

HOW TO DO BUSINESS WITH THE MATANUSKA-SUSITNA BOROUGH PURCHASING DIVISION



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INTRODUCTION

The Purchasing Division is responsible for the centralized purchasing of supplies, services, construction, and professional services for the Matanuska-Susitna Borough (MSB). For the purpose of this document, "Borough" includes all MSB agencies except for the Matanuska-Susitna School District and local city governments (Palmer, Wasilla, etc.). These agencies have their own purchasing sections, and interested persons should contact each agency directly concerning doing business with that agency.

The Purchasing Division provides procurement training, contracting, and consulting for all MSB departments and divisions. Procurements are performed in accordance with MSB 3.08. This ordinance is available for review on the Borough website at <https://www.matsugov.us/boroughcode>.

The MSB Procurement Code, as well as our internal purchasing policies and procedures have been developed to:

- Implement code provisions requiring competitive bidding for goods and services, and for exceptions to the bidding process;
- Maximize fair and open competition and discourage collusive bidding for borough contracts consistent with the efficient operation of the borough;
- Maximize the purchasing value of borough residents tax dollars;
- Obtain supplies and services for borough departments at a fair price so they may perform their public mission;
- Establish consistent procurement principles for borough agencies;
- Provide for public confidence in the borough procurement process;
- Ensure the fair and equitable treatment of all persons who conduct business with the borough Purchasing Division;
- Promote the local economy through the borough procurement process;
- Foster effective, broad-based competition within the free enterprise system;
- Protect the quality and integrity of the borough's procurement system;
- Permit the continued development of borough procurement practices and policies; and
- Prevent discrimination in borough contracting based on race, religion, color, national origin, sex, age, marital status, pregnancy, parenthood, handicap, or political affiliation.

SMALL PURCHASES

Purchases with an estimated value of not more than \$25,000 for goods and services and construction may be purchased through a Request for Quotations (RFQ) Process, at least three responsible vendors where practicable. Quotes or proposals may be solicited verbally or in writing. Purchase orders or contract agreements, as required, are issued as a result of these competitively solicited quotes or proposals. Purchases with an estimated value of not more than \$25,000 for Professional Services will be done through a combination of qualifications and pricing, limited qualification statements and letters of interest are required.

LARGER PURCHASES

For the procurement of supplies or services with an estimated value over \$25,000, or construction or professional services with an estimated value over \$25,000, Purchasing will issue formal Invitations to Bid (ITB's) or Requests for Proposals (RFP's). Purchase orders and/or contract awards are issued as a result of these competitive solicitations. Purchase orders are usually issued for the purchase of a specific quantity of supplies or services at a specific time for a specific price. Contract awards are usually issued to purchase specific supplies or services at a pre-determined price and for a pre-determined length of time.

Purchase values resulting from ITB's & RFP's over \$100,000 will be recommended to the Borough Assembly at the next available assembly meeting after the Notice of Apparent Successful Bidder/Proposer has been issued.

DISTRIBUTION OF SOLICITATION DOCUMENTS

Solicitations will be advertised at least once in either or both the Anchorage Daily News and Frontiersman. The main source of distribution of Borough solicitation documents will be through the Borough's Contract Opportunities Web Page. These electronic documents are provided free of charge. If a prospective bidder/proposer is not able to download & print these documents a nominal fee charged for documents picked-up from, or mailed by, Purchasing. This fee may vary depending on the solicitation.

Ads will also be displayed on the bulletin board outside of the Purchasing Division.

<https://www.matsugov.us/contractopportunities>

CONSTRUCTION

"Construction" means the on-site erection, alteration, extension or repair of improvements to real property, including painting or redecorating buildings, highways or other improvements, under contract for the borough, but does not include:

- a) routine operation, repair or maintenance of existing buildings or improvements which are recurring services nominally performed in connection with the ownership, occupancy or use of the building or improvement;
- b) building or installation of an improvement to real property by the property owner when the improvement is expressly required by this code.

MSB CODE 3.08.010:5

PROFESSIONAL SERVICES

"Professional service" means those advisory, consulting, architectural, engineering, research or developmental services which involve the exercise of discretion and independent judgment together with an advanced or specialized knowledge, expertise or training gained by formal studies or experience.

