

**HOW TO DO BUSINESS
WITH THE
CITY OF WICHITA
KANSAS**



**FINANCE DEPARTMENT
PURCHASING**

We appreciate your interest in doing business with the City of Wichita. We want to assure you of our interest in seeing that all vendors have the opportunity to do business with the City of Wichita.

To assist you in doing business with the City of Wichita, Purchasing has established a web site, <http://ep.wichita.gov>. This brochure contains information on how to do business with the City of Wichita and how the Purchasing web site will make it easier for you to conduct that business.

The City Council knows how vitally important it is to conserve funds. The competitive bidding process is an important part to maximize the purchasing value of public funds. Your role, as a bidder, assists in that effort. Thank you in advance for your participation.

For any questions or concerns, please contact the Purchasing Office.

**CITY OF WICHITA
PURCHASING OFFICE
CITY HALL-12TH FLOOR
455 N. MAIN STREET
WICHITA, KANSAS 67202**

**TELEPHONE (316) 268-4636
FAX (316) 268-4656**

**PURCHASING WEB SITE
<http://ep.wichita.gov>**

Mission Statement: Our primary goal is to obtain the greatest value for each dollar spent by the City of Wichita in the procurement of goods and services efficiently and effectively while ensuring fairness and integrity in accordance to the laws and regulations.

Date Revised: February 2006

E-PROCUREMENT

Doing business with the City of Wichita is now easier. By using Purchasing's secure Internet web site, <http://ep.wichita.gov>, vendors can now accomplish the following interactive online activities:

- Register to do business and maintain your company's information
- Select various "areas of interest" goods and services you provide
- Receive instant notification by e-mail of all solicitations in your area of interest
- Review solicitations and submit responses online
- View bid opening and bid results
- Communicate online with Purchasing Personnel
- Track your company's invoices and payments
- Arrange for direct deposit of payments (ACH) to your bank
- View contracts

Utilizing E-Procurement will provide vendors a better way of doing business with the City of Wichita online. The Purchasing web site will contain the following site menu:

- Registration
- Solicitations: View Open Solicitations and Bid Results
- Document Inquiry: PO/Contract Inquiry
- Vendor Login

Registration will allow vendors to register their company information, select the goods and services they can provide, select a payment method, and establish their secure login User ID and password.

Solicitations will enable the vendor to view the open Formal Bids and Request for Proposals that have been published. Vendors may also download and print the specifications.

Bid Results can be reviewed online with the vendor recommended for award and tabulations of all vendors that responded including bids on each line item.

Document Inquiry allows vendors to view the Contracts or Blanket Purchase Orders that the City of Wichita has established. A vendor may view their purchase orders (PO) after they have logged in to their secure site.

Vendor Login is the area that vendors need to go to after they have registered and have established their secure login User ID and password. This will enable the vendor to maintain their company information, update their commodity profile, review and submit bids online, track invoices, and view bid results.

HOW TO BECOME A VENDOR

As noted in the E-Procurement section, vendors may register online at the City of Wichita Purchasing web site, <http://ep.wichita.gov>. Vendors may complete their company information and indicate the goods and services they can provide. If a vendor does not have access to the Internet, they may also utilize any of the City of Wichita libraries. Vendors that may not want to do business online may contact the Purchasing Office for a vendor application form. Vendors will be cross-referenced to the goods and services they provide and will receive notification of bids in their area of interest.

EMERGING AND DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

The City of Wichita is committed to the development and support of Emerging and Disadvantaged Business Enterprises. It is the policy and commitment of the City of Wichita to provide Emerging and Disadvantaged businesses the maximum opportunity to participate in, compete for and be utilized by the City of Wichita in its procurement of goods and services. Vendors that are interested in becoming certified may find the application form at the City of Wichita Purchasing web site, <http://ep.wichita.gov>. Vendors wishing to find more information out about this program are encouraged to call the Contract Compliance Officer at 316-268-4417.

PURCHASING POLICIES

The policies under which the City of Wichita Purchasing Office functions are based upon State Statutes, City Ordinances and Administrative Regulations established by the Board of Bids and Contracts and the Purchasing Manager with the approval of the Director of Finance and City Manager. These policies are intended to serve as a general guide to the regulations and procedures, which the Purchasing Office employs in the daily operation.

