

Vendor Guide

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INTRODUCTION

Please read on to learn more about the procurement policies and procedures of the Central Purchasing Department of the City of Gallup (City).

We encourage you to pursue opportunities to do business with the City. City Departments spend substantial amounts of money annually for equipment, services, and supplies. These goods/services purchased by the City of Gallup cover a broad range of need. The Purchasing Department welcomes responsible vendors to supply the City's needs.

PURCHASING AUTHORITY

As a Home Rule Municipality all procurement is governed by City of Gallup Ordinance, and as may be amended from time to time.

PURCHASING POLICY --- CITY of GALLUP

It is the goal of the City's Purchasing Department to obtain quality goods and services at the lowest possible cost from qualified, responsive, responsible vendors. Every purchase is made in the City's best interest while providing all vendors a fair and equal opportunity to do business with the City.

LOCATION AND OFFICE HOURS

The City of Gallup Purchasing Department is located at 110 West Aztec; Gallup, NM 87301. The telephone number is 505-863-1232, the fax number is 888-920-0611. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday with the exception of legal holidays observed by the City.

CODE OF ETHICS

We subscribe to and support the professional goals and objectives of the City of Gallup and the NIGP Code of Ethics.

GUIDELINES TO THE NIGP CODE OF ETHICS

I. RESPONSIBILITY TO YOUR EMPLOYER

Follow the lawful instructions or laws of the employer. Understand the authority granted by the employer.

Avoid activities, which would compromise or give the perception of compromising the best interest of the employer.

Reduce the potential for any charges of preferential treatment by actively promoting the concept of competition.

Obtain the maximum benefit for funds spent as agents for the employer.

II. CONFLICT OF INTEREST

Avoid any private or professional activity that would create a conflict between your personal interest and the interests of your employer.

Avoid engaging in personal business with any company that is a supplier to your employer.

III. PERCEPTION

Avoid the appearance of unethical or compromising practices in relationships, actions and communications.

IV. GRATUITIES

Never solicit or accept money, loans, credits or prejudicial discounts, gifts, entertainment, favors or services from your present or potential suppliers which might influence or appear to influence purchasing decisions.

Items of nominal value offered by suppliers for public relations purposes are acceptable when the value of such items consists of minor advertising specialties and would not be perceived by the offeror, receiver or others as posing an ethical breach.

Gifts offered exceeding nominal value should be returned with an explanation or if perishable either returned or donated to a charity in the name of the supplier.

V. CONFIDENTIAL INFORMATION

Keep bidders' proprietary information confidential. Develop a formal policy on the handling of confidential information.

VII. RELATIONSHIP WITH THE SUPPLIER

Maintain and practice, to the highest degree possible, business ethics, professional courtesy, and competence in all transactions.

Purchase without prejudice, striving to obtain the maximum value for each dollar of expenditure.

Preclude from showing favoritism or be influenced by suppliers through the acceptance of gifts, gratuities, loans or favors.

Adhere to and protect the supplier's business and legal rights to confidentiality for trade secrets, and other proprietary information.

Refrain from publicly endorsing products.

Association with suppliers at lunches, dinners or business organization meetings is an acceptable professional practice enabling the buyer to establish better business relations provided that the buyer keeps free of obligation. Accordingly, it is strongly recommended that if a seller pays for an activity that the buyer reciprocate.

VIII. RELATIONSHIP WITH THE EMPLOYER

Remain free of any and all interests and activities, which are or could be detrimental or in conflict with the best interests of the employer.

Refrain from engaging in activities where the buyer has a significant personal or indirect financial interest.

Exercise discretionary authority on behalf of the employer.

Avoid acquiring interest or incurring obligations that could conflict with the interests of the employer.

IX. RELATIONSHIPS WITH OTHER AGENCIES AND ORGANIZATIONS

All involvement and transactions shall be handled in a professional manner with the interest of the buyer's employer taking precedent.