MSB CODE 3.08.010:11

TO GET ON THE BOROUGH'S BIDDERS LIST

The Purchasing Division maintains a bidders list for interested bidders. The Purchasing Bidders List Application is available at either the Purchasing office, or online at <https://www.matsugov.us/contractopportunities>

Being added to the Bidders List does not guarantee you will be notified of available solicitations, so bidders are advised to monitor the Borough website for current contract opportunities.

MARKETING YOUR PRODUCTS OR SERVICES

Contact the Purchasing Division to discuss your business and what you have to offer to Borough agencies. Generally, the Purchasing Officer, Assistant Purchasing Officer or the Buyer will take your information and pass it on to MSB department(s) they feel will most benefit from your products or services.

INFORMATION ON FORMAL SOLICITATIONS

Invitations to Bid and Requests for Proposals contain the following information:

- Solicitation number
- A copy of the advertisement
- Time, date and location of the bid opening or proposal due date
- Date and location at which delivery of supplies or services is required
- Description of supplies or scope of services
- Surety requirements, if any
- General instructions
- Method of evaluation and award
- Sample Agreement

PREPARING YOUR BID OR PROPOSAL

This is the key step in the process. For Invitations to Bid, if your product or service meets the Borough's specifications, delivery needs, and the other terms and conditions of the bid, and you are otherwise determined to be a qualified, responsive, and responsible bidder, the price your firm placed in your bid will determine whether or not you win the award. Remember, your bid constitutes an offer to enter into a contract with the Borough. You may not withdraw or change your bid after the public opening. Under limited circumstances a bid may be rejected after public opening. If your bid is accepted, it becomes a binding offer.

Requests for Proposals are evaluated on various factors, such as experience, understanding of the work to be performed, references, and, in some cases, cost. After completion of the evaluation, the proposals will be ranked in order from most advantageous to least advantageous based on the rating criteria. At this point the Borough may elect to initiate contract negotiations

with the highest rated offeror. Initiation of negotiations will be at the sole discretion of the Borough. Upon completion of evaluations and negotiations, a Notice of Apparent Successful Proposal recommending contract award will be issued to all offerors who submitted a proposal.

As with bids, your proposal constitutes an offer to enter into a contract with the Borough. You may not withdraw or change your proposal after the proposal closing time. Under limited circumstances a proposal may be rejected after the proposal closing time, either by the Borough or at the request of the offeror. If an acceptable contract is negotiated between the Borough and offeror, and your proposal is accepted, it becomes a binding contract.

Before you submit a bid or proposal, read the entire solicitation carefully and completely. Contact the Purchasing Office by phone or email if there is anything that you do not understand, or that seems unreasonable or inappropriate to you.

When you submit your bid or proposal, be sure all of the information requested is included. If you fail to do this, or fail to submit a complete, legible, bid or proposal, it may be rejected. You may withdraw or amend your bid or proposal up until the date and time set for bid opening or proposal deadline. Bid or proposal withdrawal or amendment requests must be in writing, may be submitted via facsimile (fax), and must be received before the time specified for bid opening or proposal closing.

To be considered, your bid or proposal must be received at the location named in the solicitation **before** the bid opening time or proposal due date and time. Late bids or proposals will be **rejected**.

To be placed on a plan holders list to receive subsequent notifications on a solicitation please send an email with your company name, point of contact for your company, phone number, email address and the type of firm you are (I.E. General, Sub, Supplier).

QUESTIONS AND AMENDMENTS

It is the Bidder's responsibility to thoroughly understand all of the specifications, terms, conditions, and requirements of a solicitation. If you have any questions, contacting the Purchasing Office in advance of the bid opening or proposal due date will allow time for the Borough to issue an addendum if your question prompts one.

If an addendum is issued you must indicate receipt of it in the proper place on the Bid or Submittal Form found in the solicitation packet. Failure to acknowledge an addendum may result in your bid or proposal being found non-responsive.

SIGNATURE

An authorized representative of the company must sign the Bid Form or Submittal Page with their usual legal signature, preferably in blue ink. The Bid Form or Submittal Page must contain an original signature.

