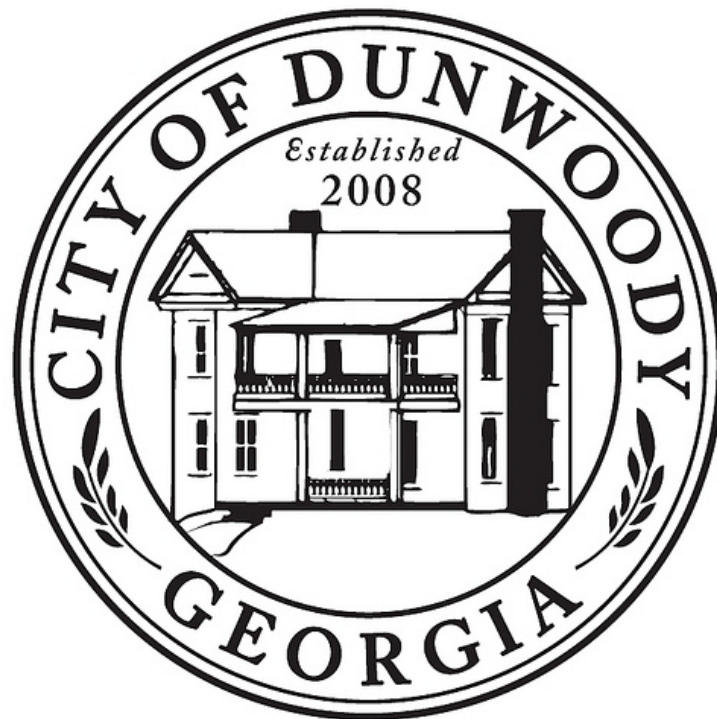


HOW TO DO BUSINESS

CITY OF DUNWOODY GEORGIA



**DEPARTMENT OF FINANCE AND ADMINISTRATION
PURCHASING**

Introduction

Welcome to the City of Dunwoody Purchasing, a division of the Department of Finance and Administration. The Purchasing Division is the City's central purchasing agent for supplies, materials, equipment, and contracts for services. These goods and services are procured within the statutes of the State of Georgia, the City of Dunwoody *Purchasing Ordinance*, and certain guidelines and procedures as established by the City Purchasing Division.

The goal of the City of Dunwoody Purchasing Division is to obtain and pay for quality goods and services at the lowest reasonable cost to the local taxpayer, while operating at the highest standards of ethical conduct and professionalism. Purchasing strives to treat vendors fairly and equitably and to maximize competition whenever possible. We believe that our vendors are the greatest resource we have available for keeping us abreast of current products, services, updates, and new information; therefore, Purchasing welcomes supplier contacts.

Conducting business with the government can be a very rewarding experience. However, without a clear understanding of how the particular government agency operates, it may seem like a tedious endeavor. Conducting business with a governmental agency can be significantly distinct from operations associated with the private sector. Because of the nature of government, there are more complexities involved in the procurement process.

The purpose of this manual is to enlighten you, a supplier of goods and/or services, on how to effectively conduct business with the City. Included is information on what can be expected from the City, what the City expects from suppliers, and the basic *How To's...* involved in dealing with the City. The information contained in this booklet should be a helpful guide for potential suppliers in their efforts to sell their products and services to the City of Dunwoody. If additional information is needed, please write, call, or fax your request to:

City of Dunwoody - Purchasing
41 Perimeter Center East
Suite 250
Dunwoody, GA 30346
E-mail: purchasing@dunwoodyga.gov
Phone: (678) 382-6700
Fax: (678) 382-6701
Website: www.dunwoodyga.gov

Frequently Asked Question from Vendors

• *How do I become a registered vendor with the City of Dunwoody?*

Register by completing a vendor application found on the Purchasing Division's pages on the City's website www.dunwoodyga.gov.

• *After I have registered does this mean I will automatically receive notifications of bids that pertain to my company?*

The City cannot guarantee that every registered vendor will receive a notification. All formal solicitations will be posted on the City's website. Please check the site regularly. You can also contact Purchasing to inquire about any current or future solicitations.

• *I do not have access to the Web; how can I register my company?*

Contact the Purchasing Division for an application, which can be sent by mail or fax.

• *My company has a new product that we would like to present to you. How can I get set up to do that?*

Such requests can be set up with the User Department. If there is a desire/need to meet with the Purchasing Division, an appointment should be made.

