

HOW TO DO BUSINESS WITH HALL COUNTY



A GUIDE TO SUPPLIERS

Conducting business with the government can be a very rewarding experience. Governmental agency purchasing requirements can be significantly distinctive from operations associated with the private sector. Because of the nature of government, there are more complexities involved in the procurement process.

The purpose of this manual is to update you, the supplier, on how to effectively work with Hall County. Included will be information on what can be expected from the County, what the County expects from suppliers and the basic "How to's...." involved in dealing with County procurement procedures.

The information contained in this booklet should be a helpful guide for potential suppliers in their efforts to sell their products and services to Hall County. If additional information is needed, please write, call, or fax your request to:

**Hall County Board Of Commissioners
Purchasing Department
116 Spring Street, Suite 12
Gainesville, Georgia 30501**

**Phone: (770) 535-8270
Fax: (770) 531-7112**

Website: www.hallcounty.org

I. THE BASIC METHODS OF PURCHASING

A. Competitive Sealed Bid

The competitive sealed bid method is used where the cost of commodities and services is \$10,000.00 or greater, where there are clear and defined specifications available and where cost is the primary basis of award. Competitive sealed bids are advertised a minimum of one time for basic commodities and services, and two times, two weeks apart, for construction projects in Hall County's local newspaper, " *The Gainesville Times*", on Mondays. The Hall County Board of Commissioners makes the final award approvals for bids \$10,000.00 and greater.

B. Competitive Sealed Proposal

The competitive sealed proposal method is used for the purchase of all goods and services where the competitive sealed bid method is neither practical nor advantageous, and where cost is not the primary consideration. Generally, competitive sealed proposals are used for procurements such as professional services, service contracts, highly technical equipment, etc. Competitive sealed proposals are advertised a minimum of twice, two weeks apart, in Hall County's local newspaper, " *The Gainesville Times*", on Mondays. The competitive sealed proposal method may also be used for the purchase of goods and services less than \$10,000.00. An Evaluation Committee reviews proposals according to criteria specified in the proposal document. The Hall County Board of Commissioners makes the final award approvals for bids \$10,000.00 and greater.

C. Informal Written Bid

The informal written bid method is used for the purchase of goods and services between \$5,000.00 and \$10,000.00. Written quotations are solicited informally and do not require formal advertising or approval by the Hall County Board of Commissioners. Written documentation is required from the supplier through regular mail, facsimile, electronic mail or hand-delivery to the Purchasing Department.

D. Informal Bid

The informal bid method is used for the purchase of goods and services between \$1,000.00 and \$5,000.00. Quotations are solicited informally and do not require formal advertising or approval by the Hall County Board of Commissioners. Written documentation is required from the supplier through regular mail, fax, electronic mail or hand delivery to the Purchasing Department.

E. Telephone Bid

The telephone bid method is used for purchases of goods and services between \$300.00 and \$1,000.00. Quotations are solicited informally by telephone, facsimile or electronic mail. Hall County Departments who have been authorized by the Purchasing Department may purchase in this manner at their discretion by obtaining a minimum of three telephone quotes.

F. Small Purchases

When making purchases under \$300.00 the buyer is to use his judgment as to source and number of quotations as well as type of quotations obtained. Quotations are solicited informally by telephone or facsimile machine. Hall County Departments who have been authorized by the Purchasing Department may purchase in this manner at their discretion.

G. Price Agreements

Hall County has annual, semi-annual and quarterly contracts for frequently used items and services. The contracts are results of a bid, informal bid, telephone bid, proposal, or other legal method of procurement. The contract allows the County to order products or services directly from the awarded suppliers through the use of a Price Agreement document. Should the awarded supplier be unable to provide the contract item or service by the stated delivery date, items may be obtained on the open market through a competitive process. Items may also be obtained on the open market through a competitive process any time the Department feels it is in the best interests of Hall County.

H. How To Be Placed On The Bidder's List

Suppliers interested in participating in the bidding process may be placed on Hall County's bidders list by completing a Bidder's Application Form available from the Purchasing Department or downloadable from the County's website. Suppliers will be required to list the commodity codes from a provided list, relating to the various materials, equipment, supplies, and/or services that they provide. The supplier will be placed on the Bidder's List for those commodities listed on the Bidder's Application Form. However, a supplier may submit a bid without being on the Bidder's List. In order to remain on the Bidder's List, suppliers must maintain an "acceptable" or greater rating of providing goods and services to the County in a responsible manner. A sample copy of the Bidder's Application Form and a listing of the general commodity codes are included on pages S-1 through S-6. A more detailed listing of the commodity codes is available from the Purchasing Department upon request or can be viewed on our web-site.