BUSINESS LICENSE

Depending on the Specifications, Scope of Work, or Services to be provided, the bidder may be required to have a current contractor, professional, or specialty license. A valid Alaska and/or Matanuska-Susitna Borough business license may also be required. Contractor, professional, or specialty licensing must be current at the time designated in the solicitation for bid opening or proposal deadline. Proof of Business Licensing will be required before a contract is executed, or put in force, by the Borough Manager.

Bidders/Proposers should be prepared to provide licensing upon request from the MSB.

A State of Alaska business license application may be obtained from:

Department of Community and Economic Development
Division of Occupational Licensing
P.O. Box 110806
Juneau, Alaska 99811-0806
Phone: (907) 465-2550
Fax: (907) 465-2974
<https://www.commerce.alaska.gov/web/cbpl/businesslicensing.aspx>

A Matanuska-Susitna Borough business license application may be obtained from:

Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer, Alaska 99645
Phone: (907) 861-8442
Fax: (907) 907-861-8592
<https://ecommerce.matsugov.us/Pages/default.aspx>

PRICE

Offer the best price you can, but be sure you can afford to provide the supplies or services, and meet all of the other terms and conditions of the solicitation at that price. The unit price must be consistent with the unit of measure shown in the Invitation to Bid or Request for Proposal. The price must be in U.S. funds and must include applicable federal duty, brokerage fees, packaging, transportation and unloading costs, and any other costs associated with performing the contract or providing the goods or services.

SPECIFICATIONS

Product brand names or model numbers specified are usually examples of the type and quality of product required, and are not necessarily statements of preference. If the Invitation to Bid or Request for Proposal specifies a brand name followed by "only" or "no substitute" then only that brand and model will be accepted.

NEW MERCHANDISE

Unless otherwise specified in the Invitation to Bid or Request for Proposal, all items on which you submit a bid or proposal must be new and of the latest edition, version, model, crop, or manufacture.

DELIVERY TIME

Delivery requirements will be specified in the bid documents. If you cannot meet the delivery requirements, your bid may be rejected. Be sure that have included the cost of delivery in your bid price.

QUANTITY DISCOUNTS

Unless otherwise specified in the bid documents, deduct quantity discounts when calculating your price.

SAMPLES

Samples of items, when required, must be furnished at no charge to the Borough. Samples not consumed in testing may be returned upon request at the bidder or offeror's expense.

IDENTIFICATION ON ENVELOPES

The envelope that contains your bid or proposal must be sealed. You should make certain the outside of your envelope is properly identified with the correct Invitation to Bid or Request for Proposal number, company name and other information specified in the bid documents. Requests for Proposals may require your cost proposal to be enclosed in a separate envelope.

Do not mail two different bids or proposals in the same envelope. If you are only requesting information, do not put the bid or proposal number on the envelope. Envelopes with bid or proposal numbers on the outside are assumed to be bids or proposals, and are not opened until the bid opening date and time, or proposal due date.

ALTERATIONS

Do not alter, in any way, the terms or conditions of the Invitation to Bid. If your offer requires an explanation, include a letter to the Purchasing Officer with your bid explaining how your offer differs from the bid requirements. Be aware that such an explanation may cause your bid to be considered a counter-offer or conditioned and thus non-responsive. Bids submitted on any form other than the Bid Form or Submittal Page contained in the bid documents will be rejected.

Requests for Proposals will state whether or not alternate proposals are acceptable.

SOLICITATION OPENING

Bids are opened publicly at the time and place specified. Vendors are welcome to attend bid openings. No bidder will be permitted to change or withdraw a bid after the scheduled bid opening time. It usually takes several hours or more to evaluate the bids. Award decisions are usually not made at the time the bids are opened.

Proposals are opened and evaluated after the date and time set for receipt of proposals. Proposal evaluation committee meetings are not open to the public.

INFORMATION REQUIRED

Factors that may be considered in determining whether a prospective bidder is responsible include whether the prospective contractor has a satisfactory record of performance, is qualified legally to contract with the Borough, and has supplied all necessary information in connection with an inquiry concerning responsibility. The Purchasing Officer may require the prospective contractor to demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel. Factors for determining responsibility are found in the bid documents.

