

VENDOR'S GUIDE
TO DOING BUSINESS WITH
EMERALD COAST UTILITIES AUTHORITY



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TABLE OF CONTENTS

1. Introduction	page 3
2. Vendor Registration	page 3
3. Changes in Vendor Information	page 3
4. Procurement Methods	page 3
5. Where to Find Bid Information	page 4
6. Major Construction Contracts	page 4
7. Non-Competitive Procurements	page 4
8. Contracting Methods	page 4
9. Typical Formal Solicitation Process	page 5-6
12. Vendor Responsibilities after Award	page 6-7
13. Public Entity Crimes	page 7
14. Helpful Tips Doing Business with ECUA	page 7-8
15. Ethics	page 8
16. Professional Affiliations	page 8

INTRODUCTION

This guide has been prepared to familiarize you with the policies and procedures in doing business with the Emerald Coast Utilities Authority (ECUA). The demand for goods and services by the ECUA results in a continuous need for items of every nature and description. The principle objective of the ECUA Purchasing Division is to acquire quality goods and services from the lowest responsive and responsible bidders who comply with specifications, terms, and conditions and have the capacity to deliver. In an effort to stimulate competition, we want to provide all interested vendors an opportunity to offer their products and services to ECUA. We are constantly looking for new sources of supply and encourage vendors to register with the Purchasing Division.

This guide is designed solely to provide general summary information to those wishing to do procurement business with ECUA. As such, it is not binding in either a legal or regulatory sense. The procurement activity of ECUA is performed in accordance with applicable laws, the ECUA Code and other applicable rules and regulations, which govern the information in this guide.

VENDOR REGISTRATION

Once an ECUA department is ready to do business with a vendor, the vendor will need to supply ECUA Purchasing with a completed vendor application (which can be found on the ECUA website under “Doing Business with ECUA” – Vendors & Purchasing) and a current W-9. The Purchasing Division requests basic information about the vendor’s business that we keep on file. The vendor is also asked to fill out a commodity codes listing identifying the specific commodity codes that relate to the goods and services provided.

CHANGES IN VENDOR INFORMATION

It is the vendor’s responsibility to contact the Purchasing Division with subsequent changes to be made to their vendor file, such as company name, address, or the goods and services they provide. Requested changes must be stated in writing and provided on official company letterhead. Changes may be submitted via email to purchasing@ecua.fl.gov. Bid proposals received with a different address than that on file would not be considered an official change.

PROCUREMENT METHODS

Requests for Quotations (RFQ’s) are normally used for purchases valued below \$50,000, unless the complexity of the terms and conditions requires the added controls of the formal bid process. The Purchasing Division solicits written quotes via email or phone call to prospective vendors. The quotation is awarded to the lowest responsive and responsible vendor.

Invitations to Bid (ITB) are used for purchases valued at \$50,000 or higher. The ITB is a formal procurement method utilizing detailed specifications/scope of work, are publicly advertised, and are opened at a specified time and date. Bid openings are typically held in the Purchasing Division, and all interested persons are welcomed to attend. Contracts resulting from the bid process may be for a one-time purchase or a term contract.

A ***Sole Source Purchase*** is exempt from quotation and bid requirements. For any commodity to be considered a sole source item, it must be the only product, which will produce the desired result, and it must be available from only one source of supply or be available from the only authorized regional dealer/vendor.

Invitation to Negotiate (ITN) or Request for Proposals (RFP’s) are normally used when it is not possible to identify exact specifications and/or if the issue of “how to achieve the desired result” is best left up to the vendor to propose. The ITN or RFP may also be used when factors other than price must be considered in selecting a vendor. Awards are based on the evaluation of a selection committee, which rates each proposal against the published selection criteria.

WHERE TO FIND BID INFORMATION

Vendors may learn of a formal solicitation (ITN, RFP or ITB) from the Thursday Legal Advertisement in the Escambia Sun Press, as well as on ECUA's website: ecua.fl.gov/bid-opportunities. Also, ECUA has expanded its method of notifying prospective suppliers/contractors of newly issued non-engineering solicitations (ITB, ITN or RFP) by posting solicitations to BidNet Direct – Florida Purchasing Group (www.bidnetdirect.com/florida/emeraldcoastutilitiesauthority). Suppliers/contractors will have the ability to download the bid document as well as any addenda or other bid documents from this site. Suppliers/contractors are encouraged to register with BidNet Direct in order to view the official solicitation documents at no charge.

MAJOR CONSTRUCTION CONTRACTS

The Purchasing Division advertises for all construction-related projects. However, the vast majority of construction solicitations are issued through the Engineering Department and engineering firms with whom ECUA has contracted. Interested vendors are encouraged to view the Escambia Sun Press Thursday paper to find the current construction bids.

NON-COMPETITIVE PROCUREMENTS

The Emerald Coast Utilities Authority Board has exempted certain items from the competitive bidding process through the provisions of the ECUA Code.

