a chance to present your case, it is not an adversarial proceeding. Those who may attend from the City are: representatives from the department that requested the sale, the Department of Law, the Purchasing Office, and other appropriate City staff. You may bring a representative or anyone else that will present information to support the factual grounds for your protest with you to the hearing.
 - vii. A decision will usually be made within fifteen (15) calendar days after the hearing.

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- viii. The City will send you a copy of the hearing decision after the appropriate City staff has reviewed the decision.
- ix. When a protest is filed, the City usually will not make an award until a decision on the protest is made. However, the City will not delay an award if the City Manager or the Purchasing Officer determines that:
 - (1) the City urgently requires that the property, equipment, or supplies be sold, or
 - (2) failure to make an award promptly will unduly delay performance.

In those instances, the City will notify you and make every effort to resolve your protest before the award.

11. **POST BID DOCUMENTS REQUIRED FROM SUCCESSFUL BIDDER**

- A. **Certificates of Insurance:** When insurance is required, the Bidder must provide Certificates of Insurance in the amounts and for the coverages required to the Purchasing Office within 14 calendar days after notification of award, or as otherwise required by the Solicitation.
- B. **Payment and/or Performance Bonds:** When Payment and/or Performance Bonds are required, the Bidder must provide the bonds, in the amounts and on the conditions required, within 14 calendar days after notification of award, or as otherwise required by the Solicitation.