Companies are responsible for notifying the County of changes in application.

II. HOW BIDS AND PROPOSALS ARE SOLICITED

A. Mail Solicitation

Bids and proposals are mailed to suppliers on Hall County's approved bidder's list, and to those suppliers suggested by the User Departments. However, Hall County cannot guarantee that every supplier contained on the bidder's list will receive a copy of every bid or proposal opportunity for a particular commodity or service. Suppliers are urged to review the various methods of advertisements that the County uses in the bid process.

B. Newspaper and Other Publications

Bids and proposals with a cost of \$10,000.00 or more will be publicly advertised in “*The Gainesville Times*” newspaper a minimum of one time for basic commodities and services, and two times, two weeks apart, for construction projects. Additionally, other forms of advertising such as trade journals, other newspapers and the internet, may be utilized in order to provide maximum competition for specific projects, purchases, or services.

C. Purchasing Division Solicitation Center

All solicitations, formal and informal, are posted on the Purchasing Department's Solicitation Center. This center is located in the reception area of the Purchasing Office, and is updated daily. We encourage all interested suppliers to view this information often, as it does indicate all active informal solicitations.

D. Government TV Channel

A pre-recorded listing of all formal bids and proposals currently being solicited is also advertised on the local cable government channel “*TV18*”. Access is 24 hours per day and bids are updated weekly.

III. PRE-BID AND PRE-PROPOSAL CONFERENCES

The nature of some bids and proposals require a pre-bid or pre-proposal conference to be held. Pre-bid and pre-proposal conferences are held in order to clarify specifications, answer supplier questions regarding the specific bid or proposal, or to allow the supplier to perform an on-site review and inspection. Some pre-bid and pre-proposals conferences are mandatory, and others are voluntary. Any changes to the original bid or proposal will be made in writing in the form of an addendum, and will be mailed and/or faxed to all suppliers who originally received or have requested the solicitation. All questions and information requests must be directed to the appropriate Buyer to insure that all suppliers have the same information.

IV. BONDING AND INSURANCE REQUIREMENTS

- A. Construction / Public Works projects where cost is \$50,000.00 or greater require a 5% bid bond, a 100% performance bond and a 100% payment bond.
- B. Projects other than Public Works may require a 5% bid bond, a 100% performance bond, and a 100% payment bond.
- C. Bonding may also be required for other purchases when deemed necessary by Hall County. Any bonding requirements will be specifically stated in the solicitation.
 - 1. Bid bonds may be submitted in the form of a cashier's check, certified check, bank draft, money order, or an irrevocable letter of credit made payable to Hall County Commissioners, or a bid bond issued by a surety company licensed to issue such bonds in

the state of Georgia. The guarantee shall insure the execution of the contract document and the furnishing of a payment bond and a performance bond.

2. Payment bonds and performance bonds must be issued by a surety company licensed to issue such bonds in the State of Georgia.
- D. The insurance and bonding company should be licensed to do business by the Georgia Secretary of State, authorized to do business in Georgia by the Georgia Insurance Department, listed in the Department of Treasury's Publication of Companies holding Certificates of Authority as Acceptable Surety on Federal Bonds and as acceptable reinsuring companies, and must have an A.M. Best rating of A-V (A-5) or higher.
- E. There are four (4) types of insurance requirements: standard, professional services, minor construction and major construction.

V. HOW TO SUBMIT A BID

- A. Follow the instructions set forth in the bid or proposal. All bids and proposals include a copy of the "Terms and Conditions" that list certain instructions pertaining to all solicitations. In addition, there are specific instructions included in the bid and proposal documents that are unique to that particular procurement.
- B. Any questions regarding the bid or proposal should be directed to the appropriate Buyer named in the solicitation as directed.
- C. In order to submit a bid or proposal, the supplier must be able to responsibly meet the minimum requirements set forth in the solicitation.
- D. Suppliers who are unable to meet the requirements of the solicitation should indicate a "No Bid" in their response. It is important for the supplier to submit a response, even if it is a "No Bid." Repeated failures to submit a response may result in the supplier being removed from the County supplier's list for that specific commodity.
- E. Hall County reserves the right to make an award determined to be in its best interest, which would include splitting a multi-item bid between suppliers. If the bidder is submitting prices which are based on receiving all of the items contained in the bid, the solicitation response should be clearly marked as "all or nothing," or similar wording. However, clarification of a supplier's response may result in the bid being deemed non-responsive.
- F. Each bidder shall certify in writing that such bidder has not engaged in any collusive or anti-competitive practices in responding to a solicitation for bids or proposals.

