



Vendor Guide

Revised: October 2015

TABLE OF CONTENTS

VENDOR OPPORTUNITIES..... 4	OTHER
VENDOR APPLICATION & MAINTENANCE..... 4	MISTAKES IN BIDDING 11
VISITING HOURS 4	TIME ZONE 12
BID OPENING LOCATION..... 4	BID BOND 12
BUSINESS HOURS 5	PERFORMANCE AND PAYMENT BOND..... 12
STAFF 5	PREVAILING WAGE LAW 12
BUYING ASSIGNMENTS..... 5	TRANSIENT EMPLOYER LAW..... 13
VENDOR PERFORMANCE RECORD . 5	SERVICE CONTRACTS OVER \$5K... 13
THE PROCUREMENT CYCLE 5	BIDDING INSTRUCTIONS..... 14
REQUEST FOR BIDS..... 6	INSURANCE REQUIREMENTS..... 134
TYPES OF SOLICITATIONS 6	PREFERENCE 14
BIDDING METHODS 6	IDENTICAL BIDS 14
SPECIFICATIONS 6	CHANGE ORDERS 14
PRE-BID CONFERENCES 7	ALTERNATES 14
ADDENDA 7	TAXES 15
TERMS AND CONDITIONS 7	GRATUITIES..... 15
COMPLETING THE BID FORM 7	CONFLICTS OF INTEREST 16
BRANDS 7	COOPERATIVE BUYING 16
PRICING F.O.B. DESTINATION COMMERCIAL ZONE..... 8	ADVERTISING 16
CASH DISCOUNT TERMS 8	UNAUTHORIZED ORDERS 17
LEAD TIME 8	WORK WITHOUT A CONTRACT 17
OTHER..... 8	RIGHT OF PROTEST 17
SUBMISSION OF BIDS 9	EXEMPTIONS FROM BIDDING 17
BID OPENINGS..... 9	BUYING FROM CITY UTILITIES..... 18
EVALUATIONS 10	GOVERNING LAWS 18
NOTICE OF AWARD..... 10	FEDERAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM 18
PUBLIC NOTICE OF AWARDS 10	CITY UTILITIES DIVERSITY OPPORTUNITIES 19
DELIVERY 11	SMALL BUSINESS PARTICIPATION OPPORTUNITIES.....20
INSPECTION..... 11	EQUAL EMPLOYMENT OPPORTUNITY 20
PAYMENT 11	CODE OF ETHICS..... 21
INVOICE MAILING ADDRESS..... 11	RESERVATION OF RIGHTS 21

WELCOME TO CITY UTILITIES' PURCHASING!

We appreciate your interest in doing business with us, and welcome the opportunity to have you as a vendor. This "Vendor's Guide" will assist you in your day-to-day business transactions with City Utilities.

City Utilities of Springfield (CU) is a progressive, community-owned utility serving southwest Missouri with electricity, natural gas, water, telecommunications and transit services. CU's 100,000 customers enjoy utility prices among the lowest in the United States, the convenience of one bill for all utilities, and dependable hometown services delivered with a personal touch.

At CU, Purchasing is responsible for prompt procurement of equipment, materials, supplies, and services to the Utility to the maximum extent possible on the schedule requested by the various departments within the Utility. This includes:

- Seeking, developing, and maintaining reliable sources of supply.
- Utilizing procurement practices that maximize benefits to the Utility and its customers.
- Obtaining items from the vendor that submits the lowest and best bid as determined by CU.

Comments and suggestions are welcome. Every effort has been made to make this guide a helpful tool for vendors to sell to CU; however, it is only a guide. CU's bidding and contract documents (e.g., Request for Quotation, Request for Proposal, Purchase Order, etc.) may contain specifications, terms, and conditions that take precedence over instructions in this guide. Please call, stop by or e-mail us if we can help in any way.

We look forward to doing business with you!

City Utilities' Purchasing Department

VENDOR OPPORTUNITIES

Vendors are encouraged to visit CU's Purchasing office. We look forward to learning more about your products and services and will share with you how goods and services are purchased by CU, and provide contact names of others at CU for the most effective and efficient presentation of your products and/or services. Your sales presentation goals will be more readily met by starting with Purchasing.