TYPES OF SOLICITATIONS

The City of Wichita utilizes three types of competitive solicitations for goods and services:

1. Formal Bids on purchases \$25,000 or more
2. Informal bids on purchases under \$25,000
3. Request for Proposals on professional, consultant, design/build services and selected products

PURCHASING PROCESS

The purchasing process begins when a department notifies the Purchasing Office that it wishes to buy a certain item or service. City departments do this by sending the Purchasing Office a requisition, which describes the desired item or service.

Purchasing then issues a solicitation on the item or service by either the formal bidding process, the informal bidding process, or by a proposal. The requests are based on specifications approved by the Purchasing Manager and written with the intent of permitting competitive bidding. Bids are published on e-Procurement with notification sent by fax, email or mail to the vendor list. After the receipt of the bids, they are evaluated and awarded with a contract and/or purchase order.

FORMAL BIDS

The procedures involved in formal bidding are set forth in the City's purchasing ordinance and by the directives of the Purchasing Manager. All purchases of \$25,000 or more are subject to formal bidding procedures. Upon receipt of a requisition and specifications, the Purchasing Office prepares the legal advertisement for publication in the official City newspaper. The advertisement includes the time, date, and place of the bid opening and a summary of the items or services to be purchased.

The Formal Bid with all required specifications, forms, drawings, if applicable, is published on the Purchasing web site, <http://ep.wichita.gov>. This allows not only the vendors that were sent the bid to view and respond, but also anyone that has access to the Internet.

A vendor may request a Formal Bid package be mailed to them. The Purchasing Office encourages all vendors to acquire the information from the Internet. If a vendor has questions, the Purchasing Office will instruct the vendor by telephone or by appointment.

If blue prints or plans are required, the vendor can obtain the blue prints or plans from the Purchasing Office or the City's contract vendor.

The Purchasing Office is responsible for procurement of the construction projects for the Public Works Department, Engineering Division.

All Formal Bids must be received in the Purchasing Office prior to the time and date set for the opening of bids.

INFORMAL BIDS

The procedures involved in the informal bidding process have been established by the Purchasing Manager. Purchases under \$25,000 will be made by the result of a "Request for Quotation" (RFQ). Upon receipt of a requisition and specification, a Request for Quotation is either obtained by telephone, fax, mail, or online. These bids are sent to selected vendors, which indicated an interest in bidding on the requested item or service.

All Informal Bids must be received in the Purchasing Office prior to the time and date set for opening of bids.

REQUEST FOR PROPOSALS

A Request for Proposal (RFP) is utilized to acquire professional services, highly technical services, consulting services, design/build services and selected products. Proposals are sent to the vendors that have indicated the ability to provide the required service. In addition, we may supplement that list with vendors the department may recommend. Proposals may be advertised in the official City newspaper. The RFP will be published on the Purchasing web site.

A vendor may request a proposal package be mailed to them. The Purchasing Office will encourage all vendors to acquire the information from the Internet. If a vendor has questions, the Purchasing Office will instruct the vendor by telephone or by appointment.

Proposals will contain evaluation criteria, which includes qualifications, skills, expertise, experience, references, and costs.

Proposals must be submitted in writing prior to the time and date set for opening of proposals.

SPECIFICATIONS

The Request for Formal Bid and the Request for Quotation include detail descriptions of the commodity and/or service the City wants to purchase. This description along with the instructions, conditions, and requirements comprise the total specifications. If the commodity description includes one or more brand names or is followed by “or approved equal”, vendors may quote an alternate as long as it is the same in quality, design, and performance, and if descriptive literature is included with the bid response. It is the responsibility of the bidder to demonstrate that alternate items meet the specifications. The decision of whether or not to accept an alternate rests solely with the City of Wichita. Purchasing will review specifications to ensure competition.

Request for Proposals will include an introduction, time frame, scope of services, proposal requirements, and specific criteria to be used in evaluating the proposal.

