



CITY OF SOMERVILLE, MASSACHUSETTS
Department of Purchasing
JOSEPH A. CURTATONE
MAYOR

Procurement Guide for Vendors

The purpose of this guide is to familiarize interested vendors with the procurement policies and procedures of the City of Somerville and to outline the various steps involved in obtaining orders and contracts for city purchases for goods and services. It is the objective of the City to purchase at the lowest, most responsible cost consistent with the needs of the user departments. All qualified vendors are invited to share in the volume of City purchases.

How to Become a Vendor of the City of Somerville

Vendors who wish to do business with the City of Somerville must first take steps to become aware of the materials, supplies, equipment or services sought by the city. To be placed on the vendor list, please visit the City's website and complete the online General Registration form here <http://www.somervillema.gov/departments/finance/purchasing/vendor-resources>. Vendors on the list will have appropriate bids/proposals mailed to them automatically. To ensure you receive notice of the procurement activities most appropriate to you, please provide a description of the products you offer on the form where indicated. The city sends copies of bid specifications to vendors registered for the specific products and services. We also advertise bids on our website at <http://www.somervillema.gov/departments/finance/purchasing/bids> and in our local newspapers, *The Somerville Times* and *The Somerville News Weekly*, and in the Commonwealth's Central Register and Goods and Services Bulletin. Most non-construction bid packages can be downloaded from the city's website.

The City of Somerville encourages the participation of certified Disadvantaged Business Enterprises (DBE) owned by minorities, women, and disabled persons in the City's procurement process. We will recognize DBE status certified by the Massachusetts Supplier Diversity Office. Please submit an appropriate certificate with your Application Form.

What Does the City of Somerville Purchase?

The Purchasing Division of the Finance Department buys or contracts for the provision of supplies, services and equipment for the operation and maintenance of all City departments and their facilities.

To help you better understand the types of goods and services we purchase, the following is a list of the City's general categories of expenditures:

1. Administrative services
2. Administrative/office supplies



3. Custodial supplies and services
4. Professional and Technical Services
5. Legal Services
6. Financial Services
7. Job-related training
8. Rentals and Leasing, property
9. Rentals and Leasing, equipment
10. Vehicles
11. Vehicle Maintenance
12. Facilities Maintenance
13. Construction
14. Design and Engineering
15. Industrial Supplies and Equipment, Tools, Hardware, “nuts & bolts”
16. Landscaping, Natural, and Environmental supplies and services
17. Surface Transportation Maintenance Supplies and Services
18. Water and Sewer Infrastructure services and supply
19. Fuel & Energy
20. Energy and Electrical services
21. IT – Software and Hardware
22. IT - Services
23. Lights and Lighting
24. Safety, Alarms, Security, Signs
25. Police and Fire goods and services (excluding vehicles)
26. Health, Wellness, and Medical
27. Senior services
28. Social Services
29. Transportation services
30. Academic and Educational services
31. Academic and Educational supplies
32. Community and Recreational goods and services
33. Food and food services
34. Seasonal supplies and services

How Does the City of Somerville Purchase?

The City of Somerville purchases goods and services in accordance with the City’s ordinances and statutes of the Commonwealth of Massachusetts.

Solicitation Method

Once the requesting department has thoroughly completed the purchasing plan and conducted due diligence in sourcing strategy, the goal is to now formally select the best solicitation method and contract type for the requirement. The solicitation methods by statute in the Commonwealth of MA are:

- Price Quotations
- Request for Qualifications (RFQ)
- Request for Proposal (RFP)
- Invitation for Bid (IFB)
- Utilize an existing contract supply schedule (State Contract, Collaborative, etc)
- Exceptions (Emergency, Sole Source, Proprietary Specification)
- Exempt under MGL



Choosing the solicitation method depends on a few factors. First, we look at whether the purchase requires a technical evaluation or not. If not, and price is the major determining factor, then a straight sealed bid will be used to procure. The sealed bid is the preferred method of purchasing in the Commonwealth. However, when there are factors other than price to be evaluated, we will use a RFP in which the Contractor will submit both technical and cost proposals separately. There are exceptions to the standard solicitation methods like the event of an emergency in which turnaround time is critical. In extenuating cases, the Purchasing Department will assist in conducting an emergency procurement with approval from the Commonwealth (DCAMM). There is strict compliance surrounding the use of an emergency procurement. For example, the City cannot artificially create an emergency by postponing normal purchases.