• *I am a small company and the bids in which I would be interested are smaller in nature. How do I find out about these?*

Informal quotes are posted on the Purchasing Division's pages on the City's website or you may contact Purchasing to inquire about current bids and quotes.

• *Are pre-bid/proposal conferences mandatory?*

Occasionally they are mandatory. Please read the specific solicitation for this information.

• *I will be unable to attend a bid opening. How can I find out who the apparent low vendors were?*

The results are posted on the City website the morning after the opening.

• *When awarding a bid, are vendors located in the City of Dunwoody given preference over vendors from other cities or out of state?*

The City of Dunwoody encourages vendors located within the City to seek to do business with the City. All else being equal, we prefer to award to vendors based in the City. In the event of a tie bid, award would be to a local firm if only one of the suppliers has its principal place of business in the City of Dunwoody. For Proposals – In the event scores rounded to the nearest whole number results in a tie score, two additional points will added to the graded average score of any local firm.

• *After a bid or proposal is awarded, is it possible to get a copy of the winning bid or proposal?*

In general, copies of winning bids and proposals are not subject to open records requests until the City Council takes final action on the award or rejection of the contract. Please refer to the *Open Records Act O.C.G.A. Section 50-18-70 et. seq.*

• *What should I do if I would like to protest a bid/proposal award?*

Protests should be submitted in writing to the Purchasing Manager.

• *I would like to meet and introduce myself to the Purchasing Manager. Do I need an appointment?*

Yes, please contact the Purchasing Manager for an appointment.

• *I would like to get a plan holders list for a particular bid. Can you provide me with this?*

Yes, contact Purchasing.

• *After a bid has opened how long does it take before it is awarded?*

Every attempt is made to award within 60 days of the opening date.

• *How can I correct or update my company information once I have registered?*

Once you are registered, you may correct/update company information by contacting the Purchasing Manager

The Basics of Purchasing

PUBLIC POLICY AND LAWS ARE ESTABLISHED TO:

- Promote competition
- Ensure fair and level playing field among qualified bidders
- Safeguard public funds from waste, fraud, and abuse
- Prevent collusion, kick-backs, or other types of graft

THE PRE-BID MEETING/PRE-PROPOSAL CONFERENCE

- Discuss bid documents and the Instructions to Bidders.
- Enable prospective bidders to ask questions about the bidding process and specifications.
- Provide opportunity for training on the bidding process immediately following the pre-bid meeting

BID EVALUATION & SUPPLIER SELECTION

- Bids are evaluated by Purchasing staff and contract is awarded to lowest responsive and responsible bidder
- RFPs are evaluated by a cross-functional evaluation team facilitated by Purchasing. The team selects the most responsive and responsible firm. Purchasing negotiates final contract terms and pricing.

The user departments determine their need and Purchasing assists in acquiring the goods or services identified.

The type of solicitation is typically dictated by the anticipated cost of the good or service.

Formal solicitations are for goods and/or services whose anticipated costs will exceed \$50,000.00 or are complex in nature. The types of formal solicitations are Invitation to Bid (ITB), Request For Proposals (RFP), Request For Qualifications (RFQ), and Invitation to Negotiate (ITN). All formal solicitations done by the City of Dunwoody have certain similar characteristics:

1. Notices of formal solicitations are posted on the City website and on the Georgia Procurement Registry. Every attempt is made to send solicitations to vendors registered with the City.
2. Awards for formal solicitations must be approved by the City Council.
3. Responses to formal solicitations are to be sealed and submitted by the deadline indicated in the solicitation document. Late responses will be rejected and returned unopened.
4. Responders are responsible for making sure they have all addendums that may have been issued. An addendum is issued whenever new or clarifying information has become available after the solicitation has been issued.
5. Responses shall be opened publicly in the presence of one or more witnesses at the time and place designated.
6. Correction or withdrawal of inadvertently erroneous responses is permitted up to the time of opening.

7. After the opening, no change in bid prices or other provisions is permitted; however, minor irregularities may be waived by the City.
8. No response may be withdrawn for a period of ninety (90) days after the time scheduled for bid opening, or as otherwise stated in the solicitation.
9. Once award is made all vendors submitting a response will be notified of the results.
10. All records associated with the solicitation are subject to open records provisions after the City Council takes action.