Vendors are requested to make an appointment at least one day prior to visiting. Register with the receptionist in the lobby of the Training Center, 301 E. Central Street. The receptionist/security will notify us of your arrival.

VENDOR APPLICATION & MAINTENANCE

Purchasing maintains a computerized vendor file for goods and services purchased by CU. This file is used in conjunction with other vendor sourcing information to solicit bids/proposals. Your firm's name can be placed on file by completion of CU's Vendor Application. The Vendor Application is available at the "Business" link on City Utilities' Web-Site at www.cityutilities.net, or by visiting Purchasing at 301 E. Central Street, Training Center, Springfield, Missouri, or by telephoning (417) 831-8363. Line cards, commodity lists, and description of services should be included.

Your firm is responsible for notifying Purchasing of changes to your vendor application once submitted to CU. For example, address, contacts, remit to, telephone, fax, e-mail, and commodity changes. Please contact us promptly. Copies of corporate registration and other legal documentation should be submitted to support name changes, mergers, etc. Complete information should also be submitted to clarify any changes to your corporate divisional responsibilities and operations, as well as authorized sales representative changes, distributors, etc.

VISITING HOURS

Typical hours are Monday through Friday 8:00 AM to 5:00 PM, excluding holidays.

BID OPENING LOCATION

Bids are opened in Purchasing, which is located on the second floor of the Training Center, 301 E. Central Street, unless otherwise noted. If attending a bid opening, first report to security in the lobby.

BUSINESS HOURS

City Utilities' business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

STAFF

See the "Purchasing and Vendor Information" link on City Utilities' Web-Site at <https://www.cityutilities.net/purchasing/contacts/> to obtain the latest listing of Purchasing Staff.

If you do not have access to the Internet, please contact the Purchasing Department at 417-831-8363 to obtain the current listing.

BUYING ASSIGNMENTS

To obtain purchasing staff's buying assignments, please contact the Purchasing Department at 417-831-8363 to obtain the current listing.

VENDOR PERFORMANCE RECORD

High quality, reliable vendor performance is vital to CU so that we may provide high quality, reliable service to our customers.

CU maintains performance records. Unsatisfactory performance can restrict your firm from future bidding opportunities.

Evaluation considerations may include, but are not limited to:

- Timely Delivery of Materials & Services
- Receipt of Correct Materials
- Receipt of Correct Quantities
- Compliance to Contract
- Quality of Product or Services
- Completeness/Accuracy of Bid Documents
- Completeness/Accuracy of Invoices
- Past Performance

THE PROCUREMENT CYCLE

CU purchases materials, equipment, and services to fill the needs of the departments for operation and maintenance of the various facilities and services of the Utility.

Note: The term "bid" shall be synonymous with Request for Quote, Request for Proposal, Inquiry, Request for Information and other solicitations for response.

REQUEST FOR BIDS

Solicitations for bids will be distributed by Purchasing. Solicitations will be distributed to a number of vendors as may be deemed practical or otherwise qualified by CU.

Copies of certain current written solicitations are available for review in the Purchasing lobby during business hours and City Utilities web site. The public is invited to review these documents and to request copies of solicitations. Advertisements may also appear in various publications as deemed appropriate by CU.

TYPES OF SOLICITATIONS

Dollar levels for the different types of solicitations are:

- Under \$ 5,000.00 Competitive bids are not required.
- Under \$ 25,000.00 Informal solicitations by phone, fax, e-mail or other means may be used.
- Over \$ 25,000.00 Formal solicitations requiring the use of sealed bids will generally be used.

BIDDING METHODS

City Utilities utilizes different bidding methods, depending on the procurement situation. However, the two most common types are Request for Quotations and Competitive Request for Proposals (e.g., One Step, Two Step Process and Best and Final Offers (BAFO)).

SPECIFICATIONS

Vendors are expected to read the specifications and instructions, including the current Bidding Instructions Form <https://www.cityutilities.net/wp-content/uploads/purchasing-bid-instructions.pdf>, in each solicitation carefully and respond as specified. It is a formal statement of CU's needs, and contains all the necessary details of the materials or services required. Any questions should be directed to the Buyer identified on the solicitation unless otherwise specified.