MGL c30B

The City of Somerville acts in accordance to MGL c30B for all acquisitions of supplies and services, dispositions of surplus supplies, and real property acquisitions and dispositions by local governmental bodies. Chapter 30B establishes three sets of procedures for awarding supply and service contracts, as follows:

- *Contracts under \$10,000.* Use sound business practices. 'Sound business practices' is defined as ensuring the receipt of a favorable price by periodically soliciting price lists or quotes. While the law does not require a formal competitive process, it does required local jurisdictions to ensure that they receive the needed quality of supplies and services at reasonable prices. Goods and services procured for less than \$5,000 do not require the vendor to enter into a contract with the City. All purchases of \$5,000 or more will require vendors to enter into a contract with the City.
- *Contracts between \$10,000 and \$34,999.* Seek price quotes from at least three vendors and award the contract to the responsible vendor offering the lowest price for the supply or service needed. Except as otherwise provided, all purchase orders or contracts of whatever nature, for labor, services or work, the purchase, lease or sale of personal property, materials, equipment or supplies involving an expenditure of \$34,999 or less, but more than \$5,000.00, may be awarded upon informal solicitation of at least three (3) competitive quotations where reasonably possible. The director of purchasing shall informally solicit bids by giving notice to the persons and firms listed in the latest bidders' list providing the service, commodity or article desired by the city, as well as to such other persons or firms as are known by the director of purchasing to provide a competitive price or cost for the service, commodity or article.
- *Contracts of \$35,000 or more.* Conduct a formal competition by issuing an invitation for bid (IFB) or a request for proposal (RFP). In a bid process, the City awards the contract to the qualified bidder who meets our specifications and offers the best price. In a proposal process, the contract is awarded to the offeror submitting the most advantageous proposal, taking into consideration our specified evaluation criteria as well as price.

Formal Bid Process for Contracts \$35,000 and over

Except as otherwise provided, all purchase orders or contracts of whatever nature, for labor, services or work, the purchase, lease or sale of personal property, materials, equipment or supplies involving amounts in excess of \$35,000.00, made by or on behalf of the city, shall be awarded to the lowest (or in the case of the sale of personal property, the highest) responsible bidder following notice as required below:

- *Notice requirement.* Notice shall be published in a newspaper of general circulation throughout the city by at least one at least (14) days prior to the time designated for opening bids.



- *Website notice.* All pending purchases or sales shall be noticed by posting on the city website. Vendors can download bid documents and addenda at the City's website at: <http://www.somervillema.gov/departments/finance/purchasing/bids>
- *Questions, Clarifications, and Notice of Addenda.* All questions and clarifications regarding the bid documents shall be submitted to the appropriate Purchasing Department contract manager before the question submission deadline, as noted in the bid documents. All vendors known to be holding bid documents will be issued an addendum with the answers and clarifications to all questions received. Answers and addenda will also be available on the City's website on the purchasing page.
- *Bid opening procedure.* All bids shall be submitted to the Purchasing Department where they shall be safeguarded in a sealed condition until the time noticed for public bid opening.

Invitation for Bid (IFB): At the time and place stated in the public notices, the contract manager or designee, together with the director of purchasing, or designee, shall publicly open all bids. A tabulation of all bids received shall be available for public inspection in the purchasing office as well as on the City's website.

Request for Proposal (RFP): RFPs will not be opened publicly. The Purchasing Department, in conjunction with the requesting department, will assemble a committee to independently evaluate technical proposals before opening the sealed price proposals.

