



Procurement Document (DOC)

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Instructions to Vendors

Document Owner/Department:
Procurement Team

1. GENERAL INFORMATION

Vendors interested in submitting a response to this solicitation are required to be registered with Bonfire at <https://glwater.bonfirehub.com>. Registration is FREE. By responding to this solicitation, vendors are agreeing to comply with GLWA's Procurement Policy made available on the GLWA website, <https://www.glwater.org/vendors/doing-business-with-glwa/>

All communications pertaining to this solicitation are to be directed only to the Procurement Professional designated in this solicitation.

2. ADDENDUMS, QUESTIONS AND INQUIRIES

It is the responsibility of the vendor to check for any addendum and/or notices posted on Bonfire and to make inquiry as to the changes or notices issued. Only written notices or addendum duly issued by GLWA shall constitute revisions to this solicitation. Vendors are advised that no oral interpretation, information or instruction by any officer or employee of the GLWA shall be binding upon GLWA.

Each interpretation or correction, as well as any additional provision that GLWA may decide to include in this solicitation, will be made only as an addendum. Should vendors be in doubt as to the true meaning of any portion of this solicitation, find any ambiguity, inconsistency, or omission herein, or intend to take exception to any requirement of the solicitation, the vendor must make a written request for an official interpretation or correction by the questions and inquiries date established in this solicitation.

Any addendum(s) issued by GLWA shall become part of this solicitation and shall be reflected by each vendor in preparation of its response to this solicitation. Vendors shall submit the latest revision of any form(s) or attachment(s) issued by an addendum.

3. PREPARATION AND SUBMISSION

GLWA does not assume any responsibility and will not reimburse any vendor for any costs incurred, however caused, in the process of responding to this solicitation including, without limitation, preparing and submitting its response, attending solicitation meetings, site tours, oral interviews, withdrawing a response, objecting to an award, receiving a Non-Award Determination or negotiating a contract resulting from this solicitation.

Vendors are cautioned that the scope of Work is intended to define the minimum standard of quality. By submitting a response to this solicitation, the vendor affirms that except for assumptions and exceptions explicitly stated, the vendor considers its response accurate and sufficient to complete the Work.

Documents included with this solicitation are for the vendor's information and convenience only and do not relieve the successful vendor from its responsibility and obligation to complete the deliverables as specified in this solicitation. Vendors requiring any additional information beyond what is contained in this solicitation may be required, in GLWA's sole discretion, to provide evidence of a security clearance from the U.S. Department of Homeland Security for each person that would have access to the information. Providing evidence of the security clearance does not guarantee any firm or person access to any or all of



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requested information. Following receipt of evidence of the security clearance, additional information may be made available to vendors.

4. SUBCONTRACTORS

Vendors shall not replace or add a subcontractor at any time after submission of its response to this solicitation unless vendor gives written notice to GLWA in sufficient time to allow GLWA to conduct an evaluation of the new proposed subcontractor and provide all information as may be requested by GLWA. Any failure to abide by these terms, GLWA may, in its sole discretion, elect not to recommend the vendor for the award.

GLWA may request the removal and/or replacement of any subcontractor nominated by the vendor prior to awarding the contract. In such event, the vendor shall promptly nominate a qualified substitute or self-perform the work involved if qualified to do so. If the vendor declines to act on either option or otherwise fails to act by the date specified by GLWA, GLWA may, in its sole discretion, elect not to recommend the vendor for the award.

This section shall not be construed to create or impose on GLWA any duty or liability under any legal theory for the performance of any vendor or subcontractor under any contract resulting from this solicitation.

5. WAGE COST

The bid/proposal cost of each and all the Unit Price items shall be in full conformance with all applicable laws. Unless the project is State or Federally funded, it is not the intent of this contract to order work which would require the payment of workers as identified in Michigan's Prevailing Wage law or the Davis Bacon act which covers construction workers employed on state financed or sponsored construction projects.

