CITY OF BIRMINGHAM

FINANCE DEPARTMENT

PURCHASING DIVISION

P-100 CITY HALL
710 NORTH 20TH STREET
BIRMINGHAM, ALABAMA 35203-2227

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WILLIAM A. BELL, SR.
MAYOR

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FINANCE DIRECTOR

RON NICKEL
PURCHASING AGENT

WILLIAM E. CAFFEE
ASSISTANT PURCHASING AGENT

August 18, 2014

Invitation to Bid #14-56

Sealed bids for Commercial HVAC Package Units (units only, not installation) for the City of Birmingham, will be received by the Purchasing Agent, P-100 First Floor City Hall, Birmingham, Alabama until 2:00 p.m., September 10, 2014, at which time they will be publicly opened and read.

Bidders wishing to bid can download the complete solicitation including the specifications and bid forms via the internet at **www.birminghamal.gov** (go to link titled **Bidding Opportunities**), or by visiting the Purchasing Office at the address shown above, or by calling (205) 254-2265, fax (205) 254-2484 and requesting a copy be mailed to you. Any addenda will be available on the internet. Bidder is responsible for checking the website for addenda until the bid opening date. Addenda will be mailed to only those vendors who were provided a copy in person or by mail.

Bids are to be submitted on the bid form provided, and all quotations are to be f.o.b. Birmingham, Alabama, delivered.

A certified check, a cashier's check, or acceptable bid bond in the name of the bidder and made payable to the City of Birmingham in an amount of $500.00 must accompany bid. Bank issued checks that have an expiration date (Void after 30, 60 etc. days) are not acceptable. Bid bond checks will be returned to all unsuccessful bidders after the formal award is made and to the successful bidder after acceptance of award. Should the successful bidder fail to accept the award, the bid bond or check shall be forfeited.

The City follows a policy of nondiscrimination. No contractor with the City should discriminate on the basis of race, sex, religion or national origin. Failure by the vendor to carry out these requirements is a material breach of its obligations, which may result in its termination or other such remedy as the City deems appropriate.

No bid may be withdrawn for a period of sixty (60) days after the date of the bid opening.

The City reserves the right to reject any or all bids submitted, in whole or part, and to waive any informalities.

Bids must be submitted in a sealed envelope marked, **"SEALED BID – HVAC Package Units, 2:00 p.m., 09/10/14".** Bids may be hand delivered to P-100 First Floor City Hall, Birmingham, Alabama or mailed to City of Birmingham, P.O. Box 11295, Birmingham, Alabama 35202-1295. (DO NOT MAIL BIDS TO ROOM P-100 FIRST FLOOR CITY HALL). However, bids sent by express carrier (Federal Express, Airborne, UPS, etc.) must be shipped to 710 North 20th Street Birmingham, AL 35203 and specify delivery to Room P-100 First Floor City Hall.

It is the bidder's responsibility to make sure his bid is in the possession of the Purchasing Agent at or before 2:00 p.m., September 10, 2014. Bids received after this time will not be considered.

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Attachment

W. E. Caffee, Assistant Purchasing Agent

B.N. 08/22/14

SPECIFICATIONS FOR COMMERCIAL HVAC PACKAGE UNITS

GENERAL:

The City of Birmingham is seeking bids for **Commercial HVAC Package Units** as specified later in this document. The City intends to award on a line item basis to the lowest priced, responsive, responsible bid submitted. The City is purchasing the units only. The City will install the units. **This is not a bid for installation**.

Municipalities are not liable for sales tax: reference Code of Alabama Section 40-23-4. Costs normally considered pass through costs (property tax, use tax, delivery charge, etc.) to the customer by the provider must be included in any fee proposed (Code of Alabama Section 40-12-222). For the purchase of personal property, the City's policy is to apply a local preference option, as allowed by State of Alabama Code, Section 41-16-50, in determining the low bidder.

The City reserves the right to buy additional equipment at a later date at the unit prices bid upon mutual agreement of both parties.

Successful bidder(s) shall not assign this contract to any other party without prior written approval of the City of Birmingham. Contract shall not be assigned to an unsuccessful bidder who was rejected because he was not a responsive bidder.

The City's standard payment terms are net 30 days from acceptance. Exception may be allowed for discounted early payment such as 2% 10 net 30 days. The City will not consider any bids requiring C.O.D. payment, down payments or progress payments.