A declaration of non-collusion is simply a statement made by the supplier which states that the bid submitted is a bona fide bid which has been prepared independent of other bidders, and is in all respects fair and without collusion or fraud (i.e., price fixing, bid rigging, rotation of award).

- G. All bids or proposals must be submitted in the sealed envelope provided in the bid / proposal package, or in a sealed envelope or package clearly marked with the solicitation number and description, the date and time of the public opening, and company name in the upper left-hand corner. The envelope should be addressed to:

Hall County Commissioners
Purchasing Department
County Courthouse Annex
P.O. Drawer 1435
116 Spring St., Suite 12
Gainesville, Georgia 30501

Documents must be submitted via hand-delivery, U.S. mail, or other type of express delivery service. Hall County will not accept sealed bids or proposals through a facsimile transmission.

VI. HOW BIDS ARE RECEIVED

Bids and proposals must be in a sealed envelope or package before they will be eligible for consideration. The Purchasing Department must receive all bids and proposals on or before the date and time specified in the document. Late bids will not be considered and will be returned unopened to the supplier. A delay in delivery or failure to deliver by a third party delivery service (i.e., USPS, UPS, FedEx, etc.) is not an acceptable reason for late responses. The envelope or package will be time and date stamped, and placed in a secure location until the date and time of the specified bid opening.

VII. HOW BIDS AND PROPOSALS ARE OPENED

- A. Bids and proposals shall be opened publicly in the presence of one or more witnesses on the date and at the time and place specified in the solicitation documents. Suppliers and interested parties are invited to attend.
- B. During the opening of bids for “standard commodities and services”, the following information shall be read aloud: the name of each supplier submitting a sealed bid, pricing information including unit prices and the total, delivery information, and any other relevant information. At this time, for the stated type bids, information will be considered to be open record.
- C. During the opening of “proposals, construction projects, or professional services”, only the name of each supplier shall be announced. No other information will be disclosed nor shall the proposal be considered open record until the proposal is awarded by the County Commission.
- D. Once the bid or proposal is opened, submittals are reviewed by the User Department(s) for their evaluation and recommendation.

VIII. LATE BIDS, WITHDRAWALS, AND CORRECTIONS TO BIDS

A. Late Bids

Bids or proposals received after the date and time stated in the Invitation to Bid will not be accepted.

B. Withdrawals

1. A bidder wishing to withdraw their bid prior to the bid opening may submit a letter to the Purchasing Director requesting to withdraw.
2. A bidder wishing to withdraw after the bids have been opened will be required to submit a letter with documented facts supporting the reason for withdrawal within two business days of the bid opening.
3. A bidder wishing to withdraw after the bids have been opened due to an error must present clear and convincing evidence that an unintentional error was made. The Purchasing Director will review the withdrawal request and a judgment will be made.
4. Requests to withdraw are not automatically granted. See the Penalties section of this document for possible actions of recourse.

C. Modification / Correction

If an error is discovered *prior* to the opening, the supplier can submit a corrected sealed bid or proposal. The corrected document should be clearly marked that it supersedes the bid or proposal originally submitted. (All the provisions of Item 7 of “HOW TO SUBMIT A BID” are to be applied.) If an obvious clerical error is discovered after the bid or proposal has been opened, the supplier may submit a letter to the Purchasing Director requesting that the error be corrected within two business days. Final determination as to whether an error is a clerical one rests with the Purchasing Director.

Generally, modifications to opened bids or proposals for reasons other than obvious clerical errors are not permitted.