6. SOLICITATION OPENING

Responses to the solicitation will be downloaded and opened by GLWA Procurement within business (1) business day of the advertised due date and time. No modification, alteration or revision to any vendor's response will be accepted after the solicitation closing time and date.

For Request for Bids (RFB) and Invitation to Quote (ITQ), the GLWA Procurement Team will review, validate responses for responsibility and responsiveness and prepare a bid tabulation. Bid tabulation information will not be made available to vendors until GLWA Procurement has validated all bids.

For and Request for Proposal (RFP), Request for Qualifications (RFQ) and Request for Information (RFI), the GLWA Procurement Team will review, validate responses for responsiveness and the evaluation period will begin.

7. RESPONSE WITHDRAWAL AND MODIFICATION

The following rules will apply:

- A. No response may be withdrawn unless that vendor, within two (2) business days after solicitation opening, files a written claim of a mathematical or clerical error with GLWA. The claim shall detail



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the mathematical or clerical error, include a signed affidavit stating the facts of the error and request that the vendor response be withdrawn.

- B. If a claim to withdraw a response due to an alleged mathematical or clerical error is filed in a timely fashion, the contracting officer will review the claim and, if necessary, conduct a review within ten (10) business days after receipt of the claim.
- C. The contracting officer shall review evidence as to whether:
 - i) The vendors response contains an obvious mathematical or clerical error not involving lack of good faith or fair dealing;
 - ii) the error is subject to objective certification and is of such grave consequences that to enforce the contract would be unconscionable;
 - iii) the error is of a material feature;
 - iv) the error was not caused in any way by the vendor's violation of positive legal duty or culpable negligence.
- D. Upon completion of the review, the contracting officer will notify the vendor within a reasonable time of a decision to allow or not allow the vendor to withdraw its response.
- E. If GLWA suffers no serious prejudice, except loss of bargain, the contracting officer will allow the vendor to withdraw its response, and if applicable, GLWA will return the vendor's bid security within a reasonable time. However, that vendor will not be allowed to submit another response to that solicitation. The decision of the contracting officer shall be final and binding on the vendor.
- F. Nonconformance with the solicitation requirement that are non-material and do not affect the price or in the case of proposals scored requirements, may be waived by GLWA, at its sole discretion, except in circumstances where the non-conformance was due to lack of good faith or fair dealing on the vendor's part, or where such a waiver would lead to a determination obviously in error or inconsistent with the solicitation. Any non-conformance on any response forms shall be resolved as follows:
 - i) Between a stipulated allowance and the amount printed or typed, the allowance shall be used.
 - ii) If the bid bond is undated or dated later than the date of solicitation opening, the date that the solicitation was submitted shall be used.

8. SOLICITATION RESPONSE REJECTION/NON-AWARD DETERMINATION

- A. The following may be considered as sufficient grounds for rejecting a response, for determining that a vendor is not responsible, or for objecting to any of the vendor's nominated Subcontractors or Suppliers (even if holding valid licenses):



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- i) Being debarred or suspended from consideration for award of contracts by the state or any federal agency.
- ii) A felony conviction in any state (including this State) within the last three (3) years before the date of solicitation opening.
- iii) Lack of adequate experience or demonstrated qualifications or capability to perform the classification of Work provided under the solicitation.
- iv) Reasonable doubt concerning the ability to maintain adequate equipment or financing during the period allowed for the completion of the Work.
- v) Ineligibility to enter into a contract with GLWA for any reason, including, but not limited to because of a termination for cause within the last three (3) years before solicitation opening.
- vi) Concealment, misrepresentation or misstatement of any material fact.
- vii) Unit prices that are, in the opinion of GLWA, unbalanced.
- viii) The Vendor’s Bid Bond fails to stipulate an amount (or the correct amount) required in the solicitation.