Any questions concerning these specifications should be addressed to Charles Lindsey, Purchasing Division: Phone: (205)254-2269 or Fax: (205)254-2484, between the hours of 8:00 a.m. & 4:00 p.m., Monday thru Friday.

Any bid that imposes a service fee, or any other type of fee, on any order not exceeding a minimum order quantity or if a minimum purchase order dollar amount is not ordered, will be determined a non-responsive bid and will not be considered for award.

Any bid that stipulates a reversal of freight charges if a minimum quantity or purchase order amount is not ordered, will be determined a non-responsive bid and will not be considered for award.

All bids submitted are to be f.o.b. Birmingham, AL delivered.

Failure to adhere to any or all terms, conditions and specifications as set forth in the contract may result in the immediate termination of the contract. Should termination occur, the holder of the contract may be declared a "non-responsible vendor". This declaration may result in rejection of any future bids submitted by the vendor for a period of time to be determined by the City.

The City will issue purchase order(s) to the successful bidder for the goods and/or services (bid items) that are the subject of the bid. Unless otherwise agreed in a writing that is signed by both parties, the entire agreement between the City and the successful bidder concerning the bid items is comprised of the terms, conditions, specifications and requirements stated in (a) the contemplated purchase order(s), (b) this Invitation to Bid and Specifications and (c) your bid (collectively, the "Contract Requirements"). These writings supersede all former proposals, offers, negotiations, representations or agreements, either written or oral, concerning the provision of vendor's goods and/or services. By acceptance of the City's purchase order(s), the successful vendor agrees to abide by and perform its responsibilities related to the bid items in compliance with the Contract Requirements.

Each bidder is to extend unit prices and provide an extended total for each line item being bid. If the extended total of all items being bid exceeds $10,000.00, a bid bond, a cashier's check, or certified check in the amount of $500.00 is required to accompany your bid. Bid bond checks will be returned to all unsuccessful bidders after the formal award is made and to the successful bidder after acceptance of award. Should the successful bidder fail to accept the award, the bid bond check shall be forfeited.

Contract award to purchase the material covered in this bid document shall be construed under and governed by the laws of the State of Alabama and each party hereto irrevocably agrees to be subject to the jurisdictions of the courts of the State of Alabama.

Vendor (and its employees, agents and any subcontractors) shall not discriminate on the basis of race, color, national origin, or sex in the performance of the services contemplated hereunder. Failure by the Vendor to carry out these requirements is a material breach of its obligations, which may result in its termination or such other remedy as the City deems appropriate.

Vendor acknowledges and agrees that, consistent with federal law and City's public policy, it will encourage disadvantage business enterprise (DBE) participation to the extent permitted by law. A "disadvantaged business enterprise" is a for-profit small business concern (i) at least 51% owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51% of the stock is owned by one or more such individuals; and (ii) whose management and daily business operations are controlled by one or more of the socially and economically disadvantage individuals who own it. In accordance with federal law, a "socially and economically disadvantaged individual" includes African-Americans, Hispanic Americans, Native Americans, Asian-Americans, women and any additional groups designated as socially and economically disadvantaged by the Federal Small Business Administration.

City of Birmingham must have a copy of the successful bidder's current City of Birmingham business license prior to formal award of contract. Each bidder may submit a copy of his/her license along with his/her bid. However, successful bidder must provide a copy of his/her current business license no later than 7 working days of receipt of notice of intent to award. Failure to submit the requested information will result in the notice of intent to award being revoked.

Any successful bidder who is not currently set up as a vendor in the City of Birmingham vendor file will be required to submit a completed W-9 tax form prior to any award. The W-9 tax form may be submitted with your bid or no later than seven (7) working days of receipt of notice of intent to award.

Successful Vendor (located in the State of Alabama or located outside of the State of Alabama, but employs one or more employees within the State of Alabama) represents and warrants that it does not knowingly employ, hire for employment, or continue to employ and "unauthorized alien", as defined by the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, Act No. 2011-535 (H.B.56) of the Alabama Legislature, as amended from time to time (the "Act") and that, during the performance of this contract, Vendor shall participate in the E-Verify program as required under the term of the Act. Vendor agrees to comply with all applicable provisions of the Act. As a condition for the award of any contract, Vendor shall provide documentation establishing that the Vendor is enrolled in the E-Verify program, or a signed, written statement that the Vendor does not have a presence (one or more employees) in the State of Alabama. Vendor may submit applicable documentation with his/her bid or no later than seven (7) working days of receipt of notice of intent to award.