The types of formal solicitations used by the City include:

- **Invitation to Bid (ITB)** is used when the needed good or service is fairly standard in nature and the most distinguishing feature is cost.
- **Request for Proposals (RFP)** are used when it is determined that the use of an ITB is not practical or not advantageous because of existing market conditions or the type of items required. The RFP will identify the criteria to be considered and evaluated as the basis of award. Proposals are evaluated by City staff based upon the criteria identified in the RFP. The City has no obligation to award the Contract to the Proposer who proposes the lowest price. RFP's may be used in cases where the expected cost is less than \$50,000.00.
- **Invitation to Negotiate (ITN)** may be used when the City determines it is in its best interest to commence negotiation of price and other factors prior to recommendation of award, and it is approved by the City Manager. An ITN may be used for goods or services when the scope of work is complex or difficult to define, if strict comparison of services or goods required may be difficult because components are likely to vary among Proposers, or in any situation in which it is in the City's best interest to negotiate prior to recommendation of award to obtain the product that best meets the City's needs, price and other factors being considered
- **Request for Qualifications (RFQ)** may be used when it is determined to be in the City's best interest to evaluate the experience and qualifications of a service provider, without regard to price or prior to considering price. RFQ's are used primarily in acquiring professional services such as engineering and architectural services.

Informal solicitations are for goods and/or services whose anticipated costs will not exceed \$50,000.00.

- **Purchases up to \$1,000:** The user Departments are authorized to make purchases up to \$1,000. These are typically purchases for common materials and supplies such as office supplies. The user Departments are encouraged to pay for these purchases with a Procurement Credit Card.
- **\$1,000 to \$2,500:** Purchasing has the authority to make the purchase with one quote.
- **\$2,500 to \$10,000:** Purchasing shall obtain, where possible, at least three verbal quotes documenting the Vendors' names, contact information, and quotes.
- **\$10,000 to \$50,000:** Purchasing will issue a request for Informal Written Quotes (IWQ) in an effort, where possible, to obtain at least three written quotes.

Annual Contracts

The City may determine that it has an ongoing need for a good or service that can be best met by using an annual, semi-annual, and quarterly contract. These contracts allow the City to order products or services directly from the awarded suppliers at already established prices and terms on an “as needed, when needed” basis.

COMMON ERRORS OF VENDORS

Some common errors bidders make in trying to sell to the City include:

- (a) failing to keep bid mailing list information current;
- (b) failing to contact the buyer with questions about the bid;
- (c) failing to submit a bid prior to the bid opening time and date;
- (d) altering the terms and conditions of a bid;
- (e) failing to provide the required descriptive or technical literature;
- (f) failing to sign the bid by an officer or authorized agent;
- (g) failing to provide required bonds or Certificate of Insurance; and
- (h) failing to acknowledge addendums.

Non-Competitive Procurements

The City may obtain goods or services through other non-competitive methods as listed below:

- **Sole Source Procurement** - is used when goods or services are limited to one source, or when they must be obtained from a specific manufacturers' dealer and valid competition among dealers does not exist.
- **Single Source Procurement** - is made from one vendor among others in a competitive market place which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling the given purchasing need. Purchasing may elect to purchase particular brand name goods or services when they comprise a major brand system, program or service previously selected by the City and due to operational effectiveness, future enhancements or additions, or maintenance or storage of spare parts precludes the mixing of brands, manufacture, etc.
- **Emergency Procurement** - The City may acquire goods or services by directly negotiating award pursuant to an Emergency Procurement. Emergency purchasing situations occur when there exists an emergency constituting a threat to public health, safety or welfare or to the soundness and integrity of public property or to the delivery of essential services and where the diverse effects of such emergency may worsen materially with the passage of time.

Miscellaneous Policies

- **Environmentally Preferable Goods and Services** - In determining which goods and services to purchase, the City shall procure goods and services which contain, whenever practicable, the highest percentage of post-consumer recovered material, the highest percentage of total recovered material available in the marketplace, and reduce waste in the manufacture and use of products and packaging purchased by the City.

