



El Paso-Teller County 9-1-1 Authority

2020 Procurement Manual



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TABLE OF CONTENTS

Part 1 – GENERAL PROVISIONS.....	1
1.1 Purposes, Construction and Application	1
1.2 Authority	1
1.3 Application	1
1.4 Definitions	3
Part 2 – SUMMARY OF BIDDING REQUIREMENTS	7
2.1 Bidding Not Required for Purchases Less Than \$5,000	7
2.2 Informal Quotes for Purchases from \$5,000 up to \$50,000	7
2.3 Formal Bids for Purchases More Than \$50,000	7
Part 3 – COMPETITIVE BIDDING GENERAL REQUIREMENTS.....	8
3.1 General	8
3.2 Bidder’s Lists	8
3.3 Suspension of Debarment from Bidder’s List	8
3.4 Pre-Qualification	9
3.5 Specifications	9
3.6 Solicitation Time	10
3.7 Bid Evaluation	10
3.8 One Bid Received	11
3.9 Telephone Bids	11
3.10 Multiple or Alternate Bids	11
3.11 Modification or Withdrawal of Bids or Proposals	11
3.12 Mistakes in a Bid or Proposal	12
3.13 Minor Informalities	12
3.14 Public Notice	12
3.15 Pre-Bid Conferences	13
3.16 Amendments to Solicitations	13
3.17 Confidential Data	13

3.18	Award	14
3.19	Disposition of Bid Security and/or Bid Bond	15
3.20	Waiver of Competitive Bidding Process	15
3.21	Cancellation or Rejection of Bids or Proposals	15
3.22	Notice	16
3.23	After Opening	16
 Part 4 – COMPETITIVE SEALED BIDDING – INVITATION FOR BIDS (IFB)		17
4.1	General	17
4.2	Invitation for Bids (IFB) – Content	17
4.3	Receipt of Bids	17
4.4	Opening and Recording of Bids	17
4.5	Bid Evaluation – Product Acceptability	18
 Part 5 – COMPETITIVE SEALED BIDDING – REQUESTS FOR PROPOSALS (RFP)		19
.....		
5.1	General	19
5.2	When RFPs are Practicable	19
5.3	Content of the RFP	19
5.4	Receipt of Proposals	20
5.5	Classifying Proposals	20
5.6	Proposal Discussions with Individual Offerors	20
5.7	Multi-Step RFPs for Technical Offers	20
5.8	Award of Contract	20
 Part 6 – EXCEPTIONS TO COMPETITIVE BID PROCESS		22
6.1	Small Purchases and Informal Bids	22
6.2	Sole Source Procurement	22
6.3	Emergency and/or Disaster Procurement	23
6.4	Equipment Leasing	23

Part 7 – MINORITY AND LOCAL BUSINESSES	24
7.1 Minority Business Enterprises (MBE)	24
7.2 Local Business Preferences	24
Part 8 – BONDS.....	25
8.1 Bid Security and/or Bid Bond	25
8.2 Construction Contract Payment and Performance Bond	25
8.3 Additional Bonding	25
Part 9 – PURCHASE ORDERS (POs).....	27
9.1 General Purpose and Policy	27

Part 1 – GENERAL PROVISIONS

1.1 Purposes, Construction and Application

This manual is designed to provide the El Paso –Teller County 9-1-1 Authority (“Authority”) with the requisite parameters for procuring goods and services under applicable state and federal guidelines. The policies and procedures outlined herein are meant to encourage effective competition, ensure that expenditures are carried out in a prudent manner, assure a procurement system of quality and integrity, and promote fair and equal treatment of all persons participating and competing in the purchasing process. Nothing herein is intended to confer any direct or implied right of enforcement to any person due to claim of loss of opportunity or otherwise. This manual establishes the following elements of a centralized purchasing function:

- 1.1.1** The concept of a central purchasing authority which will institute and maintain an effective and economical program for the acquisition of goods and services.
- 1.1.2** The recognition of a purchasing obligation to the taxpayers and ratepayers, the using agencies, suppliers and contractors.
- 1.1.3** The creation of a competitive environment through fair opportunity and equitable treatment.
- 1.1.4** The purchase of needed equipment, materials, supplies, and services at favorable prices in keeping with suitability, appropriate quality, and reliable vendor performance.

1.2 Authority

The authority to purchase needed equipment for the initial and on-going operation of the 9-1-1 system is prescribed in C.R.S. § 29-11-102 and 29-11-104.

1.3 Application

These policies and procedures shall apply, except as set forth in the subsections below:

- 1.3.1** When a procurement involves the expenditure of Federal assistance or contract funds, the Authority shall follow any mandatory requirements of applicable

Federal law and implementing regulations.