- *Award of bid.* The City may make an award of contract to the lowest responsible bidder or in the alternative reject all bids and either re-advertise, or authorize the city itself to perform the work or directly acquire the items on the open market. The contract will be awarded within ninety (90) days after the bid opening. The Rule for Award may change depending on the type of solicitation and the requested good and services:

IFB: The contract shall be awarded to the responsible and responsive proposer submitting the lowest unit price. Bids will be awarded based on the lowest price. Multiple contracts may be awarded.

RFP: The contract shall be awarded to the responsible and responsive proposer submitting the most advantageous proposal response, taking into consideration all evaluation criteria as well as price.

Lowest Responsible Bidder

In the city's bidding documents for all contracts except public works project contracts, "lowest responsible bidder" means the lowest bidder whose offer best responds in quality, fitness and capacity to the requirements of the proposed work or usage. "Lowest responsible bidder" means highest responsible bidder in those instances where the highest rather than the lowest price is desired.

Responsible bidder for public works project contracts means a bidder who meets all of the job specifications and who submits evidence of compliance with the following applicable criteria:

- All applicable laws prerequisite to doing business in Massachusetts
- Evidence of compliance with Federal Employer Tax Identification Number or Social Security Number (for individuals)
- Certificates of insurance indicating the following coverage's: general liability, worker's compensation, completed operations, automobile, hazardous occupation and product liability



- Compliance with all provisions of the Massachusetts Prevailing Wage Law, including wages, medical and hospitalization insurance and retirement for those trades covered in *G.L. c. 149 §§ 26-27*
- All bidders must demonstrate a good faith effort toward providing equal employment opportunities for residents to work as craftspeople's, consistent with the racial, ethnic, and gender demographics of the labor force available in the city
- All bidders must provide evidence of relevant experience that indicates the necessary capacity to perform the project and must provide adequate reference(s) verifying the quality of work performed

What You Need As a Vendor

State law mandates that bids and contracts be accompanied by a number of required forms and documents. In addition to regulations laid out in the General Laws, Somerville has additional requirements.

Somerville Living Wage. Somerville wishes to ensure that vendors pay a "Living Wage" to all covered employees (i.e., all employees except individuals in a city, state or federally funded youth program). As of **7/1/2014** "Living Wage" shall be deemed to be an hourly wage of no less than **\$12.05** per hour. The Living Wage applies to all IFBs and RFPs which involve the furnishing of labor, time or effort (with no end product other than reports) by vendors contracting or subcontracting with the City of Somerville, where the contract price meets or exceeds the \$10,000 threshold.

The Somerville Living Wage calculation is composed of three parts; 1) the prior year's living wage, 2) the established U.S. Department of Health and Human Services poverty rate for a family of four, and 3) the prior two years consumer price index for the Boston-Brockton-Nashua region. Information regarding parts 2 and 3 can be found here <http://www.aspe.hhs.gov/poverty/index.shtml> and here <http://www.bls.gov/data/>.

Non-Collusion and Tax Compliance. The City of Somerville requires all vendors to certify that bids and proposal have been made and submitted in good faith and without collusion or fraud with any other person. Vendors must further certify compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support, as well as paid all contributions and payments in lieu of contributions pursuant to MGL 151A, §19A(b).

Insurance. Prior to commencing performance of any work or supplying materials or equipment covered by these specifications, the contractor shall furnish to the Office of the Purchasing Director a Certificate of Insurance, as evidenced in the bid documents. A contract will not be executed unless a certificate (s) of insurance evidencing described coverage is attached. All applicable insurance policies shall include "CITY OF SOMERVILLE" as a certificate holder and as an additional insured for general liability.

Responsible Employer Ordinance. The REO establishes standards that are required of vendors that wish to bid on public construction projects in the City of Somerville. In addition to satisfying state laws and proper insurance coverage, the REO requires vendors to maintain a state certified apprentice training program. The REO protects construction workers by ensuring they receive proper wages and benefits.



Current Requests for Bids and Proposals

It is the responsibility of the potential vendor to contact the Purchasing Office for information when requests for bids or proposals are downloaded to the Purchasing Open Bids website and when addenda are posted. You may register your interest in becoming a supplier to the City of Somerville by completing and returning a Vendor Registration Form located on our website at <http://www.ci.somerville.ma.us/departments/finance/purchasing>

Purchase Order Requirement

All properly authorized purchases by the City of Somerville must be provided to the vendor before an order may be placed. A city purchase order number must be reflected on a vendor's invoice in order to ensure that purchases are made by authorized individuals for appropriate municipal purposes.

