

Instructions to Bidders

1. Bids shall be directed in a sealed envelope to the Purchasing Manager, City of Wilson, Operation Center, 1800 Herring Avenue, Wilson, North Carolina 27894. Bid proposals will consist of “1” unpriced proposals for technical review and “1” priced proposal for financial evaluation. The envelope shall be clearly marked “priced” and “unpriced” as applicable. The envelope should be plainly marked with the bid number, date and time of bid opening and name of bid. All bid information must be submitted in INK - no pencil information will be accepted. It shall be the responsibility of the bidder to ensure that his/her bid is received by the Purchasing Manager by the time stated herein. Late bids will not be considered.
2. Bids must be valid for a minimum of sixty (60) days from date of bid opening.
3. All equipment, materials or apparatus furnished under these specifications shall be new (unless otherwise specified) and free from all defects, and shall operate and function properly after delivery to the City. Each bidder shall submit with his/her proposal the manufacturer’s specifications, illustrations and descriptive literature on the equipment, materials or apparatus not yet in production or out of production for more than thirty (30) days.
4. Do not submit alternates unless requested to do so. If alternate bids are requested, the envelope(s) must be clearly marked “primary bid” and “alternate bid”.
5. Every part and accessory of a standard unit shall automatically be included and become a part of these minimum specifications.
6. References to brand or trade names are normally included to more accurately describe the requirements of the City of Wilson when it is impossible or impractical to specify the required performance and design characteristics for such materials. They are used only to set forth and convey to bidders the general style, type, character, and quality of product desired. Alternate materials, items, or equipment of equal or equivalent design shall be submitted to the City Engineer or other responsible party for approval or disapproval prior to the opening of the bids.
7. By signing the bid proposal, the Bidder proclaims that the proposal is made without any understanding, agreement or connection with any other person, firm or corporation offering a proposal for the same purpose and that his/her proposal is in all respects fair and without collusion or fraud.
8. All bids and proposals for furnishing equipment, materials or apparatus in accordance with the specifications prescribed by the City of Wilson will continue to be on file in the office of the Purchasing Manager at the Operation Center, 1800 Herring Ave., Wilson, North Carolina and are available for inspection during regular working hours.
9. Bond Requirements:
 - A. Bid Bond

NORTH CAROLINA STATE LAW (G.S. 143-129) REQUIRES THAT ALL BIDS BE ACCOMPANIED BY A BID DEPOSIT

No proposal shall be considered or accepted unless at the time of its filing the same shall be accompanied by a deposit in cash, cashier's check or certified check on same bank or trust company insured by the Federal Deposit Insurance Corporation in an amount of not less than five percent (5%) of the proposal. In lieu of making a cash deposit, bidders may file a bid bond duly executed by a cooperate surety licensed under the laws of North Carolina to execute such bonds.

This deposit may be retained by the City of Wilson if the successful bidder fails to execute the bid obligation or fails to five satisfactory surety as required herein.

Money orders, uncertified checks, etc., are not acceptable as bid deposits.

Unsigned bids and bids with incorrect bid deposits cannot be considered.

Bid deposits of unsuccessful bidders will be returned as soon as the contract is awarded.

- B. Once the contract has been awarded, the successful bidder must furnish a Performance Bond. The performance bond must be in full amount (100%) of the contract and guarantee the faithful performance of the contract in the form prescribed by the City.

The bond shall be executed by a surety company authorized to do business in North Carolina. In lieu of the bond, cash, government securities or a certified check in the full amount of the contract (100%) may be deposited. Such deposit shall be filed within 30 days from date of awarding contract.

It shall be the responsibility of the bidder to cover the cost of the performance bond, in his bid. The City will not pay an additional amount at a later date for the bond.

The City Council may waive the requirement for a performance bond once bids are received. In this event, the bidder must deduct the cost of the performance bond from the original bid figure.

The bidder should assume that a performance bond will be required unless otherwise indicated in the instructions to bidders.

- C. Laborers' and Materialmens Bond:

G.S. 44a-26 provides that any local government that lets a construction contract for more than \$30,000 shall require the contractor to execute a payment bond in the amount of one hundred percent (100%) contract amount, conditioned the prompt payment for all labor and/or materials for which a contractor or subcontractor liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor for which a contractor or subcontractor is liable.

10. Award of Bid:

- A. Bids shall be awarded to the lowest responsible bidder, taking into consideration adherence to specifications, quality, performance, the time of delivery, technical support, past performance and other relevant factors.

- B. All bids of \$90,000 or more for the purchase of supplies, material and apparatus and bids of \$300,000 or more for construction contracts or more require City Council approval. The Council normally meets officially at 7:00 P.M., the first Thursday, and again at 7:00 P.M., on the third Thursday of the month. Bidders may attend any of the sessions.
- C. The City of Wilson reserves the right to evaluate bids, to reject any and all bids and proposals, to waive informalities and technicalities within the scope of authority, and further specifically, the City reserves the right to make the award in the best interest of the City of Wilson.
- D. It is City policy to furnish a bid tabulation to all bidders upon notification of award or upon returning bid deposits. All bidders are welcome to attend the bid openings which are normally conducted in the Purchasing Manager's office, Operation Center, 1800 Herring Ave., Wilson, North Carolina. Bid tabulations will be available after all technical reviews have been completed.

11. Taxes:

Do not include sales or federal excise tax in figures. The City pays all applicable sales tax, however, and should be invoiced accordingly. When contractors submit invoices for payment involving apparatus, materials, supplies and equipment, sales tax must be shown. If the invoice covers bills from subcontractors, a report must be submitted with any invoices. The report must show the subcontractors name, invoice number, date of invoice, the cost of the materials, the amount of NC sales tax, the amount of county tax and the name of the county the contractor pays tax in.

12. Escalation Clauses: Bids containing escalation clauses may be considered. However, there must be a maximum figure for escalation shown, or a method of computing the total cost over a specific time period provided.

13. Prices: All prices must be quoted F.O.B. Wilson, North Carolina.

14. Provision for the payment of the monies to fall due under this agreement has been made by appropriations duly made, or required by the Local Government Finance Act. Payment will be made according to vendor's terms stated on invoices following receipt of goods.

15. Altering Contracts: No such contract shall be altered except by written agreement (change order) of the contractor, the sureties on his bond and the City Council body of the City of Wilson.

16. Non-Discrimination Clause: It is specifically agreed as part of the consideration of the signing of this contract, that the parties hereto, their agents, officials, employees, or servants will not discriminate in any manner on the basis of race, color, creed, religion, national origin, or gender with reference to the subject matter of this contract. Enforcement of this provision, as set out in said ordinances, shall be action for specific performance, injunctive relief, or other remedy as provided by law. This provision shall be binding on the successors and assigns, of the parties hereto with reference to the subject matter of this contract. The City of Wilson is in compliance with Title VII of the Civil Rights Act of 1964m as amended, and section 122(A) of

the State and Local Fiscal Assistance Act of 1972, and hereby issued the declaration that bid award is contingent upon bidder's compliance with aforementioned statutes.

17. N.C. General Statue 143-129 governs purchasing in the state. Bids are awarded according to its provisions.
18. The General Statutes of the State of North Carolina, the Charter of the City of Wilson, and City Ordinances, insofar as they apply to purchasing and competitive bidding, are made a part hereof.
19. All bids, except those for supplies or materials, shall be accompanied by a certificate showing possession by bidder of Workman's Compensation for their employees.

NOTE: All bids are to be mailed back to Purchasing Dept., P.O. Box 10 , Wilson , NC 27893 . Please include 2 copies of the bid. Also include bid # on envelope.