CITY OF BIRMINGHAM

FINANCE DEPARTMENT

PURCHASING DIVISION

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

TELEPHONE (205) 254-2265
FAX (205) 254-2484

WILLIAM A. BELL, SR.
MAYOR

J. THOMAS BARNETT, JR.
FINANCE DIRECTOR

RON NICKEL
PURCHASING AGENT

WILLIAM E. CAFFEE
ASSISTANT PURCHASING AGENT

January 14, 2013

INVITATION TO BID #13-11

Sealed bids for R-22 Refrigerant for a period of one (1) year and month to month thereafter upon mutual agreement of both parties 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., January 31, 2013 at which time and place they will be publicly opened and read.

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

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), and mailed to only those vendors who were provided a copy in person or by mail.

It is required for any bid submitted that the bidder submit with his bid either a certified check, a cashier's check, or a bid bond payable to the City of Birmingham in the amount of $500.00. In order for any bid award to be considered, it must be accompanied by an acceptable bid bond or check. 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 such other 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No bid may be withdrawn for a period of sixty (60) days after the date of the bid opening.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 in part, and to waive any informalities.

Bids must be submitted in a sealed envelope marked, **"SEALED BID – R-22 Refrigerant -2:00 P.M., 01/31/13."** Bids may be hand delivered to Room 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 any express carrier (i.e., Federal Express, Airborne, UPS, etc.) must be shipped to 710 North 20th Street and specify delivery to Room P-100, First Floor City Hall.

It is the bidder's responsibility to make sure that his bid is in the possession of the Purchasing Agent on or before 2:00 p.m., January 31, 2013. Bids received after this time will not be considered.

W. E. Caffee, Assistant Purchasing Agent

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BN 01/18/13

SUPPLY OF THIRTY (30) POUND CYLINDERS OF R-22 REFRIGERANT FOR THE CITY OF BIRMINGHAM

The City of Birmingham is seeking bids for the one time supply of R-22 refrigerant. The primary bid is for the supply of one hundred and sixty (160) each thirty (30) pound cylinders of virgin R-22 refrigerant (4 pallets of 40 cylinders each). As an alternate bid to the primary bid, the City will consider bids for reclaimed R-22 meeting the same specifications as the virgin product. The City reserves the right to award to the alternate bid or to disregard it altogether and award only to the primary bid. The City intends to award to the lowest priced, responsive, responsible bidder on a total lot basis.

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.

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

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 the rejection of any future bids submitted by the vendor for a period of time to be determined by the City.

The City of Birmingham does not anticipate utilization of a long, formal written contract document to bind the City and the successful bidder to an agreement. The City will issue purchase orders to the successful bidder. The successful bidder acknowledges by acceptance of City purchase orders for awarded items that the bidder is bound to the terms, conditions and requirements as stated within this document. Vendor shall not deliver any product to the City of Birmingham without first having a valid purchase order which has sufficient funds to cover the cost of the product to be delivered.

Each bidder is to extend prices and provide a total for the bid being submitted. In order for any bid award to be considered that exceeds $10,000.00 your bid must have been accompanied by an acceptable bid bond, certified check or cashier's check in the amount of $500.00. 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.

Successful bidder 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 or responsible bidder.

Any bid that imposes a service fee or any other type of fee on any order not exceeding a minimum order quantity or minimum purchase order dollar amount, 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.

The contract shall become effective from the date noted in the Notification of Award letter to be mailed to the successful vendor.

Contract award to purchase the materials 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.

The City's standard payment term is Net-30 Days from acceptance. Exception may be allowed for discounted early payment, such as 2%-10, Net 30 Days. The reference date for all such discounted early payment terms will be the date the invoice is received or the date the goods are received, whichever is later. In the event of a dispute the City's records shall prevail. **The City will not consider any bids requiring C.O.D. payments.**

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 disadvantaged 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 disadvantaged 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.

Successful bidder acknowledges and agrees that the City has the right to deduct from total amount of consideration to be paid, if any, to the successful bidder under this agreement all unpaid, delinquent, or overdue license fees, taxes, fines, penalties and other amounts due the City from the successful bidder.

The 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, bidder must provide a copy of his/her current business license no later than seven (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 an "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 (office or 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.