- 1.3.2** When complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement which conflict with the requirements of these Policies.
- 1.3.3** In the procurement of professional services; requests for competitive proposals may be accepted.
- 1.3.4** Intergovernmental agreements.
- 1.3.5** Extension of an existing contract with the same vendor under the same condition(s), at the same or lower price, considering inflation.
- 1.3.6** Purchases made cooperatively with other units of government utilizing awards from other governmental agencies.
- 1.3.7** Licenses and permits for telecommunications facilities on the Authority sites and/or facilities.
- 1.3.8** Equipment and supplies required by reason of practicality, such as those necessary to maintain uniformity of equipment presently in operation, and uniformity of decorative and semi-decorative fixtures and supplies.
- 1.3.9** Energy fuels, including gasoline, diesel fuel, and other petroleum liquids.
- 1.3.10** Used, discounted, or otherwise unique equipment or supplies which become available, or are offered for a limited time and may be acquired below the cost of similar new or regular items.
- 1.3.11** Service on equipment when it is advantageous to obtain parts, repairs, or service from a factory-authorized dealer or distributor.
- 1.3.12** Supplies which are perishable, such as supplies which cannot be purchased by ordinary procedures by reason of imminent spoilage, quality deterioration, or decay.

1.4 Definitions

1.4.1 Award – The acceptance of a bid or proposal, subject to execution of a purchase agreement or written contract between the advertiser, buyer, client, customer, or owner and bidder.

1.4.2 Best Interest of the Authority – A term frequently used in granting a purchasing official the authority to use discretion to act in the most beneficial, advantageous and helpful manner of the Authority. The “best interest of the Authority” term is normally used when it has not been possible to anticipate all circumstances that may arise so that more specific directions could be delineated either by pre-qualification or in the bid documents.

1.4.3 Bid – A tender, proposal or quotation, which may or may not include a price, in response to an informal request for pricing, solicitation, an Invitation for Bid, a Request for Bid, or other information gathering or supplier contact activity.

1.4.4 Bid Bond – An insurance agreement in which a third-party guarantees an accurate bid and agrees to be liable to pay a certain amount of money in the event that a bid is accepted and the winning bidder fails to accept the contract as awarded. The cash deposit is subject to full or partial forfeiture if the said bidder fails to either execute the contract or provide the required performance and/or payment bonds.

1.4.5 Bid Opening – Process where the received bid envelopes are opened and examined by the advertiser, buyer, client, customer, or owner of an IFB. When deemed a public opening, anyone who wishes to be present can witness the process and inspect the bids. When deemed a closed opening, only Authority personnel is authorized.

1.4.6 Brand Name Specification – A specification that cites the brand name, model number, or some other designation that identifies a specific product to be offered exclusive of others.

1.4.7 Brand Name or Equal Specification – A specification that cites brand names, model numbers, or other identifications as representing quality or performance

called for, when inviting bids on comparable items, services or products of any manufacturer.

1.4.8 Closing Date and Time – The deadline for all bid submissions in the Mountain Time Zone.

1.4.9 Competitive Bidding – A form of solicitation where the submission of prices by individuals or firms—for a contract, privilege, or right to supply merchandise or services—allow for transparency, equality of opportunity and the ability to demonstrate that the outcomes represent the best value.

1.4.10 Contract – Obligation between competent parties upon a legal consideration, to do or abstain from doing some act.

1.4.11 Invitation for Bids (IFB) – All documents, whether attached or incorporated by reference, utilized in soliciting competitive bids.

1.4.12 Lowest Responsible Bidder – Formerly, the bidder submitting the lowest initial price and capable of performing the proposed contract. Under current purchasing concepts, often construed as generally the same as the “lowest responsive and responsible bidder,” or as the bidder who submits the “lowest and best bid,” or the “most advantageous bid, price, and other factors considered” and whose bid meets the requirements and criteria set forth in the IFB. The determination of responsibility is a threshold issue qualifying the bidder for consideration of its bid, not an evaluation factor allowing an award to be made based on the relative responsibility of the various bidders.

1.4.13 No Bid – A response to an IFB stating that the respondent does not wish to submit a bid. In addition to serving as a courtesy of a reply, it can operate to prevent removal from the approved bidder’s list for failure to respond or show an active interest.

1.4.14 Performance Bond – An instrument issued to one (1) party of a contract as a guarantee against the failure of the other party to meet obligations specified in the contract, executed subsequent to award by a successful bidder to protect

buyer or owner from loss, due to contractor inability to complete the contract as agreed.

1.4.15 Procurement – The process of obtaining materials and/or services which includes the determination of requirements and acquisition from a supply system or by purchase from the trade.

1.4.16 Professional Services – Those services which are primarily mental or intellectual in character and which include analysis, evaluation, prediction, planning, or recommendation. Professional services involve extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, skill or training customarily acquired by a prolonged course of study, license, certification, registration or equivalent experience in the field. Professional services include, but are not limited to, services performed by accountants, auditors, analysts, consultants, lawyers, physicians, planners, artists, engineers and architects.

1.4.17 Proposal – An offer, submitted in response to a solicitation, a Request for Proposals or other information gathering or supplier contact activity that constitutes a solution to the problem, requirement or objective in the request.

1.4.18 Proprietary Information – Information or data describing technical processes, mechanisms, methods used in production or operational factors that a business, company, owner or other party wishes to keep from the general public view in order to maintain certain competitive advantages in the market.