PRE-BID CONFERENCES

Occasionally, the nature and complexity of a particular solicitation will necessitate a conference with potential bidders prior to the submission of a vendor's bid to ensure the clarity of the requirements. The specific date, time and place will be stated in the solicitation document.

ADDENDA

Addenda may be issued to a specification. As soon as the need for interpretation or modification is required, addenda are issued in writing and sent to every firm of record that has received a solicitation. Any explanation should be requested in writing with sufficient time allowed for a reply. Oral explanations or instructions given will not be binding.

TERMS AND CONDITIONS

The terms and conditions of a resulting contract will be as stated by CU in the solicitation, any attachment and CU's purchase order. It is CU's full intent to be fair and equitable while striving to procure in the best interests of City Utilities in determining the lowest and best bid.

If a vendor offers exceptions on a bid, it may make their bid non-compliant. Exceptions must be clearly identified and will only be considered if CU determines conditions so warrant (see ALTERNATES).

COMPLETING THE BID FORM

The entire solicitation that vendors receive is part of their bid, and will be incorporated as part of any resulting contract. The complete solicitation with all addenda must be returned to CU. Read the solicitation carefully, including the most current revision of Bidding Instructions Form BI-2008. If the items requested could be supplied by you, fill out the bid form and supply any other required information. Data requested for materials and equipment generally includes, but is not limited to:

- Unit price
- Extended price
- Billing terms
- Time period from date of award till delivery of items to CU
- Identification of products offered

BRANDS

Brands and part numbers being offered by the vendor must be identified for each applicable item, in the space provided on the solicitation.

Trade or brand names may be used in the specification of the solicitation for identification. An "or equal" is fully intended unless otherwise stated. Vendors are requested to obtain approval of their products prior to the bid opening date (see ALTERNATES).

CU maintains an Acceptable Brand List for inventory materials to ensure that the products received meet certain minimum standards. Final determination of acceptability remains solely with CU.

PRICING F.O.B. DESTINATION COMMERCIAL ZONE

Bidder is to quote a unit price and extended price, F.O.B. Springfield, Missouri, Commercial Zone for each item bid, unless otherwise stated in a specific solicitation, with all freight charges included in the cost of the product/service. Any exceptions to this requirement shall include in writing: the class, weight, and estimated freight charges. The exception shall be clearly noted on the bid, and the bid may be subject to rejection as non-compliant.

CASH DISCOUNT TERMS

If a bidder offers a discount for prompt payment of invoices within a stated period, such discount should be stated in the bid. This will be considered in the evaluation of the bids to determine the lowest and best bid.

LEAD TIME

The time of delivery is a part of the consideration of each bid, and must be stated in definite terms on each bid, and must be adhered to. If the delivery varies on different items, the bidder shall so state (see DELIVERY). State lead time in calendar days.

OTHER

The bid form must be written in ink or typed. Changes/corrections must be initialed. Verify the accuracy and completeness of a bid form before submission. Bids cannot be withdrawn or corrected after they are opened.

An authorized agent of the firm with which CU will contract must sign the bid form. Please verify the accuracy of your firm's name and address. Failure to clearly designate the performing firm and the agent firm (when different) could result in the delay of award or payment.

Even if a vendor cannot bid on all of the items, they should bid on those that they can supply. If a vendor is unable to bid, please indicate so on the first page of the inquiry form and return it to the CU Purchasing office. An explanation of why you are unable to bid is always encouraged

since such information may help CU to improve future solicitations and specifications. Even though a vendor may not be able to bid on an item or group of items, a "no bid" response assures us that they remain interested in selling to CU and wish to be retained on CU's active file.

SUBMISSION OF BIDS

Unless otherwise notified, CU provides opaque envelopes with each mailed solicitation, which has the solicitation's number, bid opening date and time notated on the face of the envelope. Please use this envelope when feasible. If a different envelope is necessary (e.g. express mail use), please ensure that the envelope is opaque and clearly identifies the solicitation's number, bid opening date and time on the outside of the envelope. Failure to do so could result in rejection of the bid.

All bids must be received by City Utilities before the time and date specified for the bid opening. Bids received after the announced bid opening time will be rejected.