X. RELATIONSHIP WITH PROFESSIONAL PURCHASING ORGANIZATIONS

AND ASSOCIATIONS.

It is the obligation and the responsibility of the buyer, through affiliation with professional organizations, to represent that organization in a professional and ethical manner.

PROCEDURAL INFORMATION

The City has transitioned to a new e-Bid/RFX software powered by Mercell Source-to-Contract. All solicitations will be released electronically through Mercell and responses from bidders must be submitted electronically through this online platform. By using Mercell, prospective bidders will be provided with all information regarding a bid including addendums and changes to the project requirements. Mercell is a completely **free** service for all respondents. Prior to submitting a proposal, respondents are required to set up their free account with Mercell. Register your company at:

<https://app.negometrix.com/buyer/3226>

<http://www.gallupnm.gov/index.aspx?NID=165>

You may download bids and proposals directly from our Mercell. If you do not have access to the Internet, you may obtain copies of open bids and proposals by visiting our offices during normal business hours.

Additionally, we have provided a “**Contact Us**” section on our Web site. This section contains the name, title, phone, and e-mail address for each of our Staff. We acquire the goods/services requested by City Departments and are your best source for information pertaining to Purchasing policies/procedures and existing, awarded bids and proposals. You may access this section by going to our web site and clicking on the Contact Us link.

PROCUREMENT METHODS

There are basically three methods of procurement which the City utilizes to provide goods and services for City Departments. Those methods are:

A) FORMAL PROCEDURE

- i. Bids - The formal bid or Request for Proposal (RFP) procedure is followed when the tangible goods or services are being procured in an amount of \$40,000.00 or more. This method requires a sealed process, formal advertisement, and in many cases, proof of insurance and bonding.
- ii. Proposals - The formal proposal procedure is followed when professional services, architects or engineers are being procured amount to \$60,000.00 or more. This method requires a sealed proposal, formal advertisement and, in many cases, proof of insurance and bonding.

B) INFORMAL PROCEDURE – REQUEST FOR QUOTES

The Informal Procedure is followed when the goods or services being procured are less than \$40,000.00 and greater than \$5,000.00. This method does not require formal advertisement nor a public opening but, in some cases, may require proof of insurance and bonding. Quotes may be issued, and written responses made, via fax, US Mail, or e-mail.

NOTE: INFORMAL SOLICITATIONS ARE NOT POSTED ON OUR WEB SITE.

C) SMALL PURCHASE --

The small purchase procedure is for procuring goods or services that amount to \$5,000.00 or less. This method does not require formal advertisement but in some cases may require proof of insurance and bonding. Goods or services amounting to \$5,000.00 or less may be purchased at the best obtainable price, or require quotes at the Buyer's discretion if it is determined quotes would be in the best interests of the City.

The City of Gallup utilizes a procurement card (p-card) program. The p-card may be used to purchase goods and services in the amount of \$1,000 or less.

The City of Gallup also occasionally uses Field Purchase Orders (FPO) to purchase items in an amount not to exceed \$1,000 from local City of Gallup businesses.

BID SECURITY DEPOSIT

If appropriate, formal bids may require a bid security deposit to be submitted by the bidder in the form of a cashier's check or a bond. It is a guarantee to the City that the successful bidder will accept the contract or purchase order and provide the required Payment/Performance Bond, Insurance, etc.

If a bid security deposit is required, this requirement, as well as the amount, will be stated in the Invitation for Bid. When the bid is submitted, the bidder must furnish a bid security deposit in a form of a bid bond or a cashier's check in the amount required, made payable to the City of Gallup.

PAYMENT AND PERFORMANCE BOND

A Payment/Performance Bond for 100% of the total project cost is a guarantee to the City that the successful bidder will furnish the goods or services as stated in the bid, complete the project to the City's satisfaction and pay its employees/subcontractors/suppliers pursuant to the requirements of the contract.

No personal or company checks are acceptable.