1.4.19 Purchase Order (PO) – A purchaser's or buyer's first official written authorization document of offer which formalizes a purchase transaction committing to pay the seller for specific products or services to be delivered in the future. A purchase order contains statements as to quantity, description, price, terms, discounts, date of performance, transportation, and other factors pertinent to the purchase and its execution by the seller or vendor. Acceptance of a purchase order by the seller or vendor constitutes a contract.

1.4.20 Purchasing Officer – The officer or official of the Authority, or any other person(s) designated by the Authority or Chief Executive Officer (CEO) (“Agent”) to execute a relevant contract(s) or act on behalf of the purchaser.

1.4.21 Qualified Product List (QPL) – An approved list of supplies, services or construction items described by model or catalog numbers, which, before competitive solicitation, the Authority has determined will meet the applicable specification requirements, including appropriate product identification and test or qualification reference number, with the name and address of the manufacturer and distributor, as applicable.

1.4.22 Request for Proposals (RFP) – All documents, whether attached or incorporated by reference, utilized for soliciting competitive proposals and/or used to procure the most cost-effective solution based upon evaluation criteria identified in the RFP; the RFP procedure permits negotiation of proposals and prices as distinguished from competitive bidding and an IFB, as set forth in Part 5 of this manual.

1.4.23 Sealed Bid – A bid which has been submitted in a sealed envelope, to prevent its contents from being revealed or known before the deadline for the submission of all bids and generally opened at a stated time and place in the presence of anyone who wishes to be present and evaluated for award of a contract.

1.4.24 Specifications – Any description of the physical, functional, or performance characteristics, or of the nature of a supply, service, or a construction item supplied under a contract. A specification includes, as appropriate, a schedule of the Key Personnel, the Premises and the Quality Standards requirements for inspecting, testing, or preparing a supply, service, or construction item for delivery.

1.4.25 Trade Secret – Any aspect of a business or its operation not made available to competitors. When considered sensitive in nature, may include business and marketing plans, salary structure, customer lists, contracts, and details of systems which a party wishes to keep confidential.

Part 2 – SUMMARY OF BIDDING REQUIREMENTS

2.1 Bidding Not Required for Purchases Less Than \$5,000

Competitive bidding is not required for purchases of supplies, materials, equipment, or services costing less than Five Thousand Dollars (\$5,000); however, the Purchasing Officer is encouraged, but not required, to obtain informal quotes via telephone or in writing for such purchases, also referred to as a "Request for Quotation" (RFQ), when practical. The buyer acquiring goods or services in this manner is not required to advertise and shall be expected to use professional judgment to ensure that the Authority is receiving maximum value. Procurement requirements are prohibited from being artificially divided as to constitute a discretionary purchase under this rule.

2.2 Informal Quotes for Purchases from \$5,000 up to \$50,000

The Purchasing Officer may procure supplies, equipment, materials, and services of Five Thousand Dollars (\$5,000) or more, but not exceeding Fifty Thousand Dollars (\$50,000), by securing documented telephone quotations or RFQ which provide, (a) the name of the company or firm, (b) the person providing the quotation, (c) the delivery date, (d) Free on Board (FOB) information, (e) cash terms, and (f) price(s) of item(s). Written quotations may be used in lieu of telephone quotations if it is in the best interest of the Authority. A minimum of three potential vendors or businesses, if available, handling the commodity or service, shall be requested to provide telephone or written quotations. Such quotations may or may not be advertised and a "no-bid" shall not meet the requirement of a responsible telephone bid. The award shall be made to the business offering the lowest acceptable quotation, delivery, and terms being a consideration.

2.3 Formal Bids for Purchases More Than \$50,000

All purchases above Fifty Thousand Dollars (\$50,000) shall be authorized by the Authority Board and bids, or proposals shall be solicited by either an IFB or a RFP, as further set forth in Parts 3, 4, and 5 of this manual. These bid opportunities are advertised and recommendations for awards that exceed Fifty Thousand Dollars (\$50,000) appear on the Authority Board Agenda. Awards are normally made during regularly scheduled Authority Board meetings on the fourth Wednesday of each month.

Part 3 – COMPETITIVE BIDDING GENERAL REQUIREMENTS

3.1 General

Competitive bidding is a procurement process that involves inviting multiple vendors or service providers to submit offers for any material or services in their best proposal to compete for a specific project. Competitive bidding allows transparency, equality of opportunity and the ability to demonstrate that the outcomes represent the best value. The competitive bidding requirements of Part 3 shall apply to all purchases above Fifty Thousand Dollars (\$50,000), whether solicited by an IFB or RFP.

3.2 Bidder's Lists

It is the responsibility of the Purchasing Officer to ensure that an adequate selection of bidders is solicited for each purchase or contract. An adequate number of bidders shall mean at least three. The Purchasing Officer may maintain a bidder's list with the names of businesses that may be interested in competing for various types of Authority purchases and contracts. The submittal of a vendor's application does not guarantee inclusion on any or all bid solicitations. The Purchasing Officer, or designee, shall review each application to determine if the business may be included on the bidder's list. Factors to be considered may include financial stability, previous service history, and quality of products offered.

Inclusion on a bidder's list is not a prerequisite to submitting a bid unless a bidder has been suspended or barred pursuant to Debarment and Suspension, C.R.S. § 24-109-105.