Sealed bids may be submitted in person, by mail (including express mail service), or by courier. Formal sealed bids will not be accepted by telephone, telegraph, facsimile, or e-mail. Bids must arrive in a clearly identifiable, opaque sealed envelope prior to the bid opening date and time. Choice of an acceptable delivery method is solely the responsibility of the bidder who assumes all related risks. Mail cannot be delivered on Saturdays or Holidays when CU's offices are closed.

Address:

U.S. MAIL DELIVERY:

City Utilities of Springfield, MO
Attn: Purchasing
P.O. Box 551
Springfield, MO 65801-0551

EXPRESS MAIL / COURIER DELIVERY:

City Utilities of Springfield, MO
Attn: Purchasing
301 E. Central St.
Springfield, MO 65802-3834

BID OPENINGS

Vendors are invited to attend the public opening which commences promptly at the time and date specified for the bid opening unless otherwise noted. Bid opening usually takes place at the following location, unless otherwise specified in the solicitation or by the Buyer:

City Utilities of Springfield, MO
301 E. Central St., Training Center
Purchasing Bid Room
Springfield, MO

Generally, prices and terms will be read. For complex bids and proposals, more detailed information may be reviewed upon completion of the evaluation.

EVALUATIONS

Awards will be made to the vendor that submits the lowest and best bid as determined by CU. CU reserves the right to waive any informality and to accept or reject any or all bids submitted.

CU will determine the applicable evaluation criteria which may include, but not be limited to:

- Conformity with specifications/Design
- Quality of product or services
- Subcontractors/suppliers
- Delivery or schedule
- Vendor financial stability
- Price and Total cost
- Responsiveness & Responsible
- Safety
- Product and Vendor performance
- References
- Organization/staff
- Insurance, bonding, legal considerations
- Terms & conditions

Additional evaluation criteria may be specified for certain competitive RFP's and RFQ's.

NOTICE OF AWARD

The successful vendor will receive notice of acceptance of their bid issued by Purchasing. This notice may be in the form of:

1. A Purchase Order
2. A letter - normally used when the successful vendor is to supply/return related contract document(s) to CU prior to work being performed

Generally, when agreements require execution by both the vendor and CU, agreement forms will be issued to the vendor with the notice of award letter, and will be executed by CU upon their prompt return. Failure to supply/return contract documents identified in a specification within the stated time period may subject a bid to rejection, forfeiture of bid bond, etc.

PUBLIC NOTICE OF AWARDS

Due to the large volume of solicitations between City Utilities and various businesses, evaluation results are not mailed or communicated to bidders. However, most all competitively bid awards are shown on City Utilities Purchasing web site for your review.

<https://www.cityutilities.net/purchasing/bid/>

DELIVERY

All shipments must be delivered to the shipping address shown on the purchase order. Shipments must be received on or before the due date shown on the purchase order, in conformance with the lead times quoted on the vendor's bid. Hours during which deliveries will be accepted are stated on the purchase order.

CU expects timely delivery of all goods and services. CU's plans, schedules, and ability to meet its customers' expectations are dependent upon the scheduled delivery of the correct products.

Late or incorrect deliveries can result in additional costs to CU. This is in conflict with our mission and responsibility to our customers, and is unacceptable.

INSPECTION

All merchandise purchased by CU is subject to inspection. Some specifications may contain a section stating the type of inspection necessary, and to whom the test reports are to be sent. All materials, supplies, and equipment purchased by CU shall be received and checked carefully as to quantity and quality against the purchase order specifications before payment is authorized.

PAYMENT

An invoice will be processed for payment in accordance with the bidder's payment terms when notice has been received by the Accounting Department of CU that the goods or services have been received and have been inspected and found to be as ordered. Payment shall not constitute a waiver of any remedies CU may have for breach of warranty, negligence, breach of contract, etc. Separate invoices shall be supplied for each purchase order shipment. Each invoice shall be itemized and shall show terms, discounts, date of shipment, purchase order number, and other information as specified in the contract.