RECEIPT AND OPENING OF BIDS AND PROPOSALS - BIDDERS' RESPONSIBILITY

It is the bidder's responsibility to ensure timely delivery of bids and/or proposals shall be submitted electronically via Mercell website prior to the time and the date specified in the solicitation. **Bids or RFPs received at any time AFTER the date/time set forth in the solicitation will NOT be considered.**

Bids received via U.S. Mail or other express mail services will be time-stamped by the Purchasing Department.

The sealed envelope or container must bear the official Bid or Proposal number and the official bid due time and date clearly marked on the cover of the Bid Document. Failure to do so will not constitute a liability on the part of the City if the bid or proposal is subsequently mishandled.

BID OPENING TIMES

All bids must be submitted ELECTRONICALLY via Mercell Source-to Contract at <https://app.negometrix.com/buyer/3226> prior to the time specified for the bid opening. The system will not accept bids submitted after the due date and time. Bid proposals must be submitted using the bid document forms furnished by the City of Gallup. Bids will be opened electronically in the Purchasing Department via virtual means.

Request for Proposals are not publicly opened and no prices or other information will be revealed until after the evaluation has been completed and an award has been made.

After analysis and award, all successful bids and tabulation sheets are kept by the Purchasing Division. After award, the documents are available for inspection. You may review the results on the City of Gallup webpage or you may make an appointment with the appropriate Buyer to review bid results.

Bids or RFPs received at any time AFTER the date/time set forth in the solicitation will NOT be considered and will be returned unopened.

AWARD POLICY -- CRITERIA FOR AWARD

Award will be made to the bid or proposal that meets specifications and other requirements of the solicitation. The award will be made to the lowest, responsive, responsible, qualified bidder; considering price, responsibility, reliability, capability of bidder, availability of funds, and all other relevant factors.

The appropriate Buyer will notify the successful bidder(s) in writing. It is the responsibility of the bidder to inquire about the award of **informal** bids or proposals.

PAYMENT PROCEDURE

After delivery of goods or services ordered, the vendor must prepare and submit an invoice to Accounts Payable. The City's payment terms are typically Net 30.

When merchandise is received by the agency, it is inspected and checked against the specifications and the item(s) are received in the City software system. The internal receiving is then matched with the vendor's invoice and the purchase order. If all of these documents are in order, the invoice is processed for payment and a check is issued and payment is mailed to the vendor.

For large orders requiring partial or periodic deliveries and involving sizable amounts of money, separate invoices may be submitted for each delivery and partial payments will normally be authorized.

PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES AND ALL CORRESPONDENCE.

PREVAILING WAGES

Every contract or project in excess of sixty thousand dollars (\$60,000) that the City is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads of the state and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages to be paid to various classes of laborers and mechanics, which shall be based upon the wages that will be determined by the Director of the labor and industrial division of the Department of Workforce Solutions to be prevailing for the corresponding classes of laborers and mechanics employed on contract work of a similar nature in the state or locality, and every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project, unconditionally and not less often than once a week and without subsequent unlawful deduction or rebate on any account, the full amounts accrued at time of payment computed at wage rates not less than those stated in the minimum wage rates issued for the project. The specific wage required to be paid to these categories of workers will be set forth in the bid document.

COOPERATIVE PURCHASING

The Purchasing Department may participate in cooperative procurement endeavors as provided for in 13-1-135 NMSA 1978. The Purchasing Officer may authorize purchases of goods and services pursuant to any intergovernmental agreement which is in the best interest of the City.

GENERAL INFORMATION FOR THE VENDOR

PURCHASE ORDER REQUIRED

No goods or services may be supplied or shipped, and will not be the responsibility of the City of Gallup unless the vendor has first obtained a valid City of Gallup Purchase Order number or Field Purchase Order number.

ASSIGNMENT OF CONTRACT

Because the responsibility of the individual bidder is an essential element of her/his contract with the City, a person with whom such a contract has been awarded may not assign her/his interest to another party without the written permission of the Purchasing Officer.