3.3 Suspension of Debarment from Bidder's List

The Purchasing Officer shall have the authority to declare, as non-responsive, any bidder who defaults on a quotation or awarded a contract and to disqualify such vendors from receiving any business from the Authority for a stated period. The Purchasing Officer shall review and investigate all reasons and evidence supporting such a decision and shall inform the suspended bidder in writing of such decision within thirty (30) calendar days. The Purchasing Officer shall not accept bids or proposals from any vendor or contractor who is deemed insolvent or in default on the payment of any taxes,

license fees, or other money due within any entity in El Paso or Teller Counties.

3.4 Pre-Qualification

Pre-qualification of bidders may be required for some projects and shall be determined on an individual basis by the Purchasing Officer. When pre-qualification is required, prospective contractors, suppliers, or vendors may be screened and asked to complete and return a pre-qualification questionnaire and submit a financial statement dated the end of the latest period covered by the financial statement or the most recent balance sheet in the financial statement subject to audit.

3.5 Specifications

Qualifications, requirements and specifications set forth in an IFB or RFP shall not be overly restrictive but shall, to the extent practicable, allow for maximum competition and emphasize functional or performance criteria while limiting design or other detailed physical descriptions to those necessary to meet the need(s) of the Authority.

3.5.1 Preference for Commercially Available Products

To the extent practicable, preference shall be given to the procurement of standard commercial products. In developing specifications, accepted commercial standards should be used, and unique requirements should be avoided. Such requirements are defined so that commercial services or commercial products or, to the extent that commercial products suitable to meet the Authority's needs are not available, non-developmental items other than commercial products, may be procured to fulfill such requirements; and offerors of commercial services, commercial products, and non-developmental items other than commercial products are provided an opportunity to compete in any procurement to fill such requirements.

3.5.2 Brand Name or Equal Specifications – Conditions for Use

Brand name or equal specifications may be prepared and/or used when it is in the best interest of the Authority and when the item to be procured is best described using such a specification. Brand name or equal specification shall seek to designate as many different brands as are practicable as "or equal" references and shall further state substantially equivalent products to those designated will

be considered for the award. Since the use of a brand name specification is restrictive, it may be used only when the name or items will satisfy the Authority's needs. The Purchasing Officer shall seek to identify sources from which the designated brand name or item can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one (1) source can supply the requirement, the procurement shall be made under provisions of Sole Source, C.R.S. § 24-103- 205.

3.5.3 Qualified Products List (QPL) – Conditions for Use

A qualified products list may be developed when testing or examination of the materials or equipment is required prior to issuing a solicitation. The QPL identifies materials and suppliers whose materials are approved for use on the Authority's projects without further documentation or testing.

3.6 Solicitation Time

The recommended time for solicitation of bids is ten (10) calendar days. The Purchasing Officer may use their discretion to lengthen or shorten the bid time, but the time cycle shall not be abbreviated for the purpose(s) of reducing competition. Formal bids for purchases more than Fifty Thousand Dollars (\$50,000) may have a bid time longer than ten (10) calendar days. Solicitation times less than ten calendar (10) days shall be documented by the Purchasing Officer with justification why a reduced bid time was applied.

3.7 Bid Evaluation

Bids shall be evaluated against the qualifications and requirements set forth in the specifications, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, warranties, delivery, and suitability for a particular purpose. No criteria should be used to evaluate any bid that is not set forth in the specifications.

3.8 One Bid Received

If only one (1) responsive bid is received in response to the IFB, an award may be made to the single contractor if the Purchasing Officer finds that the price(s) submitted is fair and reasonable and that other prospective bidders had a reasonable time to respond, or

there is not adequate time for re-solicitation. Otherwise, the bid may be rejected and (a) new bids may be solicited; (b) the proposed procurement may be canceled; or (c) if the Purchasing Officer and Authority determine that the price of the one (1) bid is not fair and reasonable, and that re-solicitation would likely be futile, the procurement may be made under provision of Emergency Procurement, C.R.S. § 24-103-206.

3.9 Telephone Bids

Telephone bids in lieu of a sealed bid will not be accepted unless the Purchasing Officer makes a written determination beforehand that existing market conditions are of such a nature that it is in the best interest of the Authority to solicit telephone bids.

3.10 Multiple or Alternate Bids

Multiple or alternate bids with substantive variations by the same bidder are prohibited and shall be rejected unless multiple bids are expressly permitted by the IFB. If the bid is submitted on one (1) basis, a clearly indicated base bid may be considered for the award as though it were the only bid or offer submitted by the bidder.

3.11 Modification or Withdrawal of Bids or Proposals

Bids and proposals may be modified or withdrawn by any offeror prior to the closing date and time. The Purchasing Officer may allow a bid or proposals to be withdrawn after opening, but prior to award, provided (a) that the bidder provides written evidentiary proof that clearly and convincingly demonstrates that a mistake was made in the costs provided; (b) the mistake(s) is/are clearly evident on the face of the bid/proposals; and (c) the Purchasing Officer finds it to be unconscionable not to allow the bid and/or proposal to be withdrawn. Late proposals and modifications that are not considered must be held unopened, unless opened for identification, until after award and then retained with other unsuccessful proposals.