Any questions concerning these specifications should be addressed to Jim Richards Jr., at 205-254-6510, between the hours of 7:30 a.m. and 3:00 p.m. CDT, Monday through Friday.

DETAILED SPECIFICATIONS:

The product to be supplied is virgin Chlorodifluoromethane ($CHCIF_2$), commonly referred to as R-22 refrigerant, packaged in thirty (30) pound cylinders. All R-22 supplied is to be equivalent to Arkema's Forane 22 and be suitable for use in commercial and/or residential A/C applications.

The City intends to place a single order for one hundred and sixty (160) each thirty (30) pound cylinders of R-22 refrigerant. This order is to be shipped palletized with approximately forty (40) drums per pallet. Each pallet is to be shrink-wrapped so as to avoid possible damages to the drums. Do not ship loose cylinders; all shipments must be palletized.

All R-22 to be supplied is to be packaged in thirty (30) pound cylinders. All cylinders are to have a ¼" S.A.E. male dispensing valve, a built in handle and a built in inversion stand. Each cylinder is to have a built in pressure relief device. Cylinders are to meet all OSHA standards.

Bidders are to state the manufacturer and the manufacturer's part number of the item being bid.

Bidders are to include with the bid a technical data sheet for any product offered for consideration.

All bids submitted are to be **F.O.B. delivered, City of Birmingham, Maintenance Warehouse, 1029 33rd St. North, Birmingham, Alabama, 35234.** The receiving hours are: 7:00 a.m. to 2:30 p.m. CDT, Monday through Friday. The facility contact phone number is; (205) 714-8642.

All bids are final and no additional charges of any nature will be allowed.

The City has limited storage space so timely delivery shall be a consideration of the award. The successful bidder shall guarantee full delivery within fifteen (15) working days of receipt of purchase order. The City will not consider any bid that exceeds this timeframe. Failure to deliver within the stated timeframe could result in the cancellation of the purchase order and the rejection of the shipment upon arrival.

As an alternate bid the City will consider bids for **reclaimed** R-22 packaged as previously described. Any bid submitted for **reclaimed** R-22 is to include proof that the product offered meets or exceeds current AHRI 700 (or ISO 12810) standards for reclaimed R-22 refrigerant. Complete laboratory certifications documenting such compliance are to be provided with bid. Do not bid "recovered" or "recycled" R-22. The City will only consider refrigerant meeting "reclaimed" specifications as defined by the Environmental Protection Agency (EPA).

BID FORM

Mr. William Caffee
Assistant Purchasing Agent
City of Birmingham, AL

Submitted below is my firm bid for the one time supply of R-22 refrigerant in accordance with your invitation to bid and specifications dated January 14, 2013. Prices quoted are F.O.B. City Maintenance Warehouse, 1029 33rd St. North, Birmingham, Alabama, 35234, and I am bidding in exact accordance with the specifications except as so indicated.

PRIMARY BID

Quantity	Description	Unit Price	Grand Total
160 ea.	30 LB cylinders of **Virgin** R-22 as per detailed specifications.	$	$

Manufacturer's name & item number: _____

Estimated delivery time after receipt of order:_____

EXCEPTIONS TO SPECIFICATIONS:_____

_____

_____

ALTERNATE BID

Quantity	Description	Unit Price	Grand Total
160 ea.	30 LB cylinders of **RECLAIMED** R-22 as per detailed specifications. **Note:** documentation of complete compliance with current AHRI 700 standards for reclaimed R-22 (laboratory certifications) **must** be included with bid.	$	$

Manufacturer's name & item number: _____

Estimated delivery time after receipt of order:_____

EXCEPTIONS TO SPECIFICATIONS:_____

_____

_____

BID FORM

CITY OF BIRMINGHAM, AL
R-22 REFRIGERANT SUPPLY:

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.

COMPANY: _____ DATE OF BID: _____

ADDRESS: _____ TERMS OF PAYMENT: _____

TELEPHONE: _____ SIGNATURE: _____

FAX: _____ NAME: _____
(PLEASE PRINT)

E-MAIL: _____ TITLE: _____

WEB SITE: _____

TAX ID #: _____

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)**