COMMON ERRORS IN SELLING TO THE BOROUGH

- Failure to provide evidence of an Alaska and/or Borough business license, and, if applicable, contractor or specialty license.
- Failure to contact the Purchasing Officer with questions.
- Failure to submit a complete bid on the Borough-supplied form(s).
- Failure to have an authorized person sign the bid or proposal.
- Failure to submit the bid or proposal prior to the bid opening time or the time set for receipt of proposals.
- Failure to bid the FOB point required in the bid.
- Altering the terms or conditions of the bid.
- Failure to provide the required descriptive or technical literature.
- Failure to provide the required insurance, bid bond, payment bond, bid guarantee or performance bond.
- Failure to disclose known errors in bidding of proposal documents.

SUBCONTRACTING

Because the responsibility of the individual bidder is an essential element of a contract that results from an Invitation to Bid, you may not subcontract without the advance written consent of the Purchasing Officer or Project Manager. If you do subcontract, you remain responsible for the completion of the entire contract. Subcontractors must possess valid Business and Other Licenses. Invitations to Bid and Requests for Proposals will state whether subcontracting is permitted.

LOCAL BIDDER PREFERENCE

Depending on funding source, the award of a contract will be made by written notice issued by the Purchasing Officer to the lowest qualified, responsive and responsible bidder, provided that, if the lowest bids are approximately equal, that is, within the lesser of \$2,000 or 5 percent (5%) of each other, preference may be given to local bidders who maintain and operate businesses within the boundaries of the borough.

If you qualify for the Local Bidder Preference your bid price will reduce within the lesser of \$2,000 or 5 percent (5%) for the purpose of evaluation. If you are the apparent successful bidder, you will be paid your full bid price.

A Local Bidder is defined as a person or entity who:

- a) Holds a current state of Alaska business license; and
- b) Holds a valid Matanuska Susitna Borough business license; and
- c) Submits a bid for goods, services, or construction under the name and address as appears on the person's current state and Matanuska Susitna Borough business license; and

- d) Has maintained a place of business within the Matanuska Susitna Borough staffed by the bidder or an employee of the bidder for a period of 12 months immediately preceding the date of the bid.

AWARD

Bids are awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set out in the Invitation to Bid. The bid will be awarded to the lowest priced bidder who meets the bid specifications and otherwise demonstrates the ability to successfully meet the requirements of the Invitation to Bid.

Proposals are awarded to the responsible and responsive offeror whose proposal is determined in writing to be the most advantageous to the Borough taking into consideration price and the evaluation factors set out in the Request for Proposal.

The Borough may reject any or all bids if the Manager determines that it is in the best interests of the Borough. At all times the best interests of the Borough shall be considered in awarding bids and proposals.

CONTRACT AWARD NOTIFICATION PROCEDURES

After the responses to an Invitation to Bid have been tabulated, preliminary results will be prepared on an Analysis or Bid Results sheet. This sheet will be distributed to all who attend a public bid opening or who request a copy, and will also be posted to the Borough website under <https://www.matsugov.us/contractopportunities>

After the responses to an Invitation to Bid or Request for Proposal have been evaluated, and the Borough is ready to recommend award, a Notice of Apparent Successful Bid or Proposal will be prepared and posted to the Borough Contracting Opportunities Web Page.

This notice serves three purposes: it identifies the apparent low bidder or highest ranked offeror and their price; it serves as a notice to other bidders and offerors of their right to protest award of the contract, outlines protest procedures, and outlines whether or not the recommendation of award will be made to the Borough Purchasing Officer or the Borough Assembly.

At the end of the protest period, or upon approval of the award recommendation by the Borough Assembly, a Notice of Intent to Award will be sent to the successful bidder or offeror with a copy of the contract. The Notice of Intent to Award will outline items that are to be provided to the Borough and a deadline for providing these items. Once the required items have been obtained by the Borough from the successful bidder or proposer, the contract signing may take place. A contract is considered executed and in force only after it has been signed by the Purchasing Officer or the Borough Manager. The Assistant Purchasing Officer can be delegated the Authority of the Purchasing Officer in his/her absence.

Any bidder or offeror for whom an intended award is indicated on the Notice of Intent to Award is cautioned not to proceed without receiving both an executed copy of the contract signed by the Purchasing Officer, a Notice to Proceed and a purchase order. A company or person who proceeds prior to receiving an executed copy of the contract does so at their own risk and expense.