SPECIFICATIONS

30 Ton Commercial HVAC Package Units

FOR

CITY OF BIRMINGHAM, ALABAMA

Successful bidder to supply two copies each maintenance, operating, and wiring manuals for this equipment. Second copy may be photocopied or available in printable electronic format.

All bidders are to have a parts dealer/distributor with on call parts availability 24/7 located in Jefferson County or the corporate city limits of Birmingham.

The better of the manufacturer warranty or a one year warranty period will begin with the effective equipment in-service date, which may or may not be equal to the equipment delivery date, but will in no case be later than six months after equipment has been delivered. All standard equipment to be included. All equipment furnished under this bid shall be new, unused and the same quality as the manufacturer's current production model. Manufacturer shall cover the shipping costs of all warranted parts. Accessories not specifically mentioned but necessary to furnish a complete unit ready for use shall be included. The units shall conform to the best practice known to the trade in design, quality of material and workmanship.

Potential bidders are required to make an onsite visit and inspect the area to make themselves aware of any and all existing conditions which might affect their bid and to verify dimensional requirements of the curb adapter to **be** furnished, if needed. Vendors are also to verify existing model numbers (if available) to ensure that the replacement units are the same size, configuration, BTU capacity (heat and cool) and meet the existing electrical requirements (voltage, hertz and phase) and will factor into consideration of award. Contact, City Architect; Terry Oglesby, 205-254-2474, Monday through Friday, 8:00 a.m. – 2:00 p.m., to make arrangements to gain access to the area(s). Any bid submitted will be construed as evidence that the bidder has performed the onsite inspection.

The City is aware that R-22 refrigerant is being phased out. Therefore, units that use 410A refrigerant are specified.

All participating bidders shall mark conspicuously compliance or non-compliance with an "X" in the appropriate column beside each specified item. Those items marked in the "NO" column must be explained in detail on the provided "Exceptions To Specifications" pages.

The City prefers package units to fit existing conditions and eliminate alterations, but will consider equal package units with Bidder being responsible for alterations at no additional cost. Units that directly replace an old unit and eliminate the cost of a curb adapter will be a consideration of award.

GENERAL: The intent of this specification is to describe Commercial HVAC Units located at the following locations. Models numbers are given for reference and are to be descriptive rather than restrictive. Bid the following units or equal. Units bid as "equal or better" must be accompanied by brochures, catalogs, or technical specifications demonstrating that the unit is equal or better than the model number provided.

Bid Form

W. E. Caffee
Assistant Purchasing Agent
Birmingham, Alabama

Submitted below is my firm bid for Commercial HVAC Units for the City of Birmingham, in accordance with your invitation to bid and specifications dated August 18, 2014. Prices are f.o.b. Birmingham, Alabama delivered and I am bidding in accordance with specifications except as listed below.

Approx Qty	Description	Make/Model	Unit Price	Extended Total
	East Pinson Valley Recreation Center			
2	30 Ton Package Unit		$	$
2	Curb adapter if necessary		$	$
			GRAND TOTAL	$

BID FORM, cont'd

I hereby certify that we do not discriminate in employment of our personnel against any persons on account of race, creed, color, sex, or national origins, and acknowledge and agree that the City encourages minority – and women – owned business participation to the maximum extent possible. This policy includes Historically Underutilized Business Enterprises such as architectural firms, engineering firms, investment banking firms, other professional service providers, and construction contractors as part of the City's business, economic and community revitalization programs.

EXCEPTIONS TO SPECIFICATIONS: (use extra pages if necessary)

_____

_____

_____

_____

_____

_____

_____

Bidder acknowledges receipt of _____ addenda
(addenda numbers)

This page must be returned with bid.

Date of Bid	Name (Print legibly or Type)
Company	Title
Street Address	Signature
City State Zip	Tax ID Number
Post Office Box	E-Mail Address
City State Zip	Telephone Number
Terms of Payment	Fax Number
Delivery Date	

IF AVAILABLE, PLEASE SUBMIT COPY OF CURRENT CITY OF BIRMINGHAM BUSINESS LICENSE WITH THIS BID.

INDICATE THE FOLLOWING ADDRESSES IF DIFFERENT FROM ABOVE:

1. **BID AWARD NOTICE ADDRESS**
2. **PURCHASE ORDER ADDRESS**
3. **REMITTANCE ADDRESS (and NAME if different than above)**