INVOICE MAILING ADDRESS

City Utilities of Springfield, Missouri
Attn: Accounts Payable
P.O. Box 551
Springfield, MO 65801-0551

OTHER**MISTAKES IN BIDDING**

If a bidder finds that they have made a mistake in their bid, they may correct this mistake before the scheduled bid opening time by submitting a separate revised bid stating that they are canceling the previous bid and superseding it with the information in the revised sealed bid. The revised bid must be in a sealed opaque envelope with the inquiry number, bid opening date and bid opening time clearly written on the outside of the envelope.

All bids are irrevocable after bid opening.

In the event of error in calculation, the unit price quoted shall prevail.

TIME ZONE

All references to the time of a bid opening are to be the prevailing Standard or Daylight Saving Time (Local Time) as the case may be, in Springfield, Missouri.

BID BOND

When a bid guarantee is specified, each bid must be accompanied by a bid bond with adequate surety, naming the Board of Public Utilities of Springfield, Missouri as obligee, in a penal sum equal to five percent (5%) of the maximum bid price, or in lieu thereof, a certified check drawn on a Federally insured banking institution, payable to the Board in the same amount as the penalty of the bond, unless otherwise noted in the bid document. The bond and the deposits are conditioned that should a bidder, after award, fail to enter into a contract, then the entire amount of the check so deposited shall become the property of the Board, or the Board shall be entitled to recover the entire penal sum of the bond without further proof of damage. Checks will be returned to all unsuccessful bidders within a period of thirty (30) days following the award.,

PERFORMANCE AND PAYMENT BOND

When a Performance, Labor, and Materials Bond is specified, the successful bidder will be required to provide CU with a bond executed by an acceptable surety. The amount will generally be the total contract amount, unless otherwise noted. Read all related instructions and specifications carefully.

PREVAILING WAGE LAW

When the State of Missouri Prevailing Wage Law and/or Federal Wage are applicable, CU will include Wage Determinations in the specifications. The current state wage can be found on the website at <https://www.cityutilities.net/purchasing/general/>. A Performance, Labor, and Materials Bond will be required. Contractors and subcontractors are required to conform to the Missouri State Statutes and/or Federal Statutes. An affidavit stating such compliance must be on file with CU prior to final payment. Read all related instructions and specifications carefully.

TRANSIENT EMPLOYER

Any nonresident or foreign companies who employ people in Missouri must provide:

1. A certificate from the Missouri Dir. of Revenue showing compliance with the Transient Employer Law (285.230 R.S.Mo. et seq.); or
2. Proof of exemption from Section 285.230 R.S.Mo.

A Certificate of Compliance or proof of exemption must be submitted to City Utilities in regards to the transient employer law upon successful award of bid and before performance of scope of work. Questions? Call (573) 751-0459 or visit the web site at www.dor.mo.gov/tax/business/register/ for additional information.

REQUIRED AFFIDAVIT FOR CONTRACTS OVER \$5,000.00 (US)

Company shall comply with the provisions of Section 285.525 through 285.550 R.S.Mo. Contract award is contingent on Company providing an acceptable notarized affidavit stating:

1. that Company is enrolled in and participates in a federal work authorization program with respect to the employees working in connection with the contracted services; and
2. that Company does not knowingly employ any person who is an unauthorized alien in connection the contracted services.

Copy of the affidavit can be found and downloaded at CU website;
<https://www.cityutilities.net/purchasing/general/>

Additionally, Company must provide documentation evidencing current enrollment in a federal work authorization program (e.g. electronic signature page from E-Verify program's Memo of Understanding (MOU)).

BIDDING INSTRUCTIONS FORM

See City Utilities web site for additional information at <https://www.cityutilities.net/wp-content/uploads/purchasing-bid-instructions.pdf>

INSURANCE REQUIREMENTS

When insurance requirements are specified, the successful bidder will be required to submit Insurance Certificates (or Policies) executed by an acceptable surety. Read the insurance requirements and instructions carefully. Consultation with the bidder's agent during bid preparation is strongly advised to ensure their ability to comply.

PREFERENCE

CU encourages the purchase of products manufactured, assembled or procured in the United States of America.

In those cases where Federal funds are used for purchases (e.g. Federal Transit Administration), CU will prefer bidders in accordance with applicable Federal laws. Certification statements of bidder's compliance and/or bidder's products may be required.