Factors that should be considered when determining that Goods or Service have environmentally preferable attributes include, but are not limited to:

1. Minimization of virgin material used in goods or service life cycle;
2. Maximization of recycled materials used in goods or service life cycle;
3. Life cycle economics of goods and services;

4. Reuse of existing goods or materials in goods or service life cycle;
 5. Recyclability, biodegradability and compostability of goods;
 6. Minimization of packaging;
 7. Reduction of energy and fuel consumption;
 8. Reduction of water consumption;
 9. Toxicity reduction or elimination;
 10. Durability and maintenance requirements; and
 11. Ultimate disposal of the goods.
- **Vendor Contact During Open Solicitations** - Persons seeking an award of a City of Dunwoody contract may not initiate or continue any verbal or written communications regarding a solicitation with any Official, Employee or other City representative other than the Purchasing Agent named in the solicitation between the date of the issuance of the solicitation and the date of the final contract award. The City Manager or designee will review violations. If determined that such communication has compromised the competitive process, the offer submitted by the individual, firm or business may be disqualified from consideration for award.
 - **Ethics in Procurement** - Each person involved in the procurement process must adhere to a high standard of ethics.
 - A. **Employee Conflict of Interest** - It shall be unethical for any City of Dunwoody Employee, Official or Agent to transact any business or participate directly or indirectly in a procurement Contract when the Employee or Official knows that:
 1. The Employee, Official or Agent or any member of the Employee, Official or Agent's immediate family has a substantial interest or financial interest pertaining to the procurement Contract, except that the purchase of Goods and Services from businesses which a member of the City Council or other City of Dunwoody Employee has a financial interest is authorized as per O.C.G.A. § 36-1-14, or the procurement Contract is awarded pursuant to O.C.G.A. § 45-10-22 and § 45-10-24, or the transaction is excepted from said restrictions by O.C.G.A. § 45-10-25, interpreting such statutes as if they were applicable to a municipality.
 2. Any other person, business or organization with whom the Employee, Official, Agent or any member of an Employee, Official or Agent's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement Contract.
 3. An Employee, Official, Agent or any member of an Employee, Official or Agent's immediate family who holds a substantial interest or financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that substantial interest or financial interest.

All Vendors shall sign a disclosure document indicating any connection to or with a City of Dunwoody Employee or Elected Official.

B. Gratuities, Rebates or Kickbacks

1. **Gratuities.** It shall be unethical for any person to offer, give, or agree to give any City of Dunwoody Employee, Official or Agent, or for any City of Dunwoody Employee,

Official or Agent to solicit, demand, accept, or agree to accept from another person, a gratuity, rebate or an offer of employment in connection with any decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal therefore in any manner inconsistent with the State of Georgia's Department of Administrative Services Gratuity Policy. Rebates normally or routinely offered to all customers for the purchase of their Goods and Services are acceptable and are the property of the City of Dunwoody.

Nothing in this section shall preclude an Official, Employee or Agent of the City from attending seminars, courses, lectures, briefings, or similar functions at any Vendor's facility or at any other place if any such seminar, course, lecture, briefing, or similar function is for the purpose of furnishing the Official, Employee, or Agent with knowledge and information relative to the Vendor's products or services and is one which the City Manager determines would be of benefit to the City.

In connection with any such seminar, course, lecture, briefing, or similar function, nothing shall preclude the Official, Employee, or Agent from receiving meals from a Vendor. Nothing in this section shall preclude the Official, Employee, or Agent from receiving educational materials and business related items of not more than nominal value from a Vendor.

Nothing contained in this section shall permit the Official, Employee, or Agent to accept free travel from the Vendor outside the state of Georgia or free lodging in or out of the state of Georgia.

2. **Kickbacks and Rebates.** It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a Contract to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontract or order.
3. **Contract Clause.** The prohibition against gratuities, rebates and kickbacks prescribed in this Section shall be conspicuously set forth in every Contract and Solicitation Documents therefore.
4. **Courtesies.** Employees may accept for themselves and members of their families common courtesies usually associated with customary business practices so long as a strict standard is enforced with respect to gifts, services, discounts, entertainment or consideration of any kind from suppliers of merchandise, services, supplies, etc. to the City of Dunwoody. An example of a common courtesy is free pens or notepads with the Vendor's name on them.
5. **Cash.** It is never permissible for a City of Dunwoody Official, Employee or Agent to accept a gift in cash, cash equivalents, stocks or other forms of marketable securities of any amount.