3.12 Mistakes in a Bid or Proposal

When it appears from review of a bid or proposal that a mistake has been submitted, a request will be made for the bidder to verify the bid or proposal. Situations in which the verification may be requested include apparent errors on the face of the bid or a bid unreasonably lower than similarly submitted bids or proposals. If the bidder alleges mistake, the bid or proposal may be withdrawn, provided that no correction shall be

allowed after an award. If a minor or obscure mistake in the bid or proposal is discovered and the intended offer is clear on the face of the bid or proposal document, in good faith, the bid or proposal shall be corrected to the intended offer and may not be withdrawn. Examples include typographical errors, errors in extending unit prices, and transposition errors.

3.13 Minor Informalities

Minor informalities are matters of form, rather than substance, evident from the bid or proposal, or insignificant mistakes that can be waived or corrected without prejudice to other bidders, such that the effect on the price, quantity, delivery, or contractual conditions is inconsequential. The Purchasing Officer, at their discretion, may waive such informalities or allow the bidder to correct them depending upon which is in the best interest of the Authority. Examples include the failure of the bidder to (a) return the number of signed bids or proposals required by Invitation; (b) sign the bid and/or proposal, but only if the bid or proposal is accompanied by other material indicating the bidder's intent to be bound; (c) acknowledge receipt of an amendment to the IFB or RFP if it is clear from the bid or proposal that the bidder received the amendment and intended to be bound by its terms; or (d) that the amendment has an inconsequential effect on price, quantity, quality, or delivery.

3.14 Public Notice

IFBs, RFPs, or notices of the availability of such documents shall be mailed, faxed, emailed, posted on the Authority's website, www.elpasoteller911.org, or otherwise furnished to enough prospective bidders to secure adequate competition. For construction or labor contracts in excess of Two Hundred and Fifty Thousand Dollars (\$250,000), public notice shall be published once in a newspaper or the online version of a printed periodical of at least weekly circulation five (5) calendar days prior to the date for bid opening without requiring an Affidavit of Publication. The Purchasing Officer may, at their discretion, authorize the waiver of public notice upon written determination that circumstances call for a quick procurement action, including but not limited to when (a) supplies or equipment are needed promptly for backup to ensure against downtime; (b) a significant price increase on a needed item may be imminent; or (c) the scope of an ongoing task is unexpectedly expanded.

3.15 Pre-Bid Conferences

Pre-bid conferences, also referred to as “bidders’ conferences” may be conducted for the purpose of explaining the procurement requirements, technical, operational and performance specifications, and/or the full extent of financial, security and other contractual obligations related to a bid solicitation. These meetings shall be announced to all prospective bidders known to have received the IFB or RFP. The conference should be held with adequate time before bid opening to allow consideration of the conference results in preparing the bid. The IFB or RFP shall not be modified based on this conference unless made by written amendment.

3.16 Amendments to Solicitations

At its sole discretion, the Authority may amend any IFB or RFP in writing, at any time prior to contract award. For any such amendment, the Authority will consider whether it would negatively impact the ability of potential Respondents to meet the response deadline and revise the RFP schedule if deemed appropriate. Amendments to an IFB or RFP shall be identified as such and may require that the bidder acknowledge receipt of all amendments issued. The amendment shall reference the portions of the IFB or RFP it amends and shall be sent to all prospective bidders known to have received an IFB or RFP. Amendments shall be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time set for bid opening will not permit such preparation, the Purchasing Officer may, at their discretion, allow for increased time in the amendment.

If, in the judgment of the Purchasing Officer, an amendment proposed for issuance after offers have been received is so substantial as to exceed what prospective offerors reasonably could have anticipated, so that additional sources likely would have submitted offers had the substance of the amendment been known to them, the Purchasing Officer shall cancel the original solicitation and issue a new one, regardless of the stage of the acquisition.

3.17 Confidential Data

Bidders submitting trade secrets or other proprietary information which they wish to keep confidential shall submit such information under separate cover. The Purchasing

Officer shall examine all bids and/or proposals to determine the validity of any requests for nondisclosure of trade secrets or other proprietary data identified in writing. If the parties do not agree as to the disclosure of data, the Purchasing Officer shall inform the bidder in writing and the bidder may withdraw the bid or proposal or choose to have the full bid or proposal disclosed.

3.17.1 Required Disclosure

If the Authority is compelled by Law to disclose any bid or proposal data, it shall provide bidders with immediate written notice so that bidders may redact information, seek a protective order or other appropriate remedy and/or waive compliance with the provisions of this manual or subsequent Agreement; if the parties cannot obtain a protective order, other appropriate remedy, or otherwise fail to quash the legal process requiring disclosure, the Authority will disclose the requested data only to the extent necessary to satisfy the request.

3.18 Award

Vendors will be selected by the Purchasing Officer for any supply, equipment, material, and/or service purchases up to Fifty Thousand Dollars (\$50,000). Vendors will be selected by the Authority Board for any supply, equipment, material, and/or service purchases over Fifty Thousand Dollars (\$50,000). Depending on the nature of the product or service, bids may emphasize value over price. Since the bids are not awarded based on price alone, the best value may not be the lowest-priced option. The contract shall be awarded with reasonable promptness to the Lowest Responsible Bidder who meets the requirements and criteria set forth in the bid package, unless the Purchasing Officer or the Authority Board, as applicable, determines that the public interest will be better served by accepting an alternate bid. When the award is not given to the Lowest Responsible Bidder, the Purchasing Officer shall document justification for placing the order with another bidder which shall be available to bidders upon request.