BIDDER LIST SELECTION

When a department submits its request to the Purchasing Office, it may include suggested vendors. The buyer will use these suggested vendors and will supplement this group with additional vendors from the bidders' list cross-referenced with the commodity or service. Solicitations are sent to any vendor that has requested it. Formal Bids and Request for Proposals are posted on the Purchasing web site. They are also posted on the bulletin board in the Purchasing Office.

BID OPENING

Bids must be received in the Purchasing Office prior to the time and date indicated on the solicitation. Please note that if you submit both an electronic response and a paper response, the paper response will be considered your actual response.

Formal Bids have a “virtual” bid opening on every Friday at 10:00 a.m. Bidders can view the bid opening online from their home or office. Electronic bids will already be online and the manual bids are entered as they are opened. Bidders may also view the bid opening at City Hall, First Floor Board Room, 455 N. Main, Wichita, Kansas.

Bid opening has no action taken to determine the successful bidder on any project or for any purchase. A report of the bid opening will be made to the Board of Bids and Contracts at its next meeting on Mondays at 10:00 a.m. at City Hall, First Floor Board Room, 455 N. Main, Wichita, Kansas. City staff will make corrections of mathematical errors made in extending bids for unit price items and in aggregating individual bid items for the total net bid. City staff will determine whether bids meet the specifications.

The Board of Bids will recommend action to City Council at the next meeting on Tuesdays at 9:00 a.m. at City Hall, First Floor Council Chambers, 455 N. Main, Wichita, Kansas.

It is important to not assume that the apparent low bidder on any bid opened at bid opening will be awarded a contract by the City. The earliest that action will take place is on Monday and Tuesday when the Board of Bids and Contracts and the City Council meet to consider the report of this bid opening. Either body may, for the good cause, choose to defer action on any bid to a future meeting.

You may, at any time, contact the Purchasing Office to check on recommendations and awards. A successful bidder can expect to be contacted by the Purchasing Division or the Engineering Division by letter within five (5) days of the award by the City Council.

Informal Bids are opened in the buyer’s office and they may be received by telephone, fax, mail, or online.

Proposals are not opened in public due to possible negotiations to take place with the vendors submitting proposals. Upon approval and award by the City Council, the public record is the Consent Agenda Item, City Council Minutes and the contract from the successful vendor.

EVALUATION

The Purchasing Office evaluates the lowest responsive bid received from a responsible vendor to determine if it meets the minimum specifications. Purchasing personnel may review the specifications with the user department to determine if the bid meets the

minimum specifications. If it meets specifications, an award is made; otherwise, the department continues to look at the next lowest bid. Factors that may be used to determine total cost may include unit price, installation, maintenance, and cost of operation (as defined in the solicitation). In case of a discrepancy between a unit price and its extension, the unit price will be considered correct. Where bids are normally evaluated by Purchasing and the user department as to meeting the minimum specifications, proposals are evaluated by a team, either the Staff Screening and Selection Committee or a selection committee designated by the department. Their evaluation and selection will be based on the evaluation criteria set forth in the proposal.

AWARD

The final step is the issuance of a Purchase Order or Contract. This is accomplished by written notification to the lowest responsive and responsible bidder who meets the requirements and criteria in the Request for Formal Bid or the Request for Quotation. The City reserves the right to accept or reject any or all parts of a bid. An award may be made by item, group of items, or total bid. Conformity with the specifications and the delivery terms will be considered in the award process.

On Formal Bids, Purchasing makes recommendations of the bids and presents bid tabulations to the Board of Bids. After receiving Board of Bids' approval, a Formal Bid report is prepared by Purchasing to present to City Council for their approval. No action is taken until City Council approves the award of the Formal Bid. If the specifications require bonds or insurance certificates, the Purchasing Manager will withhold issuing the Purchase Order or Contract until the successful vendor has met the specified requirement. The Law Department reviews all contracts issued from Purchasing, and authorizes the appropriate signatures.

Informal Bids are awarded by the Purchasing Manager and Buyers under \$25,000 after determination of the lowest and best responsive and responsible bid.