BACK-ORDERS

If it is necessary to back-order any items, the vendor should notify the City and advise the City of the expected delivery or shipment date. If this date is not acceptable, the City may seek remedies for default.

BID ERRORS

Should the City omit anything from any bid or RFP which is necessary to a clear understanding of the goods or services, or should it appear that various instructions are in conflict, then the bidder shall secure written instructions from the Purchasing Department at least forty-eight (48) hours prior to the time and date of the bid opening shown on the bid. A Bidder's Proposal may be amended or amplified at any time before the bid opening by the issuance of one or more "Addenda" / "Amendment".

CANCELLATION OF BID AND PROPOSAL

The Purchasing Division may cancel a bid or proposal at any time prior to its award if deemed in the best interests of the City.

CONTRACTS AND AGREEMENTS

Terms and conditions submitted on vendor's and contractor's forms with bids or proposals are normally NOT acceptable to the City. Unless such forms/documents are specifically requested by the City in the Request For Bid (RFB) or Request For Proposal (RFP), they will be rejected and thereby have no commercial or legal significance with respect to any resulting contract or purchase order.

Under applicable law, contracts and purchase orders duly authorized by an agent of the City and accepted by the vendor or contractor shall constitute binding agreements between the parties. These documents, properly executed, shall represent the entire understanding of the parties with respect to the subject matter and performance. To the extent "other documents" are referenced in the contract or purchase order, they shall be incorporated.

CORRESPONDENCE CONCERNING BID INVITATIONS

Questions or clarifications regarding any phase of this solicitation, including specifications, shall be submitted through the Negometrix platform: <https://app.negometrix.com/buyer/3226> in the Question & Answer tab for this specific solicitation before the deadline specified in the Schedule.

DEFAULT BY VENDOR

In case of any default by the contractor, the City of Gallup may procure the product or service from other sources and hold the contractor responsible for any damages incurred including, but not limited to, excess cost or handling charge.

SHIPMENTS

Shipping terms are F.O.B. Destination unless otherwise stated in the solicitation or on the Purchase Order. State law prohibits City taking ownership of goods or services prior to receipt.

INSPECTIONS

All materials, equipment, and supplies are subject to inspection and tests. Items that do not meet specifications will be rejected. Failure to reject upon receipt does not relieve the contractor of liability.

MODIFICATION OR WITHDRAWAL OF BID OR PROPOSAL

Vendor exceptions or deviations to the bid document must be on vendor's letterhead or on the appropriate form in the bid documents, and must accompany the Bidder's Proposal or Request for Proposal at the time of the bid opening. Any bid or proposal submitted with exceptions to specifications or terms and conditions may be disqualified if they are unacceptable to the City.

Withdrawals of bids or proposals must be made prior to the date and time of opening. In some instances, "relief" from the responsibility of a successful offeror to supply the City with the good(s) or service(s) they are contractually obligated to supply to the City at the contract price may be granted. Requests for such relief must be in writing to the Purchasing Officer.

NEW/USED/ALTERED/EQUIPMENT

Generally, all supplies and equipment offered and furnished must be new and of current production unless provided otherwise in the Bidder's Proposal or Request for Proposal. Re-manufactured, reconstructed, Prototype, or demonstration items are not considered new. No new or used equipment is acceptable if serial numbers or any other manufacturer's identifying labels or marks have been removed, obliterated, or changed in any way.

PACKAGING

A packaging slip or invoice must accompany all shipments and reference the purchase order number or the bid number.

PRODUCT SAMPLES/LITERATURE/TESTING AND DEMONSTRATION

Manufacturers and suppliers often offer the City demonstrations and/or samples of their products or services at the agency level. The City recognizes the value of such samples, tests and demonstrations.

In order to assure proper testing and valid evaluation, vendors are required to obtain prior approval for such samples/tests/demonstrations from the Purchasing Division. Any samples or descriptive literature requested in the Bidder's Proposal must be provided free of charge. Samples which are not destroyed by testing will be returned at the bidder's expense upon request. Samples submitted by successful bidders may be kept for the duration of the contract for comparison of shipment received.