IX. HOW BIDS AND PROPOSALS ARE EVALUATED

1. Bids are evaluated by the Purchasing Department with assistance from the User Department(s). The Purchasing Director presents the bid to the Board of Commissioners for approval or rejection. The Purchasing Director will make a recommendation to the Commission based upon the evaluation results. The recommendation of the Director is made to the lowest responsive and responsible bidder. “Responsive” means the bidder conforms in all material respects to the requirements set forth in the solicitation. “Responsible” refers to the ability to perform as specified.
2. Evaluation Committees: When proposals are evaluated by an Evaluation Committee, the proposals are scored based on the criteria set forth in the proposal. The committee may create a

short list from proposals received. The top firms may be interviewed and if necessary the price may be negotiated with the highest scoring firm. Once the firm has been selected, the Evaluation Committee submits a recommendation to the Purchasing Director. The Purchasing Director then presents the recommendation to the Board of Commissioners for their approval or rejection.

X. RESPONSIBILITY OF BIDDERS

1. An apparent low bidder may not be recommended for award of a bid or contract if they are found to be non-responsible. The Purchasing Director, setting forth the reasons for “non-responsibility”, shall inform the “non-responsive” bidder via written letter.
2. Reasons that a supplier(s) may be deemed non-responsible may include:
 - A. Previous supplier performance problems as documented in the supplier performance file, maintained by the Purchasing Department.
 - B. Failure to meet contractual obligations after the award has been made.
 - C. Failure to conform to required delivery, specifications, or detailed requirements.
 - D. Submission of a bid or offer in such a manner that would prevent the establishment or determination of a firm bid price. Such qualifications would include refusing to hold firm prices or submitting bid prices subject to change due to manufacturer increases/decreases or market conditions, or minimum order quantities.
 - E. Submission of a bid that is contingent upon receiving the award of another bid.
 - F. Failure to provide a bid surety or meet insurance requirements when specifically required in the bid.
 - G. Submission of solicitation exceptions, when not acceptable to Hall County based on its own best interests.

XI. SUPPLIER PERFORMANCE

A supplier performance rating system has been established in order to monitor suppliers who fail to perform, or perform unsatisfactorily. Ratings are determined by such factors as the severity of the offense or a reoccurrence of similar problems over a short period of time. The rating system may be used for evaluation of the award of bids and contracts.

A. Disqualification of Bids

Bids may be disqualified by the Purchasing Director as a result of, but not necessarily limited to, the following reasons:

1. Failure to use the County bid schedule;

2. Failure to return applicable compliance and or specification sheets;
3. Failure to return applicable addenda;
4. Failure to provide information on alternates or equivalents when allowed;
5. Failure to provide bid bond when specifically stated will result in automatic rejection;
6. Failure of bidder to sign all requested bid documents;
7. Failure to submit bid by deadline will result in automatic rejection;
8. Failure of supplier to extend prices;
9. Failure to hold firm pricing;
10. Failure to meet specified delivery requirements;
11. Prices for services or items that exceed the departments budgeted amount allowed for these items.

XI. TIE BIDS

Bids received from two or more suppliers that are identical in price, delivery and meet the requirements of the bid specifications shall be awarded on the following basis:

1. The bid submitted by a supplier who does not have a documented negative supplier performance record contained in the Supplier Performance File.
2. The bid submitted by a supplier located within the County who has a current Business License issued by Hall County or one of the municipalities located within Hall County.
3. If the tie bids meet all the above criteria, and it is not in the County's best interest (at its sole discretion) to split the award, the bid award is based on the toss of a coin by the Purchasing Director in a public session. The bidders involved will be invited to attend the coin toss at a stated date and time. One or more witnesses from the Purchasing Department and the User Department may be present. A single coin toss (called by the company listed first in the alphabet) will break the tie and decide the award.

XII. WHAT HAPPENS WHEN THE AWARD IS MADE?

1. When an award of a bid or proposal is made, a purchase order is issued, a contract is prepared, or a price agreement is established.
2. Suppliers awarded annual contracts receive an Award Notice followed by orders from the User Department (end user) in the form of a price agreement document, or voucher.
3. When contracts are issued for projects or services, the supplier returns the signed contract along with any required insurance and bonding documents. A copy of the executed contract, along with a Notice to Proceed, is sent to the successful supplier so that work may begin.

XII. PENALTIES FOR NON-PERFORMANCE

Performance problems documented by the User Department and forwarded to the Purchasing Department will be reviewed and every effort will be made to resolve the issue(s). Should a performance problem exist which cannot be resolved with the intervention of the Purchasing Department, a recommendation may be submitted to the County Administrator that the supplier be removed from the active Bidder's List.