PROTESTING THE AWARD

If bidders or offerors feel an award has been made in error, they may protest award of the contract. A bidder or offeror may protest the award of a contract within two/ten days of service of the Purchasing Officer's notice of the apparent successful bid or proposal. Protests must be filed in writing on a form provided by the Purchasing Officer. The protest must describe in particularity (specifically) the alleged errors in the award of the contract. Additional information on Bid Protest and Appeal Procedures can be found either on the website at www.matsugov.us/contractopportunities then or can be obtained by contacting the Purchasing Division.

MSB CODE 3.08.342

DELIVERY OF GOODS AND SUPPLIES

All items for delivery must be clearly marked and must be delivered at the time stated in the solicitation. Unless otherwise stated in the Invitation to Bid or Request for Proposal, all deliveries must be F.O.B. (Free or Freight On Board) final destination with all freight and delivery charges prepaid to that point. No substitutions will be allowed without prior written approval by the Purchasing Officer and/or Borough Project Manager.

The receiving agency will inspect the supplies at the time of delivery. Any supplies that are damaged, fail to meet specifications, or that contain defects will be rejected. Upon notification by the Purchasing Officer and/or Borough Project Manager, the contractor must replace the defective supplies within a mutually agreed time.

SUBMITTING INVOICES

Your invoice should be exact in the description of the supplies and prices. It should include the purchase order number or contract award number. The invoice should be submitted directly to the agency that received the goods or services, or at the address on the purchase order or contract award. If any payment problems are encountered, contact the Project Manager or Accounts Payable Section.

PAYMENT FOR BOROUGH PURCHASES

A single sum on short-term contracts (30 days or less) and monthly payments on long-term contracts (31 days or longer) shall be paid within thirty (30) days after the Borough receives an approved invoice. Construction contracts also require a copy of all certified payrolls submitted to the state of Alaska to precede or accompany any payment requests. Final payment for construction contracts will not be made until the Contractor has completed and submitted to the contracting officer a Contractor's Release and Affidavit of Payment of Debts and Claims and the Department of Labor Notice of Completion with final pay request.

The Seller/Contractor shall submit an original copy of the invoice, including any required supporting documentation to the address below:

Matanuska-Susitna Borough
ATTN: Accounts Payable
350 E. Dahlia Avenue
Palmer AK 99645-6488

WAIVER OF IRREGULARITIES

The Borough Manager may waive irregularities on any and all bids, except that timeliness and manual signature requirements shall not be waived.

BONDS

Bid Guarantees. The Purchasing Officer may require that persons submitting a bid include with their bid with a bid guarantee in an amount and in a form acceptable to the Purchasing Officer. The bond shall be issued by a company qualified by law to do business as a surety in the State of Alaska, or shall be in the form of a certified check, money order, or other certified bank funds. A condition of the bond shall be that if the bidder receives the award, the bidder shall enter into a contract with the Borough. Bid guarantees are returned after contract signing.

Payment and Performance Bonds. If a requirement for a performance and payment bond is included in the terms of the Invitation to Bid, the Purchasing Officer may require that any person awarded a Borough contract furnish a performance and payment bond, issued by a company qualified by law to do business as a surety in the State of Alaska. The bond shall be in an amount determined by the Purchasing Officer and in a form approved by the Borough Attorney. The bonds shall, at a minimum, guarantee the full and faithful performance of all contract obligations and the payment of all labor and materials to be used under the contract.

A FINAL WORD

The mission of the Purchasing Division is to ensure that each Borough agency is supplied with the training, consulting, goods, construction, and services it needs quickly, efficiently, and economically. We cannot do this without the active participation and cooperation of the business community. We want to work with you because we recognize that neither of us can be successful without the other. If you encounter problems with an Invitation to Bid or Request for Proposal, contact us. We will do everything in our power to resolve the problem in the fairest possible manner. Comments and suggestions to improve Borough purchasing are appreciated. You may submit any comments or suggestions you may have to:

Matanuska-Susitna Borough
Purchasing Division
350 E. Dahlia Avenue
Palmer, Alaska 99645
Phone: (907) 861-8601
Fax: (907) 861-8617
E-mail: PURCHASING@MATSUGOV.US

We welcome you as a vendor and are sure that you will find the Matanuska-Susitna Borough to be a good customer.