The following list represents those exempted items:

1. Purchases made under purchasing agreements, contracts, and price regulations executed or approved by the state purchasing authority or GSA (General Services Administration).
2. Sole source items available from one source only.
3. Items purchased from and through the federal government, the state or any political subdivision thereof.
4. Contracts for professional and technical services.
5. Any purchases exempt at the discretion of the ECUA Board in open meeting.
6. Purchases under \$2,500
7. Emergency Purchases
8. Purchases made under the same terms, conditions, prices, and other criteria including an existing purchasing agreement maintained by a federal, state or local government entity.

CONTRACTING METHODS

A ***one-time purchase order*** is awarded for a specific quantity of goods or services at a firm or fixed price. According to the terms of the purchase order, delivery may be in one or several shipments.

A ***blanket purchase order*** is an agreement between ECUA and designated vendor(s) to provide specific goods or services over a specified period of time (usually not to exceed one year). Orders using type of purchase order is initiated by telephone orders (calls) and will contain a limit per call and/or aggregate dollar limit.

A ***formal contract*** is a document between ECUA and a selected vendor, which is executed by the Executive Director. Award of formal contracts and one time purchases in excess of \$50,000 (with some exceptions) must be presented to, and approved by the ECUA Board.

TYPICAL FORMAL SOLICITATION PROCESS

Bid Documents

Bid documents contain the specifications/scope of work for the commodity or service being purchased and the terms and conditions governing the bid. The bid document may also include other required forms such as Equal Opportunity Clause, Drug Free Workplace, and E-Verify Compliance. These documents will become part of the actual contract between ECUA and the awarded vendor.

Specifications

Specifications describe the quality and quantity of goods or services required which are determined by application as needed. Due to the highly technical nature of some specifications, there are times when a brand name may be used to describe a particular product. Unless specifically forbidden in the solicitation document, a bidder may offer any brand, which meets or exceeds the specifications for any item(s).

If the bidder proposes equivalent products, the bidder must indicate on the response page the manufacturer's name, make/model/catalog etc. number, and provide sufficient descriptive literature to prove equivalency. ECUA reserves the right to be the sole judge of what is equal and acceptable.

Bid proposals, which do not comply with the above requirements, are subject to rejection. If a bidder fails to name an equivalent product, it will be assumed that the vendor is bidding on, and will be required to furnish, goods identical to the bid specifications.

Amendments/Changes in Bid Request

During the course of a formal written bid procedure, changes may take place affecting the terms and conditions, the specifications and/or the opening date of the bid. In these instances, a written Addendum will be added to the bid documents. These changes become an integral part of the bid and are required to be signed and returned with the bid proposal.

Special Requirements of Some Bids

Pre-Bid Conference is designed to give the vendor the opportunity to meet appropriate ECUA staff in order to exchange and discuss all applicable information and requirements of the bid.

Site Inspection is designed to give the vendor the opportunity to visually inspect the actual work site involved.

Bid Bond is designed to assure that a bid is presented in good faith. Bids may not be unilaterally withdrawn. If a bid deposit is required, the bid will not be accepted without it. The customary bid deposit, when required, is 5% of the amount bid in the form of either a bid surety, certified check, or cashier's check payable to ECUA. All deposits are returned in full to unsuccessful bidders.

Performance Bond, furnished by the successful bidder prior to award, assures that a contract will be faithfully performed. Because a performance bond is recognized as a possible impediment in your bidding, it is not required on the majority of purchases made by ECUA. If such a bond is required, the specific conditions contained in the formal solicitation (ITB, RFP, ITN) will indicate the kind and amount of the performance bond.

Proof of Insurance must be provided by the selected vendor prior to execution of award whenever a Quotation, Bid or Proposal requires you to provide insurance. Insurance requirements, if applicable, will be provided to bidders in the solicitation documents.

The Purchasing Division may request Samples and Testing of goods being bid. If such a request is made, all samples must be furnished free of charge and will be returned at the vendor's request/expense if not destroyed or consumed in testing.

Submitting Your Bid Response/Proposal

All bid responses/proposals must be signed, sealed and delivered to the ECUA Purchasing Division prior to the opening date and time specified in the formal solicitation and/or subsequent Addendum issued. The formal solicitation number must be clearly noted on the exterior of the delivered package or envelope. **No bid responses or proposals will be accepted after the specified date and time.** All bid responses are publicly opened at the indicated time and date, read aloud and tabulated. Proposals are opened at the specified time and only the names of the firms are announced.

Bid Errors

Prior to bid opening, erasures and corrections in the bid document must be initialed in ink by the bidder. If the intent or legibility of the correction is not clear, the bid may be rejected. In the event of mathematical error(s), the unit price will prevail, and the bidder's total offer will be corrected accordingly.

Acceptable Bids

After bids are read and tabulated, they are analyzed by the appropriate ECUA staff to determine the lowest responsive and responsible bid that meets specifications. To be **responsive**, a bidder must complete all applicable portions of the bid as instructed, including any requested supporting documentation, and must meet specifications. Omission of signature or other crucial requirements may result in your bid being disqualified. To be **responsible**, a bidder must have the capability in all respects to fully perform the contract requirements, and the integrity and reliability, which give reasonable assurance of good faith and performance.