PURCHASES NOT SUBJECT TO FORMAL BID OR PROPOSAL PROCESS

The City of Gallup may forego the formal bid and proposal process for

the following:

1. Exempt from the procurement code. 13-1-98
2. Small Purchases. 13-1-125
3. Sole source purchases. 13-1-126
4. Emergencies. 13-1-127
5. Procurement under existing contracts. 13-1-129
6. Cooperative Procurement. 13-1-135

SPECIFICATIONS

Unless a vendor specifies otherwise in her/his bid, it is assumed that the vendor is bidding in strict accordance with the specifications listed in the Bidder's Proposal. When merchandise is received that does not meet the specifications, it may be returned to the vendor at the vendor's expense.

SUBSTITUTIONS

Substitution is defined as shipment of an item that materially conforms to the specifications but is technically different from the item bid. Substitution shall require the approval of the Purchasing Division prior to shipment. Any goods delivered that do not meet the specifications will be returned to the vendor at her/his expense. When a shipment of product is returned, the contractor must make immediate replacement with acceptable merchandise or the City may seek remedies for default.

TRADE-INS

The City may request bids for new equipment with the inclusion of the used equipment in the bid as a "trade-in." In such cases, a trade-in price quotation will be requested for the used equipment as an amount to be deducted from the purchase price of the new equipment. The City reserves the right to purchase equipment either with or without the trade-in, and to offer the used equipment noted at public auction or sealed bid sale.

PREFERENCES

In accordance with City Ordinance, a local preference may be afforded a bidder who qualifies as a City of Gallup resident business as defined by the City of Gallup Procurement Ordinance. Preference factors can be accessed at: http://sterlingcodifiers.com/codebook/index.php?book_id=635&chapter_id=44330

The State of New Mexico and the City of Gallup also grant a preference for qualified New Mexico Resident Businesses or Resident Veterans Businesses certified by the State of New Mexico Department of Taxation and Revenue, in accordance with Sections 13-1-21 to 13-1-22 NMSA 1978. **You must furnish a copy of your State of New Mexico Resident Business or Resident Veterans Business Certificate with your bid to be considered for the in-state preference.** For information on State of New Mexico resident business or Resident Veterans Business certification call 505-827-0951 or to download applications, go to: <http://www.tax.newmexico.gov/Businesses/in-state-veteran-preference-certification.aspx>

The applicable City of Gallup Resident Business preference or State of New Mexico Resident Bidder's or Veteran's Preference will be factored into bid prices where applicable. However, preferences are not cumulative and a bidder will receive only one preference

PROTESTS

Any bidder or offeror who is aggrieved in connection with a solicitation or award of a contract may protest to the central purchasing office. The protest must be submitted in writing within seven (7) calendar days after knowledge of the facts or occurrences giving rise thereto. Any protest based on the terms of this Request for Competitive Sealed Proposals will be conclusively deemed waived if an Offeror does not specifically raise and address the protest its proposal submitted to the City's Procurement Office. All Offerors will be conclusively deemed to have knowledge of the facts or occurrences giving rise to a protest respecting an award at the time a contract is awarded by the City to an Offeror or Offerors.

DISCLAIMER

The guidelines presented here have been prepared, and provided to you, the vendor, for information purposes only. They do not supplant the laws, regulations, and procedures governing procurement by the City of Gallup. In the event of changes in those laws, regulations, or procedures, the laws, regulations, and procedures are binding and take precedence.

TAX

Sales Tax Exemption

The City of Gallup issues Type 9 Nontaxable Transaction Certificates (NTTC's) and is tax exempt for purchases of TANGIBLE PERSONAL PROPERTY ONLY. These certificates may not be used to purchase construction materials to be used in construction projects. Determinations for applicable tax classification should be made by the Taxation and Revenue Department or your tax consultant.