B. Non-Award Determination

- i) If there are reasonable grounds for believing that collusion or unlawful agreements exist between any vendors interested in more than one solicitation, or that any responses are not genuine, a Non-Award Determination will be assigned, and no further consideration will be given to the vendor’s response.
- ii) If GLWA intends to assign a Non-Award Determination to a vendor under consideration for award, GLWA will give written notice of the impending Non-Award Determination (including reasons for the Non-Award Determination) to that vendor and all other vendors remaining under consideration for the award. If the vendor has any objection to the Non-Award Determination, that vendor shall, within two (2) business days, file a written protest.

9. BID SECURITY

If a bid security is required for this solicitation, the security shall be in the form of a bid bond. Bid bonds shall be submitted using GLWA’s bid bond form, name the vendor as principal, be executed by a surety licensed to do business in the State of Michigan and that is qualified to write bonds of the character and amount provided under the solicitation. Attorneys-in-Fact who sign bonds shall attach a certified copy of their power of attorney to sign bid bonds.

The bid security of the vendor awarded the contract will be retained until that vendor has submitted all required information, executed the agreement and delivered evidence of insurance, and furnished the



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required performance bond and payment bond.

If that vendor fails execute a contract within the corresponding specified deadlines, GLWA may annul the Award Notification, and the bid bond of that vendor will be forfeited to GLWA as liquidated damages. If GLWA incurs any collection costs in the enforcement of the bid bond requirement, that vendor and the vendor's surety, if any, agree jointly and severally to reimburse all GLWA's costs of collection, including reasonable fees and charges of attorneys and others, court or hearing cost incurred with or without suit and interest.

The bid security of all vendors will be retained by GLWA until the latter of the end of the period during which bids shall remain open, or seven (7) business days after contract award.

10. CONDITIONAL AWARD

- A. A conditionally awarded solicitation is not fully executed until all parties have signed the contract and/or a purchase order has been issued. If GLWA elects to conditionally award a solicitation, GLWA will issue an Award Determination Letter notifying the vendor. The vendor response must meet the following requirements.
 - i) conforms in all material respects with the requirements of the solicitation; and
 - ii) for RFB's and ITQ's, the lowest responsive and responsible submittal will be accepted; or
 - iii) for RFQ's and RFP's, the highest ranked vendor is accepted after successful negotiations; or
 - iv) for RFI's and RFQ's, an award will not be made unless explicitly stated in the solicitation document.

- B. At GLWA's discretion, no vendor's bid/proposal shall be considered responsible under the requirements of the solicitation, unless that vendor, within ten (10) business days after receiving notice, submits all documents GLWA considers necessary to complete the solicitation evaluation. Upon notification, the vendor under consideration for award shall provide the following:
 - i) Submit all required documents requested.
 - ii) Provide the required insurance limits naming The Great Lakes Water Authority as additionally insured. Evidence of insurance shall contain a statement confirming that coverage will not be canceled, adversely changed or renewal refused until at least thirty (30) business days prior written notice has been delivered or mailed to GLWA and the contractor.

Note: The Request for Qualifications (RFQ) and Request for Information (RFI) process may not result in a contract unless explicitly stated in the solicitation.



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11. POST AWARD

- A. The vendor awarded the contract shall comply with, all applicable laws (e.g. local, state, and federal).
- B. If applicable, the successful vendor will have reasonable access as needed to GLWA facilities and staff to obtain documents and files, and to perform interviews to gain an understanding of the Work to be provided.
- C. The contractor will be emailed one full set of the contract documents upon full execution of contract. For some contracts, a Purchase Order will constitute an execution of a contract.
- D. GLWA's vendor performance evaluation program will be implemented under this contract, whereby performance of the vendor will be evaluated periodically at any time during this contract as determined by GLWA. The evaluation will be conducted during a meeting with the vendor, where the evaluation elements will be discussed, and the vendor will be afforded the opportunity to review the scores and provide input to GLWA. The vendor performance evaluation information may be used by GLWA to help evaluate the vendor's capabilities to perform other work for GLWA in the future.

End of Instructions to Vendors