Request for Proposal is awarded by the selection committee and determines the proposal that would be most beneficial to the City based on the evaluation criteria. If the contract exceeds \$25,000, the selection must be approved by the City Council.

PROTESTS/CONTRACTURAL DISPUTES

A protest is defined as a written objection by an interested party to a bid or proposal, or to a proposed award, or award of a contract, with the intention of receiving a remedial result. The written protest must be filed with the Contract Compliance Officer. The Contract Compliance Officer will acknowledge receipt of the protest and forward a copy of this protest to the Law Department. The written protest is to include the name and address of the one protesting, identification of the procurement or contract, a statement of the reasons for the protest, and supporting evidence or documentation to prove any claims prior to an award date. The Contract Compliance Officer will investigate the written protest and any evidence or documentation submitted with the protest. The Contract Compliance Officer will then meet with the legal department, the department involved in

the procurement, and the protest party to resolve the issues of the protest. Decisions will be rendered within thirty (30) days after receipt of protest unless additional information from the protestor or grantee is required. If additional information is required, a decision will be rendered within thirty (30) days after receipt of additional information. If the protest is not resolved pertaining to a bid, the protestor may appeal decision to the Board of Bids on Monday at 10:00 a.m. at City Hall, 1st floor, Board Room. If the protest is not resolved pertaining to a proposal, the appeal decision will be forwarded to the Assistant City Manager. The last and final step of an appeal would be to the City Council at their Tuesday Meeting.

A dispute is defined as a disagreement between parties to a contract over performance or other contract term requiring administrative action to resolve. A dispute must be filed in writing to the Contract Compliance Officer. The Contract Compliance Officer will acknowledge receipt of the dispute and forward a copy of this dispute to the Law Department. The written dispute is to include the name and address of the one disputing the contract, identification of the contract, a statement of the reasons for the dispute, and supporting evidence or documentation to prove any claims. The Contract Compliance Officer will investigate the written dispute and any evidence or documentation submitted with the dispute. The Contract Compliance Officer will then meet with the legal department, the department involved in the procurement, and the protest party to resolve the issues of the dispute. Decisions will be rendered within thirty (30) days after receipt of dispute unless additional information from the protestor or grantee is required. If additional information is required, a decision will be rendered within thirty (30) days after receipt of additional information.

INAPPROPRIATE SPECIFICATIONS

Prospective bidders should inform the buyer if the specifications or other bidding requirements are faulty, unnecessary, or inhibit competition. Inquiries concerning inappropriate specifications should be brought to the buyer's attention as soon as possible so any valid issues can be addressed in an addendum, to maintain fair and equal treatment of all bidders.

Telephone conversations with the buyers or the requesting department are undocumented communications and do not waive or modify the requirements of a solicitation. The buyer will review all inquiries and, if a modification to the solicitation is appropriate, will issue an addendum to all prospective bidders to whom the solicitation documents have been sent.

BID BONDS

There are three types of bonds used in the purchasing process: the Bid Bond, Performance Bond and the Labor and Material Payment Bond.

1. Bid Bond: When bid security is required, it shall be by a Bid Bond only, written by a bonding company approved by the United States Treasury Department and licensed to do business in the State of Kansas. No checks or other security will be

accepted in lieu of the required bond. The Bid Bond is five percent (5%) of the total bid.

2. Performance Bond: Construction projects, combined service and equipment purchases, major repairs to building equipment, and any instance in which the City could sustain a critical loss in the event of non-performance will require a Performance Bond. When a Performance Bond is deemed necessary, the successful bidder must furnish one hundred percent (100%) of the total bid. This bond must be issued by a bonding company authorized to do business in Kansas by the Kansas State Department of Insurance.
3. Labor and Material Payment Bond: Kansas State Statute K.S.A 60-1111 requires in all contract exceeding \$40,000 entered into by the City for the purpose of making public improvements, constructing any public building or making repairs on same, that the contractor provide a bond guaranteeing payment of all indebtedness incurred for labor furnished, materials, equipment or supplies used or consumed in connection with or in or about the construction, improvements or repairs. The bond is issued to the State of Kansas in a sum of not less than the sum total of the purchase order/contract. The bond shall be approved by and filed with the Clerk of the District Court. This bond must be issued by a bonding company authorized to do business in Kansas by the Kansas State Department of Insurance.

