

CITY OF EUREKA, KS

TERMS AND CONDITIONS OF REQUEST FOR BID PROPOSAL OR INVITATION TO BIDDER

1. PREPARATION OF BIDS

a. Bidder's are expected to examine the specifications, delivery schedule, bid prices, and all instructions of the Request for Bid Proposal or Invitation to Bid. Failure to do so will be at bidder's risk. In case of a mistake in extension, the unit price(s) will govern. In case of an identified mistake in calculation the City may, but is not obligated to, correct the calculation based on the unit price submitted by the bidder.

b. Any manufacturer's names, trade names, brand names, information, and/or catalogue numbers listed in a specification are for information and are not intended to limit competition. The bidder may offer any brand which meets or exceeds the specification for any item. If bids are based on equivalent products, indicate on the bid form the manufacturer's name and model number. The bidder shall explain in detail the reasons why the proposed equivalent will meet the specifications and not be considered an exception thereto. Bids which do not comply with these requirements are subject to rejection. Bids lacking any written indication of intent to bid on alternate brands will be received and considered in complete compliance with the specifications as listed on the bid forms.

c. All supplies and equipment offered in a bid must be new and of current production unless the Request for Bid Proposal or Invitation to Bidder clearly specifies that used or reconditioned supplies or equipment be offered.

d. Firm fixed prices shall be bid and include all packing, handling, and shipping charges.

e. Unless otherwise indicated, prices quoted shall be firm for acceptance for ninety days (90) from bid opening and for the specified contract period.

2. SUBMISSION OF BIDS

a. A bid submitted by a bidder must (1) be manually signed by the bidder on the City of Eureka Request for Bid Proposal or Invitation to Bidder, (2) contain all requested information, (3) be priced as required, (4) be sealed in an envelope or container, (5) be delivered to: the City Eureka, Box 68; Eureka, KS 67045, and officially clocked in no later than the exact time and date specified on the Request for Bid Proposal or Invitation to Bidder.

b. Submission of this bid constitutes an assignment by the bidder to the City of all rights, title, and interest in and to all causes of action it may have under the antitrust laws of the United States or the State of Kansas, which causes of action have accrued or will accrue as the result of or in relation to the particular good or services purchased or procured by it in fulfillment of any contract with the City arising from this bid.

3. MODIFICATION OR WITHDRAWAL OF BIDS

a. Bids may be modified or withdrawn by written or electronic notice received prior to the official closing date and time specified. Written notice may be in the form of an email provided the email is actually received by the City of Eureka prior to the official closing date and time specified; any email that is not actually received, whether due to a delay in delivery, delivery to a filtering service that does not release the email, or other failure in delivery shall not be deemed to be a written notice of modification or withdrawal. A bid may also be withdrawn or modified in person by the bidder, or his authorized representative provided proper identification is presented before the official closing date and time. Verbal phone requests to withdraw or modify a proposal will not be considered.

b. After the official closing date and time, no bid may be modified or withdrawn.

4. BID OPENING

a. Bid openings shall be public on the date and at the time specified on the bid form. It is the bidder's responsibility to assure that their bid is delivered at the proper time and place of the bid opening. Bids which for any reason are not so delivered will not be considered. Offers by facsimile or telephone will not be acceptable. Bid files may be examined during normal working hours by appointment. Bid tabulations will not be provided by telephone. Bids submitted by email will still be required to provide a signed hard copy as pertaining to section 2 of the Request for Bid Proposal or Invitation to Bidder.

5. AWARDS

a. Unless otherwise stated in the Price Inquiry, cash discounts for prompt payment of invoices will not be considered in the evaluation of prices. However, such discounts are encouraged to motivate prompt payment.

b. As the best interest of the City may require, the right is reserved to make awards by item, group of items, all or none or a combination thereof; to reject any and all bids or waive any minor irregularity or technicality in bids received.

c. Awards will be made to the bidder whose bid (1) meets the specifications and all other requirements of the Price Inquiry and (2) is the best bid, considering price, responsibility of the bidder, the best interest of the City, and all other relevant factors. When multiple bidders are equally responsible and qualified and submit equivalent bids, those bidders that are equally responsible and qualified and submit equivalent bids may be allowed to submit a subsequent lower bid price in accordance with a schedule established by the City of Eureka; such bid price must be submitted in a sealed envelope or container clearly marked on the outside left corner with (1) the official Price Inquiry number and (2) the closing date and time established by the City of Eureka; the submission may modify only the bid price.

d. Each bid is received with the understanding that the acceptance in writing by the City of the offer to furnish any or all the materials, equipment, supplies, or services described therein shall constitute a contract between the bidder and the City; and shall bind the bidder to furnish and deliver at the price, and in accordance with the conditions of said accepted bid and detailed specifications.

e. The City of Eureka is not obligated for expenditures unless funds have been encumbered by Purchase Order or Contract. The completion of the "Notice of Award" by the City is not an authorization for shipment or to proceed with services.

6. OPEN COMPETITION

a. It is the intent and purpose of the City Administrator that the Price Inquiry permits free and open competition. However, it shall be the bidder's responsibility to advise the City of Eureka if any language, requirements, or any combination thereof, inadvertently restricts or limits the requirement to a single source or otherwise prohibits the submission of a bid. The notification should be received by the City of Eureka at least ten (10) days prior to the Price Inquiry closing date and time. The bidder may submit notification after the bid closing providing sufficient time is permitted for a thorough review by the City of Eureka and its decision will be final.