In addition, all goods or services must meet the minimum acceptance quality level as stated in the specifications. Failure to meet the specifications will result in disqualification of the bid.

Awards

Awards shall be made to the lowest responsible and responsive bidder and shall be effective upon issuance of a purchase order, issuance of a blanket purchase order, or execution of a contract. Those awards in excess of \$50,000 shall be effective upon approval by the ECUA Board.

VENDOR RESPONSIBILITIES AFTER AWARD

Contract Performance

After a vendor has been awarded a contract, the acceptance of the delivery/service is conditional upon inspection by the appropriate ECUA representative and their certification of full compliance with the terms of the contract. This includes, but is not limited to, on-time delivery of the exact items/service described in the original contract.

Non-Performing Vendors

In order to guarantee the contract price and ensure delivery of needed products and services, ECUA reserves a contractual right to cancel the contract of non-performing vendors. If a vendor fails to deliver in accordance with the terms and conditions, etc., the non-performing vendor may be suspended from doing business with ECUA and be subject to any legal action deemed appropriate. A vendor who repeatedly fails to deliver in accordance with the terms and conditions, or who is convicted by a court of competent jurisdiction of certain offenses, may be permanently debarred.

Change Orders

Occasionally after a contract has been awarded, changes occur in either price or performance. If the contract provides for modifications, it is done by a written change order, which is sent to the vendor. The contract will specifically state the circumstances under which changes will be allowed.

Invoicing and Payment

In order to ensure that payments for goods and/or services provided to ECUA are processed in a timely manner, we provide below what we consider to be the **minimum** requirements for an invoice to be deemed proper for payment. The invoice should contain the following information:

1. Vendor name
2. Vendor address
3. Date of invoice
4. Purchase Order number, if applicable
5. Invoice number
6. Terms of invoice
7. Discount terms
8. Delivery charges, freight charges with freight tickets
9. Taxes: ECUA is exempt from sales tax. Exemption certificates can be provided upon request.
10. Invoices for goods should contain:
 - a. Item description
 - b. Quantity purchased
 - c. Unit price with extension
 - d. Total amount of invoice
11. Invoices for services should contain:
 - a. Itemized description of the service performed and cost of identifiable service performed
 - b. Date service performed
12. Any other information required by written agreement or contract with ECUA

Submittal of invoices to ECUA should be as follows:

1. The ordered goods should have been received in good condition and/or services performed in accordance with contractual specifications to the sole reasonable satisfaction of the requesting department.
2. An **original** invoice is required.
3. Invoices can be either mailed directly to ECUA Finance Department, attention Accounts Payable or emailed to Accounts Payable at ap@ecua.fl.gov .
4. Invoices should provide Federal ID number or social security number for individuals.

By providing the required minimum information and submitting invoices as suggested above, the vendor will assist ECUA in processing payment in a timely manner. If you should have any questions concerning payment, please call Accounts Payable at 850- 969-6521 or by emailing ap@ecua.fl.gov .

PUBLIC ENTITY CRIMES

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two (currently \$35,000) for a period of 36 months from the date of being placed on the convicted vendor list.

HELPFUL TIPS ON DOING BUSINESS WITH ECUA

1. Be sure to periodically look at the ECUA website at www.ecua.fl.gov. Encourage all vendors to register with BidNet Direct at www.bidnetdirect.com/register/florida .

2. Be sure that written quotation requests and bid documents are signed by an authorized member of the firm – otherwise they are not acceptable.
3. Read bid documents thoroughly and follow all instructions and conditions. Failure to do so could result in rejection of your bid.
4. Submit the bid before the specified closing date and time.
5. Initial in ink all erasures and corrections in the bid document prior to bid opening. If the intent or legibility of the correction is not clear, the bid may be rejected.
6. Include Bid Deposit/Bond with bid response, if required.
7. Include supporting documentation with bid response or quote, if required.
8. Sign all required documents in the formal solicitation, including any Addendum.
9. Deliver items as bid/proposed or quoted. No substitutions will be accepted without prior approval.
10. Ask questions prior to bidding to clear up any doubt.

ETHICS

ECUA's Purchasing Division employees are purchasing professionals and subscribe to and support a high level of ethical and moral conduct. ECUA policy prohibits any employee from accepting business or Christmas gifts (other than advertising novelties), special privileges, or entertainment as a basis for doing business. Employees must not become obligated to any supplier and shall not participate in any ECUA transaction from which they will benefit directly or indirectly.

PROFESSIONAL AFFILIATIONS

In order to ensure the best possible value at the lowest possible cost to ECUA, and provide for a fair and equitable system for vendors, it is essential to promote a constant exchange of ideas on sound governmental purchasing techniques. Toward this end, the Purchasing Division of the Emerald Coast Utilities Authority holds membership in both local and national purchasing professional associations.