3.19 Disposition of Bid Security and/or Bid Bond

All bid securities and/or bid bonds shall be returned to the unsuccessful bidders when the withdrawal of the bid or proposal is permitted, or after award of the contract to the successful bidder. The bid security and/or bid bond of the successful bidder shall be returned after execution of the contract and deposit of the necessary bonds.

3.20 Waiver of Competitive Bidding Process

The Purchasing Officer, at their discretion, may elect to waive the competitive bidding process under certain conditions, including:

3.20.1 Any of the exceptions set forth in Part 6 of this manual;

3.20.2 A product is wanted for experiment or training;

3.20.3 Additional products are required to complete an ongoing task;

3.20.4 A purchase is made for another unit of government; or

3.20.5 The purchase of a used item is available on short notice and subject to prior sale.

The Purchasing Officer shall document, in writing, the basis and justification for each waiver which may be subject to disclosure through public record.

3.21 Cancellation or Rejection of Bids or Proposals

Prior to the opening of bids or proposals, a solicitation may be canceled in whole or in part, when the Purchasing Officer determines in writing that such action is in the Authority's best interest for reasons which may include:

3.21.1 The Authority no longer requires the supplies, equipment, materials, or services.

3.21.2 The Authority can no longer reasonably expect to fund the procurement.

3.21.3 Proposed amendments to the solicitation would be of such magnitude that a new solicitation is mandatory.

3.22 Notice

When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all businesses known to have received the Invitation or RFP, or alternatively, such notice may be posted on the Authority's website, www.elpasoteller911.org. The notice of cancellation shall identify the solicitation, explain the reason for the cancellation, and where appropriate, provide an opportunity to compete on any re-solicitation.

3.23 After Opening

The Authority expressly reserves the right to accept or reject any or all bids or proposals

and to waive any formal defects or irregularities in the bids or proposals, when deemed to be in the best interest of the Authority. The preparation and submission of any bid does not create any express or implied contract rights. The vendor shall not acquire any legal or equitable rights relative to the contract services until a contract containing terms and conditions acceptable to the Authority is executed. After opening, but prior to award, any or all bids or proposals may be rejected in whole or in part when the Purchasing Officer or the Authority Board determines in writing that such action is in the Authority's best interest for reasons including but not limited to:

3.23.1 The supplies, equipment, materials, or services being procured are no longer needed.

3.23.2 Ambiguous or otherwise inadequate specifications were part of the solicitation.

3.23.3 The solicitation did not provide for consideration of all factors of significance to the Authority.

3.23.4 Prices exceed funds available or anticipated, and it would not be appropriate to adjust quantities and qualities to come within available or anticipated funds.

3.23.5 There is reason to believe that the bids or proposals may not have independently arrived in open competition, may have been collusive, or may have been submitted in bad faith. In these instances, a notice of rejection shall be sent to all businesses that submitted bids or proposals.

3.23.6 Records; Disposition of Documents

All documents relating to the modification or withdrawal of bids or proposals shall be made part of the appropriate procurement file. When bids or proposals are rejected, or a solicitation is canceled after bids or proposals are received, the bids or proposals which have been opened shall be retained in the procurement files, or if unopened, returned to the bidders or offerors upon request, or otherwise properly disposed of.

Part 4 – COMPETITIVE SEALED BIDDING – INVITATION FOR BIDS (IFB)

4.1 General

An Invitation for Bids (IFB), also referred to as an “Invitation to Bid” is a method of contracting for goods or services whereby price quotes are solicited from qualified bidders to complete a specified project. An IFB may also be the method used for the sealed bid process.

The design of the IFB is critical to every procurement. Primary considerations include the contractual terms and conditions which must be written to protect the interest of the Authority, openness of specifications, requirements for transportation and delivery, and instructions as to how the bidder is to submit the proposal. The solicitation should seek full competition for all purchases and provide fair and equal opportunity for all qualified persons or firms to compete.

4.2 Invitation for Bids (IFB) – Content

The IFB shall include the following:

- 4.2.1** Instructions and information to bidders concerning the bid submission requirements, including the time of bid opening, closing date and time, and the manner to submit bids.
- 4.2.2** The project specifications, description, evaluation factors, delivery or performance schedule, and inspection and acceptance requirements.
- 4.2.3** The conditions of purchase, delivery and payment schedule, contract terms and conditions, including applicable warranty and bonding or security requirements.

4.3 Receipt of Bids

Upon receipt, each bid shall be time-stamped and stored in a secure place until bid opening. Bids shall not be opened upon receipt, except unidentified bids that may be opened for identification purposes then resealed in the presence of one (1) or more witnesses.