Construction projects, services, and major repairs to building equipment will require all three bonds. Vehicle and major equipment purchases exceeding \$100,000 may require a Bid Bond.

CERTIFICATE OF INSURANCE

If required, the successful bidder will need to furnish a Certificate of Insurance certifying insurance coverage as specified on the solicitation. The insurance company must state that the contractual liability includes the liability of the City of Wichita assumed by the contractor in the contract documents. The certificate must also state that the City of Wichita will be given written notice if the policy is cancelled or changed within ten days prior to the effective date. The "Certificate of Insurance" shall be furnished to the City Purchasing Manager before the purchase order or contract is issued. The Certificate of Insurance must be furnished within 10 days after the award.

LICENSE

Vendors bidding on services that require a license must be currently licensed by the City of Wichita or the State of Kansas, where applicable, before a Purchase Order or Contract will be issued.

HOW VENDORS BID

Vendors may bid online at the Purchasing web site, <http://ep.wichita.gov>, using the vendor's secure login/password. There will be instructions on the web site to guide you through the steps of submitting your bid response. A bidder should do the following in preparing and submitting bid documents or online bid responses.

1. Thoroughly read and understand the bid documents, including all specifications, terms and conditions. A bidder may contact the buyer whose name appears on the bidding documents for clarification or, if online, there is a link to the buyer that you can e-mail your questions.
2. Whenever possible, provide a bid on the item which is specified. Bids for alternate products may be submitted, but are expected to meet or exceed the specifications.
3. Note any exceptions to the requested specifications either on the bid documents or in a letter of explanation accompanying the bid. Online bids can note their comments in the response box below the bid item.
4. Indicate the price in the proper areas of the request form in ink for the unit size requested. Bids must be submitted on the bid form provided by the City or online.
5. Corrections, erasures, and clarifications of pricing must be initialed by the bidder. Online bids may correct their bid up to the bid opening time and date.
6. Indicate delivery terms and shipment information on the signature page or if online in the appropriate area. If an extended period is inserted instead of a single date, the City will consider the latest date within the period in determining whether or not the bid is responsive, in the event that it is to be a determining factor in the award.
7. An officer or authorized agent of the company must sign the solicitation. A solicitation that is not signed will be rejected. Online bids with your secure login/password do not require any signatures.
8. Submit the solicitation by the stated due date and time, and follow the submission instructions. The response must be received in the Purchasing Office prior to the time and date set forth in the solicitation.

ADDENDUMS

Any changes, additions, or clarifications will be handled by an addendum. Vendors must acknowledge the receipt of any addendums.

SAMPLES

Samples, when required, must be furnished free of expense to the City. Samples not consumed in testing will be returned to the bidder at the bidder's expense, if requested by the bidder, and noted in the response to the bid.

NEW MERCHANDISE

All items bid must be new and of the latest or current edition, version, model, or manufacture, unless otherwise specified in the solicitation. If a model number is not the current model, bid the current model noting the model number change.

TRADE-INS

The City may request bids for new equipment, which involve trade-ins of used equipment. In such cases, a price should be provided for both the trade-in and the item requested. The City reserves the right to purchase equipment either with or without trade-in.

DELIVERY TIME

In the space provided in the bid, enter the date you can guarantee delivery of the goods or services. If you cannot meet a delivery requirement stated in the specifications, your bid may be rejected.

BILLING TERMS

Cash discounts for prompt payment will be considered in evaluation of your bid. They will, however, be taken if earned. The discount time will not begin until the City receives all of the commodities or service. If testing is required, the discount time will begin upon completion of the testing.

TAX RESPONSIBILITY

The City of Wichita is exempt from paying state sales tax by state statute, K.S.A. 79-3606(b). This includes all departments. On construction projects, contractors must contact the Purchasing Office, (316) 268-4636 to obtain a Kansas Sales Tax Exemption Certificate prior to starting work.