To the extent that other states impose a preference to their bidders, CU will prefer Missouri bidders.

Whenever a product or service is equal, and the evaluated cost is the same, CU will prefer first the American product or service, then the Missouri product or service, then the Springfield product or service.

IDENTICAL BIDS

Unless otherwise specified, when two or more bids are determined to be the same, the casting of lots will be used to break the tie.

CHANGE ORDERS

CU may make modifications to its agreements. The modifications shall be within the general scope of the original agreement, have had an immaterial effect on the original bid, and be issued in writing by authorized CU personnel.

No modifications to the agreement may take place until the change order has been signed in writing by both parties.

ALTERNATES

If a bidder wishes to bid an ALTERNATE, they may do so, but alternate bids must be identified and must be supported by complete specifications, catalog numbers, and descriptions, as appropriate, to permit full and proper evaluation. Alternates should be equal to, or better than,

specifications requested. Alternate Bids/Proposals that are not accompanied by documentation are subject to rejection without question. Alternates will be evaluated only if CU determines conditions so warrant. Final determination of acceptability remains with CU.

Bidders may also submit more than one bid or proposal.

Bids/Proposals that are not submitted on CU's forms, or contain different terms or provisions, or are not completed properly, may be rejected at CU's discretion.

Any alternates to CU's specifications, brands, part numbers, terms and conditions, etc., should be noted on the face of a bid/proposal and may be rejected at CU's discretion.

TAXES

CU is a municipally owned utility and is exempt from all taxes (Federal, State, County, or City) except certain State gasoline and diesel taxes. Exemption letters and/or Project Exemption Certificate (Section 144.062 R.S. Mo.) will be provided upon request.

GRATUITIES

The purpose of this policy is to ensure the integrity of City Utilities is never questioned or compromised. Our customers must be certain that all business relationships are entered into based on quality, service and price and are not influenced by the acceptance of improper inducements (gratuities).

Neither an employee nor a family member shall accept a gift from anyone who has or seeks a business relationship with City Utilities or shall allow any such person or entity to pay for any personal or business expenses, entertainment, or other services enjoyed by the employee or family member. Employees may accept invitations to sporting, entertainment, or cultural events. However, all expenses incurred by the employee or family member in the course of these activities must be reimbursed to the individual or business making the invitation. The reimbursement should be based on the published amount a member of the public would pay for the same or similar activity. City Utilities' employees or family members can accept the following to the extent that it is customary for similar utilities or governmental agencies and their employees to do so and they are "de minimis" in value:

1. Items of insignificant value used to advertise the business and bearing the business' name or logo including, but not limited to, pens, pencils, ball caps, T-shirts, golf tees, towels, letter openers, key chains, and calendars.
2. Meals and drinks in direct connection with business meetings.
3. Perishable gifts such as a floral arrangement, fruits and nuts, confections, meats and cheese, or similar food items to be shared by department employees.

City Utilities' employees or family members shall not accept anything from the above three categories so frequently, to such an extent, or in such a manner, that it could appear to be improper.

City Utilities is comprised of many diverse departments that interface with a variety of businesses. It is recognized and understood that some departments may opt for a more stringent or "no tolerance" policy. Further, this policy in no way exempts employees from conformance with specific Codes of Conduct for their respective professions. Good judgment must be used in applying this policy since it does not attempt to address all possible situations.

CONFLICTS OF INTEREST

Any employee of City Utilities forfeits their position if:

1. They are financially interested, directly or indirectly, in any contract with the City of Springfield or any of its departments, or
2. They have any direct or indirect financial interest in the sale of any land, material, supplies, or services to the City of Springfield (except as he may be a representative of City Utilities in connection with any sale). "Direct or indirect interests" includes employment by a contractor whose work involves issuance of tax bills or special assessments; owning a business holding a corporate office with a corporation contracting with the City of Springfield; or being married to any person who might fall into the mentioned categories.

Any questions should be directed to City Utilities' Legal Department.

COOPERATIVE BUYING

CU may enter into cooperative buying arrangements with the State of Missouri, the City of Springfield, other governmental agencies or other entities to take advantage of the combined purchasing power when practicable.