4.4 Opening and Recording of Bids

Bids shall be opened publicly, by the Purchasing Officer, or designee, in the presence of one (1) or more witnesses, at the time and place designated in the IFB. The name of each bidder, the bid price(s), and other information deemed appropriate by the Purchasing Officer shall be read aloud or otherwise made available for examination. The record shall be available for public inspection and distribution. After an award, all bids shall be open to public inspection except to the extent the information qualifies as confidential trade secrets proprietary data to be confidential pursuant to Confidential Data, (Part 3.16 of this manual).

4.5 Bid Evaluation – Product Acceptability

The IFB may require the submission of bid samples, descriptive literature, technical data, or other material necessary to determine product acceptability. The acceptability evaluation is not conducted for the purpose of determining whether one (1) bidder's item is superior to another, but as a factor to determine whether a bid will meet the Authority's needs as set forth in the Invitation. Any bid failing to meet acceptability requirements will be rejected as non-responsive.

Part 5 – COMPETITIVE SEALED BIDDING – REQUESTS FOR PROPOSALS (RFP)

5.1 General

An RFP is a method of contracting for goods or services whereby proposals are solicited from qualified suppliers, following submission of which changes in proposals and prices are allowed, and the offer deemed by the Authority to be most advantageous in terms of criteria as designated in the RFP, is accepted. An RFP is used to procure the most cost-effective solution based upon evaluation criteria identified in the RFP, therefore, selection of a supplier cannot be made solely based on the lowest price. RFPs may also be used to solicit technical offers.

5.2 When RFPs are Practicable

Factors to be considered in determining whether RFPs are feasible include, if:

5.2.1 The contract needs to be other than fixed-price type.

5.2.2 It may be necessary to conduct oral or written discussions with offerors concerning technical and price aspects of their proposals.

5.2.3 It may be necessary to afford offerors the opportunity to revise their proposals.

5.2.4 It may be necessary to base the award on comparative evaluation, as stated in the RFP of differing price, quality, and contractual factors in order to determine the most advantageous offering to the Authority.

5.2.5 The primary consideration(s) in determining award may be factors other than price(s).

5.3 Content of the RFP

The RFP shall be prepared in accordance with provisions of the Invitation for Bids (IFB) - Content (Part 4.2 of this manual) and at minimum, shall also contain the following: (a) a scope of services and/or detailed specifications; (b) a statement that discussions may or may not be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award; (c) a statement of when and how price(s)

should be submitted; and (d) the manner in which proposals are to be submitted.

5.4 Receipt of Proposals

Proposals may not be opened publicly and shall be opened by the Purchasing Officer in the presence of one (1) or more witnesses. A register of proposals shall include the name of each offeror and a description to identify the supply, service, and/or item(s) offered.

5.5 Classifying Proposals

For the purpose the purpose of conducting discussions with offerors, proposals shall be initially classified as either (a) Acceptable; (b) Potentially acceptable; or (c) Unacceptable.

5.6 Proposal Discussions with Individual Offerors

Discussions are held to promote understanding of the Authority's requirements and the offeror's proposal, to facilitate arriving at a contract that will be most advantageous to the Authority, taking into consideration price and other evaluation factors set forth in the RFP. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals, prior to award, for the purpose of obtaining best and final offers. Auction techniques that reveal one (1) offeror's price to another, and disclosure of any information derived from competing proposals are prohibited. Any substantial verbal clarification or a proposal shall be reduced to writing by the offeror.

5.7 Multi-Step RFPs for Technical Offers

When an RFP is issued to request offers, the RFP will identify whether priced or unpriced technical offers are required. If unpriced offers are requested, the RFP process may be split into multiple steps, with the first step being bidders submit unpriced technical offers to be evaluated by the Authority Board or Purchasing Officer, and a second step being where those bidders whose technical offers are determined to be acceptable, have their price bids considered. The multi-step RFP method may be used when it is not practical to prepare a final purchase or contract description suitable to permit an award based solely on price.

5.8 Award of Contract

Award of a contract shall be made to the offeror whose proposal is determined to be most advantageous to the Authority, based on the evaluation factors in the RFP. No other factors or criteria shall be used in the evaluation. If an Evaluation Committee (EC) is established, members of the EC should have professional interest and expertise to evaluate proposals and make recommendations that could lead to the selection of one (1) or more suppliers. The Purchasing Officer may serve on the EC as an ex-officio member and may facilitate all Evaluation and Negotiation Meetings, but the Purchasing Officer is prohibited from scoring suppliers' responses. The EC will review proposals to determine which proposal is the most advantageous and document the contract file with the basis on which the award is made.

Part 6 – EXCEPTIONS TO COMPETITIVE BID PROCESS

6.1 Small Purchases and Informal Bids

Expenditures for the procurement of supplies, equipment, materials, and/or services having an estimated monetary value of less than Fifty Thousand Dollars (\$50,000) may be made on the open market by informal methods without public notice, as set forth in Part 2.1 and 2.2 of this manual.