Any supplier who is removed from the active Bidder's List will not be eligible to provide any commodities and services to the County during the time period such firm remains removed from said listing. The length of time a supplier remains removed is dependent upon the severity of the performance problem(s), not to exceed three years.

The following are persons or companies who may be removed from the active Bidder's List:

1. Any person who submits a bid or proposal in bad faith;
2. Any person who willfully or repeatedly breaches a contract with the County;
3. Any person who repeatedly refuses to accept a bid or proposal award;
4. Any person who has established a pattern or practice of unethical or immoral business practices;
5. Any person who has been convicted of a crime involving moral turpitude; and; Any person who is owned, controlled or managed, in whole or in part, by any other person described in (1) through (5) above.

If a supplier fails to comply, comparable replacement merchandise may be purchased in the open market. Supplier shall reimburse the County within a reasonable time specified by the Purchasing Director for any expense incurred in excess of original contract prices or the County shall reserve the right to deduct such amount from monies owed the defaulting supplier / contractor. If performance problems cannot be resolved, or if there are performance problems on a continual

basis, a recommendation may be submitted to the County Administrator that the supplier be removed from the active Bidder's List.

XII. PROCEDURES FOR VIEWING OPEN RECORDS

Once a formal sealed bid is opened, it is considered to be open for review by the general public. If a supplier or other interested party would like to view a bid, an appointment should be made with the Purchasing Department for an appropriate time to review the document. The hours of operation for the Purchasing Department are Monday through Friday from 8:00 a.m. to 5:00 p.m. Proposals, construction projects, or professional bid information is not available to the public until an award has been made by the County Commission.

In accordance with State of Georgia Open Records Act, O.C.G.A. Section 50-18-72, copies of open records may be obtained by submitting a written request along with payment of the applicable service charge fee. The service charge fee is 25 cents per copied page plus staff time to research and prepares the documents. The Purchasing Department has three working days to provide the information if it is available.

XII. PROTESTS

All protests concerning proposals, bids, or quotes should be made in writing to the Purchasing Director, including specific reasons for the protest.

XII. PURCHASING-SUPPLIER RELATIONSHIPS

A. Meetings

Suppliers are encouraged to meet with Purchasing staff members for legitimate reasons. However, suppliers are urged to make an appointment with the appropriate person in advance. During the busiest times of the year, it may be impossible for the Purchasing staff to meet with suppliers, or time allotted for the meeting may be limited. Information such as catalogs, line cards, and new product information is always helpful and welcome.

B. Requested Research

From time to time Purchasing and/or User Departments may request suppliers to perform specific research or consulting services prior to the official request for purchase. It should be understood that the supplier has no guarantee of receiving the award as a result of providing research or other information. Dollar limits may require the commodity or service to be sent to bid, which will result in an award to the lowest responsive and responsible bidder regardless of which supplier did the initial research or consulting. If the initial research or consulting services are significant enough to require some monetary reimbursement, the supplier should notify the requesting User Department in advance.

C. Gratuities

It is the policy of the Purchasing Department to refuse any gift from suppliers, regardless of the monetary value of the item. Any gift received by mail will be returned to the sender. If returning the item will result in a significant charge, the item will be donated to a charitable organization.

XIII. PRICING / QUOTES

All prices quoted to or paid by Hall County are to be freight prepaid (f.o.b.) to the using department or the delivery location stated in the order, Gainesville, Hall County, Georgia.

XIV. PAYMENT TERMS

Hall County's normal payment terms are: Upon inspection and acceptance of all items, amount due shall be paid within (30) thirty days of receipt of correct invoice, as approved by Hall County, unless a shorter time is stated in the bid as a "prompt payment discount" and accepted by the County.

XV. BIDDER'S APPLICATION FORMS

Suppliers are encouraged to visit with or contact Purchasing staff members to discuss any concerns they might have in regards to doing business with Hall County. Our contact information is as follows:

**Hall County Board Of Commissioners
Purchasing Department
116 Spring Street, Suite 12
Gainesville, Georgia 30501**

**Phone: (770) 535-8270
Fax: (770) 531-7112**

Website: www.hallcounty.org

A "**Bidder's Application Form**" will be available for download on the County website, along with a "**Commodity / Service Codes List**". Instructions are provided to assist you in completing your application. Hall County appreciates your interest in doing business with the County and we look forward to assisting you in any way we can to make this endeavor beneficial to both the County and your business.