ADVERTISING

CU post competitively RFQ and RFPs on their web site. Vendors are encouraged to view these bidding events and bid on those that are appropriate to their business. CU may also advertise RFQ and RFPs as determined appropriate in newspapers, plan rooms, etc., to expand the opportunity to bid. <https://www.cityutilities.net/purchasing/bid/>

UNAUTHORIZED ORDERS

Only Purchasing personnel are authorized to commit City Utilities' funds. A list of authorized Purchasing Staff is available at the <https://www.cityutilities.net/purchasing/contacts/> on City Utilities' Web-Site. If you do not have access to the Internet, please contact the Purchasing Department at 417-831-8363 to obtain the current listing. Any other interpretation of authority shall be at the vendor's sole risk, is not binding, and related invoices may not be honored.

WORK WITHOUT A CONTRACT

No service should be provided, and no goods should be delivered before you receive a written contract from City Utilities. Until a contract, purchase order or blanket order release is executed by City Utilities, City Utilities has no legal obligation to pay for the order.

RIGHT OF PROTEST

If a vendor has a grievance with a solicitation or award, they may protest to the Manager – Purchasing in writing within 14 days of award.

U.S. MAIL DELIVERY:

City Utilities of Springfield, MO
Attn: Purchasing
P.O. Box 551
Springfield, MO 65801-0551

EXPRESS MAIL / COURIER DELIVERY:

City Utilities of Springfield, MO
Attn: Purchasing
301 E. Central St.
Springfield, MO 65802-3834

The Manager - Purchasing will investigate the complaint and decide whether the complaint is justified and if so, what corrective action should be taken. All decisions by the Manager - Purchasing are final.

EXEMPTIONS FROM BIDDING

In the event that materials, supplies, or equipment may be urgently needed, telephone or verbal offers may be accepted in lieu of written offers, or, in the case of an emergency, purchases may be made as directed and authorized by the General Manager at the lowest cost consistent with the emergency needs and requirements of CU.

Situations which by their nature are not adapted to award by competitive bidding, including but not limited to contracting the services of individuals possessing a high degree of professional skill, contracts for printing or engraving of bonds and other evidences of indebtedness, minor

dollar purchases, contracts for utility service, purchase of magazines, books, periodicals, and similar articles of educational or instructional matter, shall be exempt from competitive bidding requirements.

Where services concerning the repair of equipment are needed, and the damage is not discernible and would require such bidder to disassemble the machine for the purpose of making a bid, any qualified person or firm to perform such repairs may be designated by Purchasing.

BUYING FROM CITY UTILITIES

Scrap, obsolete equipment, and by-products generated by the operation of CU are sold through competitive bidding procedures, auctions, on-line electronic bidding or as permitted by policy.

Bidders are urged to inspect the materials before submitting a bid. Sales are "as is, where is, without warranty or guarantee."

GOVERNING LAWS

City Utilities' procurement and sales methods and procedures conform to all applicable Federal law; Missouri Statutes; the City Charter of Springfield, Missouri; and the rules and procedures set forth by The Board of Public Utilities of Springfield, Missouri.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

City Utilities of Springfield, Missouri (City Utilities) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. It is the policy of City Utilities to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy to:

1. Ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs; and
5. Help remove barriers to the participation of DBEs in DOT-assisted contracts

WHAT IS A DISADVANTAGED BUSINESS ENTERPRISE?

A Disadvantaged Business Enterprise is a small business:

1. Which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51

- percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

City Utilities' DBE Program is available at the <https://www.cityutilities.net/wp-content/uploads/purchasing-fta-dbe.pdf> link on City Utilities' Web-Site. The DBE Program is available for downloading, viewing or printing.

If you do not have access to the Internet, please contact the Purchasing Department at 417-831-8363 to obtain the current DBE Program.

DIVERISTY PROGRAM OPPORTUNITIES (Non-Federal Funded Projects)

City Utilities of Springfield will, whenever feasible, provide opportunities to certified disadvantaged (DBE), minority (MBE), or women businesses enterprises (WBE) in the procurement process.