6.2 Sole Source Procurement

Sole source procurement is permissible without an informal or formal bid process for goods or services that, in the discretion of the Purchasing Officer, are best obtained from a single or sole source due to one (1) or more factors, including, but not limited to:

- 6.2.1** Compatibility of equipment, accessories, or replacement parts is the paramount consideration.
- 6.2.2** Where a sole supplier's item is needed for trial or testing purposes.
- 6.2.3** The purchase of equipment for which there is no competitive product, and which is available only from one (1) supplier.
- 6.2.4** The purchase of a component or replacement part for which there is no commercially available product, and which can only be obtained from the manufacturer or another sole supplier.
- 6.2.5** The purchase of an item where compatibility is the overriding consideration, such as a dictation transcriber for an existing system.
- 6.2.6** Specialized skills, knowledge, and experience, unique and relevant experience, knowledge of the Authority and geographic region, or exceptional qualifications or reputation in the field.

The Purchasing Officer or designee shall make a written determination that procurement is a sole source. If procurement is restricted to one (1) potential supplier, the written explanation detailing why no other source will be suitable or acceptable to meet the

need(s) shall be documented. In cases of reasonable doubt, competition should be solicited.

6.3 Emergency and/or Disaster Procurement

6.3.1 Authority

The Purchasing Officer may make emergency procurements when emergency and/or disaster conditions arise, and the need cannot be met through standard procurement methods.

6.3.2 Emergency and/or Disaster Conditions

Emergency and/or disaster conditions are situations which create a threat to public health, welfare, or safety that may arise by acts of war, acts of terrorism, criminal acts, acts of God, acts of civil or military authority, cyber- attack, labor disruption, civil disturbance, pandemics, epidemics, equipment failures, or other such reasons proclaimed by the Purchasing Officer. The existence of such condition(s) creates an immediate and severe need for supplies, equipment, materials, and services that cannot be met through standard procurement methods and the lack of which would threaten the function of the Authority or its services.

6.3.3 Scope of Emergency and/or Disaster Procurements

Emergency and/or disaster procurements shall be limited only to a quantity of those supplies, equipment, materials, or services necessary to meet the emergency and/or disaster.

6.4 Equipment Leasing

Equipment leases and lease-purchase agreements do not require competitive bidding, regardless of length; however, when practical, the Purchasing Officer is encouraged to use either the informal or formal competitive bidding process to obtain pricing and terms that are in the best interest of the Authority.

Part 7 –MINORITY AND LOCAL BUSINESSES

7.1 Minority Business Enterprises (MBE)

No provision is made in these policies and procedures for preferences of set-asides for minorities with the National Minority Supplier Development Council (NMSDC) or a local MBE program administered by a city, county or state, or women-owned businesses. It is, however, the policy of the Authority to solicit and encourage minority or women- owned business participation for the Authority purchases or contracts. The Purchasing Officer shall implement the spirit and direction of this policy in all procurements.

7.2 Local Business Preferences

It is the policy of the Authority to solicit bids from local suppliers whenever and wherever such competitive local sources exist, and where no sacrifice or loss in price or quality would result. No provision is made in these policies and procedures for dollar, percentage, or other types of preferential consideration for local vendors or contractors, except that in the event of a tie bid between a local vendor and a non-local vendor, the award will be made to the local vendor if all factors, including price, quality, terms, and delivery are determined to be equal.

Part 8 – BONDS

8.1 Bid Security and/or Bid Bond

Solicitations for construction, labor, and public improvement contracts in excess of Fifty Thousand Dollars (\$50,000) shall require the submission of bid security and/or a bid bond in an amount equal to at least five percent (5%) of the bid at the time the bid is submitted. If a bidder fails to accompany the bid with the required bid security or bid bond, the bid shall be rejected as non-responsive.

Acceptable Bid Security shall be limited to:

8.1.1 A one-time bid bond underwritten by a company licensed to issue bonds in the State of Colorado;

8.1.2 A bank certified check made payable to the Authority;

8.1.3 A bank cashier's check made payable to the Authority; or

8.1.4 An irrevocable letter of credit, in a form acceptable to the Purchasing Officer. The bid security is submitted as a guaranty that the bid will be maintained in full force and effect for a period of thirty (30) days after the opening of bids or as specified in the IFB.

8.2 Construction Contract Payment and Performance Bond

For construction contracts in excess of Fifty Thousand Dollars (\$50,000), a payment bond and performance bond are required in the amount of at least fifty percent (50%) of the contract price. The payment and performance bonds shall be delivered by the contractor to the Authority at the same time the contract is executed. If the contractor fails to deliver the required bonds, the contractor's bid may be rejected as non-responsive. The bonds must be submitted in a form acceptable to the Purchasing Officer, executed by a surety company authorized to do business in the State of Colorado.

8.3 Additional Bonding

If at any time during the continuance of a contract, when deemed in the best interest of

the Authority, the Purchasing Officer may require additional and sufficient sureties which the contractor shall furnish within ten (10) calendar days after request by written notice. Said surety bond shall cover the entire contract amount, regardless of changes in the total contract amount.

Part 9 – PURCHASE ORDERS (POs)

9.1 General Purpose and Policy

All purchases of the Authority shall be by numbered PO except for petty cash expenditures not exceeding Fifty Dollars (\$50.00). The PO must contain information as to quantity, description, price, terms, date, and vendor identification regarding the purchase(s). All POs will be cleared within one (1) year of the date of issue, or funds will be encumbered to cover the outstanding POs.