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

Vendors with four or more employees are required, when requested, to provide Equal Employment Opportunity and/or Affirmative Action Program information when the cumulative total of purchases exceeds \$5,000.00 during the fiscal calendar year. Purchasing staff will provide the vendors with the required EEO forms.

CONTRACT PERFORMANCE

A contractor must supply goods and services conforming to the solicitation and award. Failure to perform according to the specifications within the stated time may cause contract cancellation and create liability for costs the City incurs in correcting deficiencies of obtaining replacement goods.

LATE BIDS

Bids must be received in the Purchasing Office at or prior to the date and time stated on the bid. All paper bids are time stamped when received, and late bids will be rejected and remain unopened.

FAX BIDS

Fax Bids will not be accepted on a Formal Bid. Fax Bids will be accepted on a Request for Quotation if received in the Purchasing Office prior to the time and date shown on the bid form.

MISTAKES IN BIDS

Mistakes in bids, actual or alleged, are not uncommon and can present serious problems. The essential rule is that no change or correction be permitted which would prejudice the interest of the public or would be unfair to other bidders. For this reason, remedies for mistakes in bids become less available as the procurement process moves forward.

Prior to bid opening, a bidder may correct a mistake or request that the bid be withdrawn. Online bids can be updated until the due date and time.

REBID

From time to time, it becomes necessary to conduct a rebid for securing commodities and/or services. This occurs for the following reasons:

- (a) All acceptable bids exceed the requesting department's cost estimates.
- (b) None of the bids meets the required minimum specifications.
- (c) None of the bidders will comply with the Request for Formal Bid and Request for Quotation's terms and conditions.
- (d) No bids were received.

(e) The requesting department needs to change specifications or quantity, which will have a significant impact on, bid solicitation but, because of timing, such change cannot be handled by an addendum.

The City reserves the right to accept, reject, or rebid any of or all parts of a quotation at any time.

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.

SUBMITTING INVOICES

Your invoice must be exact and match the Purchase Order in the description of the items and prices. It should include the Purchase Order number. The invoice should be submitted directly to the department as indicated on the Purchase Order. The user department should be indicated on the invoice. Payment will be made in the usual time frame. If payment problems are encountered, contact the Controller's Office.

PURCHASING CARD

Departments have been issued Purchasing Credit Cards to make small dollar purchases on maintenance, repair and operational commodities. This credit card is to be used by the credit cardholder only. No services are to be purchased without prior approval from the credit card administrator on this credit card. Parameters have been established to control dollar amounts and commodities to be purchased. If a vendor is submitting a bid on a Contract that will be established by the City for departments to utilize on a Blanket Purchase Order, the vendor should consider that some of these items may be purchased with a credit card.

DISCLOSURE INFORMATION

For informal and formal bids, documents the Purchase Office issues or receives in soliciting, evaluating, and award procurements are open to public inspection after the award of the Contract or Purchase Order. For Proposals, upon approval and award by the City Council, the public record is the Consent Agenda Item, City Council Minutes and the contract from the successful vendor. Vendors or members of the public may contact the Purchasing Office.

INTERNET SECURITY

The goal of the City of Wichita is to ensure that doing business with the City electronically will create efficiencies and be as safe and trustworthy as doing business in the traditional “paper-based” format.

Vendors may review the City of Wichita Internet privacy and security policy at the Purchasing web site.

OFFICE HOURS

On all regular City workdays, the business hours for the Purchasing Office are Monday through Friday, 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. The reception desk is open during the noon hour.

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

Our job is to see that each City department is supplied with the goods or services it needs quickly, efficiently, and economically. We cannot do this without the active participation and cooperation of suppliers.

We want to work with you. We recognize that neither of us can be successful without the other. If you encounter problems with a bid, contact us. We will do everything in our power to resolve the problem in the fairest possible manner.

We feel that it is important to develop good relationships with vendors and that good relationships with potential vendors are invaluable.

We want to encourage you to utilize the City of Wichita Purchasing web site, <http://ep.wichita.gov>. We believe this online service will provide to you an easier and better way of doing business with the City of Wichita.

If you need additional information, please contact the Purchasing Office at (316) 268-4636.