- C. **Prohibition Against Contingent Fees** - It shall be unethical for a person to be retained, or to retain a person, to solicit or secure a City of Dunwoody Contract upon any agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.
- D. **Use of Confidential Information** - It shall be unethical for any City of Dunwoody Employee, Official or Agent knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.
- E. **Unauthorized Purchases** - No purchases of Goods and Services shall be made in the name of the City of Dunwoody or one of its departments, except such as is required for official use by the City of Dunwoody or one of its departments. Purchases in the name of the City of Dunwoody or a department for personal use by an individual or for other than official use are prohibited, and no City of Dunwoody funds will be expended or advanced therefore.
- F. **Penalties and Sanctions**
1. Legal or disciplinary action by City Council. The City Council may take appropriate legal and/or disciplinary actions pursuant to the City's Ethics Ordinance against any City of Dunwoody Official or Person in violation of these ethical standards for any Employee under their direct supervision and control subject to the appropriate appeals process of the City of Dunwoody.
 2. Legal or disciplinary action by City of Dunwoody City Manager. The City of Dunwoody City Manager may take authorized and appropriate legal and/or disciplinary actions, including dismissal, against any City of Dunwoody Employee.
 3. Administrative penalties for Employees. The City of Dunwoody City Manager may impose any one or more of the following penalties or sanctions on a City of Dunwoody Employee for violations of the ethical standards in this Section as appropriate to the situation, subject to the Personnel Manual or other appropriate appeals procedures:
 - a) Oral or written warnings or reprimands.
 - b) Suspensions with or without pay for specified periods of time.
 - c) Termination of employment.
 4. Administrative penalties for outside contractors/Vendors. The City of Dunwoody may impose any one or more of the following penalties or sanctions on a Vendor or other Person or organization for violations of these ethical standards:
 - a) Written warnings or reprimands.
 - b) Termination of Contracts.
 - c) Debarment or suspension.
- G. **Disclaimer of Responsibility for Improper Purchasing** - The City may disclaim responsibility and liability for any purchase, expenditure, or agreement for expenditure arising from a procurement made in its name, or in the name of any governmental body under its authority, by an unauthorized person or any person acting outside this Policy or

the authorization or delegation as provided in this Policy. The expense of any such disclaimed transaction will become the personal liability of the individual who acted improperly.

Purchasing Card

The City strives to pay for as much as possible on the City Purchasing Card program. This helps reduce administrative costs to the City. The City utilizes the Bank of America VISA procurement card program. This allows vendors to be paid quicker and reduces administrative costs to the City. Whenever possible please accept payment for goods and services via the procurement card.

Protests

- a) Right to protest. Any Person who is aggrieved in connection with the solicitation or award of a Contract may protest to the City of Dunwoody. Protestors shall seek resolution of their complaints initially with the City Manager. All protests must be submitted in writing to the City Manager. The complaint shall specify the alleged act or omission by the City that provides the basis for the complaint.
- b) Upon the filing of a written complaint, the City Manager, within 3 business days, shall request a response from the Purchasing Agent. The Purchasing Agent's response will be returned to the City Manager within 7 calendar days. Failure by the Purchasing Agent to file a response may be considered as evidence by the City Manager. If requested by either party, the City Manager, or designee shall have a hearing on the complaint and decide the merits of the claim. The City Manager is empowered to decide whatever relief may be necessary. The City Council shall approve or reject the City Manager's decision. If the party bringing the complaint disagrees with the conclusions of the City Manager and City Council, the decision may be appealed to the Superior Court of DeKalb County.
- c) Protests concerning invitations. A protest with respect to an IFB, RQ, RFQ, or RFP shall be submitted in writing prior to the opening of bids or the closing date of proposals. If not done by that time, the complaint or protest is invalid.
- d) Stay of procurement during protests. In the event of a timely protest under subsection (b) of this Section, the Purchasing Agent shall not proceed further with the solicitation or award of the Contract until all administrative remedies have been exhausted or until the City Manager or City Attorney makes a determination that the award of the Contract without delay is necessary to protect the interests of City of Dunwoody.

City of Dunwoody Business License

Vendors that require a City of Dunwoody business license must be currently licensed by the City, where applicable, before a Purchase Order or Contract will be issued or before payment will be made.

OFFICE HOURS

On all regular City workdays, the business hours for the Purchasing Office are Monday through Friday, 8:00 a.m. to 4:00 p.m.

Individuals wishing to meet personally with a buyer are welcome and encouraged to contact the office to arrange an appointment.