It is the intent to provide certified DBE, MBE and WBE with equal opportunity to participate in all aspects of City Utilities' contracting and procurement programs, including, but not limited to, participation in procurement contracts for equipment, materials, services, supplies, and the construction, renovation or repair of facilities and equipment.

It is the intent to 1) provide information or other opportunities to certified DBE, MBE and WBE that may also be available to all other business enterprises; 2) widen opportunities for vendor participation, to increase competition, and to reduce costs.

It is not the intent of these guidelines to establish procedures that will increase the cost of construction, procurements and procurement programs nor give one business an unfair advantage over another business.

City Utilities and contractors will not knowingly exclude any person from participation in bidding, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, color, sex, national origin, or religion.

City Utilities will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program.

Firms wishing to become certified may contact City Utilities for guidance as to how to become certified. A copy of these program guidelines shall be available for public review in the Purchasing office.

City Utilities will provide the following outreach assistance to certified DBE, MBE, and WBE vendors:

- Will give consideration to providing training opportunities through individual assistance, electronic information, or workshops along with other governmental entities through the Chamber of Commerce to assist disadvantaged businesses in learning how to do business with CU.
- Where feasible, provide electronic links to other website solicitation opportunities.
- Where feasible, make available electronic guidelines to assist all businesses, including disadvantaged businesses, in learning how to do business with CU.
- Where feasible, make available appropriate staff to assist certified disadvantaged businesses (DBE, WBE, and MBE) in learning how to do business with CU.
- Where feasible, make available source lists of certified state and federal businesses (DBE, WBE, and MBE) for the purpose of encouraging procurement from disadvantaged businesses.

SMALL BUSINESS PARTICIPATION OPPORTUNITIES

(Federal Funded Projects)

City Utilities of Springfield is taking steps to foster and facilitate competition by small business concerns by taking reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements, that may preclude small business participation (e.g., includes minority and disadvantage businesses) in procurements as prime contractors or subcontractors. Taking steps to facilitate small businesses goes hand in hand with small DBE businesses and cultivates their ability to move from subcontracting to prime contracting roles.

Contact City Utilities of Springfield Purchasing Department for further information.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of City Utilities, Springfield, Missouri, to offer equal employment opportunity to individuals without regard to race, color, religion, gender, ancestry, national origin, disability, age, genetic information, veteran status or marital status. We are not merely committed to this policy because it is required of government contractors, but because it is consistent with good business practice.

The Equal Employment Opportunity Commission requires vendor's commitment to equal opportunity be similarly reflected in the composition of their firm's workforce by complying with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

If a vendor employs more than 50 people and/or contracts with CU for \$50,000 or more, the vendor will not discriminate against any employee or applicant for employment because of race, color, religion, creed, age, genetic information, sex, physical or mental disability, ancestry or national origin. The vendor will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, gender, ancestry, national origin, disability, age, veteran status or marital status. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The vendor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the government-contracting officer setting forth the provisions of this nondiscrimination clause.

City Utilities will consider all vendors, including disadvantaged business enterprises, when making an award and will not discriminate on the basis of race, color, religion, gender, ancestry, national origin, disability, age, genetic information, veteran status or marital status.

CODE OF ETHICS

The Board of Public Utilities of the City of Springfield, Missouri, and its employees are collectively and individually committed to:

- Providing safe and reliable service in compliance with laws, rules, and regulations.
- Providing materials and services to the highest standards of our industry at fair prices.
- Having excellence as the only acceptable norm in everything we do.
- Being fair, honest, and open in all business relationships and contacts with the public: the people whom we serve, the people from whom we buy, the people to whom we sell, and our fellow employees.
- Conducting our business and personal affairs in such a manner as to earn the respect, credibility, and confidence of the community we serve.
- Being totally dedicated to the achievement of the highest quality of life for our community.

RESERVATIONS OF RIGHTS

This manual is designed to reflect the existing policies and procedures of the Purchasing Department in effect on the date of publication. Purchasing reserves the right to make modifications to this manual as needed. In the event of a conflict between this manual and those solicitations and contracts/purchase orders issued to vendors, the provisions of the solicitation and contract/purchase order documents will prevail and govern. The policies and procedures stated in this manual shall not be construed as an interpretation of local, State or Federal laws or regulations.