Any invoice received by the City of Somerville which is not supported by a purchase order will not be accepted as a valid city obligation. The invoice will be returned to the vendor without the city processing it for payment.

As an exception to the aforementioned policy, the city's ordinances permits city employees to make *emergency purchases* without a purchase order. Such procurement actions are only permitted when goods or services are "urgently and imminently necessary for the preservation of life, health, and property." Before allowing an emergency procurement action on behalf of the City of Somerville, authorization must first be obtained from the city's Purchasing Department.

Purchase Order General Terms and Conditions

The purchase order is an offer to purchase the indicated goods and services. Acceptance of the purchase order is evidence that an agreement has been reached between the vendor and the City of Somerville. All applicable portions of the Uniform Commercial Code shall govern.

What do you need to know about pricing?

- Bid prices are to remain firm from signed bid documents. The City may negotiate lower prices with the selected vendor or vendors.

Orders shall not be shipped or invoiced at prices higher than those last charged or shown on the purchase order except by express written agreement with the City of Somerville.

- All prices must be freight on board (FOB) destination. Where shipping costs are not included in the stated price on the purchase order, the vendor shall prepay such costs and add to the invoice. COD shipping will NOT be accepted.

What information must appear on shipments, invoices and packing slips?

- A valid City of Somerville purchase order number and ordering department name must be marked on all packages.
- Deliveries will be refused if not sent to the "ship to" address indicated on the purchase order.
- Vendor name, address and phone number and clear quantities, item descriptions, units of measure and date must appear on the invoice and packing slip.



Electronic Funds Transfer (EFT)

The City of Somerville requests vendors accept payment via EFT, when available. The City shall make payment to the Vendor using the EFT information contained in the Vendor's W9 Form. In the event that the EFT information changes, the Vendor shall be responsible for providing the updated information to the City Auditing Department. For Electronic Funds Transfer payment, the following information shall be submitted with invoices to the office / individuals address listed above:

- Contract/Order number.
- Contractor's name & address as stated in the contract/order number.
- The signature (manual or electronic, as appropriate) title, and telephone number of the Vendor's representative authorized to provide sensitive information.
- Name of financial institution.
- Financial institution nine (9) digit routing transit number.
- Vendor's account number.
- Type of account, i.e., checking or saving.

General Information

- Questions concerning the above General Terms and Conditions may be forwarded to the Purchasing Division at purchasing@somervillema.gov
- If any article sold and delivered to the city is protected by a patent or copyright, the vendor agrees to indemnify and hold harmless the city, from and against any and all suits, claims, judgments, and costs instituted or recovered against them by the patent or copyright owner due to the use or sale of such articles by the city in violations of right under such patent or copyright.
- Each vendor shall be an "equal opportunity employer" as defined in the United States Code Annotated. Vendors shall not discriminate against any other person by reason of race, creed, color, religion, age, sex, or physical or mental handicaps with respect to the hiring, application for employment, tenure, terms, or conditions of employment of any person.
- All vendors must comply with the requirements of the Toxic Substance Disclosure to Employees Act, for any materials covered by the act, and shall provide the city with Material Safety Data Sheets for items sold at the time of delivery.
- Equipment and material deliveries shall be in accordance with OSHA Rules and Regulations in effect at the time of an order.
- Vendors shall be in compliance with current applicable regulations of the Americans with Disabilities Act.
- Vendors shall be in compliance with the Massachusetts Prevailing Wage Act where applicable.
- Any act done or omitted by a vendor in violation or disregard of the foregoing terms and conditions shall not be binding upon the city, nor shall the city be responsible for any damage or loss to the vendor arising out of, or in consequence of, any such act or omission.

* * * * *

Please contact the City of Somerville Purchasing Division of the Finance Department if you have any questions or need any additional information.

