CITY OF YONKERS

BUREAU OF PURCHASING
40 SOUTH BROADWAY, ROOM 102
YONKERS, NEW YORK 10701

A VENDOR’S GUIDE TO
CONTRACTING WITH THE
CITY OF YONKERS

Mike Spano      Tom Collich
Mayor, City of Yonkers  Purchasing Director
Welcome Vendors,

Yonkers is the largest city in Westchester County and the fourth largest in New York State. We have approximately 200,000 residents living in 18 square miles. The city infrastructure includes over 45 government buildings and maintenance shops, 100 parks and playgrounds, over 360 miles of road, 450 miles of sanitary and storm sewers, over 350 miles of water mains, 4500 fire hydrants, 12,000 catch basins, and 3 connections to the NYC water supply.

As you can imagine, the City requires a broad range of goods and services to maintain this infrastructure and provide essential services to the public. We have an annual operating budget of approximately $322 million of which an average of $43 million is spent on procurements ranging from building, sewer, and road supplies to construction and consulting services to police and fire vehicles and safety equipment.

We acquire these goods and services through a centralized procurement system based on competitive bidding that is administered by the Bureau of Purchasing. It is the goal of Purchasing to maximize competition and ensure that all vendors have an opportunity to compete on a fair and equal playing field. We issue approximately 5000 purchase orders and 300 contracts per year.

The City is constantly looking for new vendors to stimulate competition and it is the City’s policy to actively seek local businesses and Minority and Women Business Enterprises to participate in City solicitations and pursue City contracts.

This guide will provide you with an overview of the City’s procurement process - it is not intended to explain every detail of the laws and regulations governing public purchasing.

We hope you find this guide helpful and we look forward to your participation in City solicitations.

Sincerely,

Tom Collich
Purchasing Director

If you have any questions, please contact us at:

City Hall - Bureau of Purchasing
40 South Broadway, Room 102
Yonkers, New York 10701
Voice: 914-377-6035
Fax: 914-377-6032
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For a one-stop, online resource to access all City news, events, and other public information, please visit the City website at www.yonkersny.gov.
DEFINITIONS

Board of Contract & Supply (BOCS): The governing body of the City of Yonkers empowered to approve contract awards for commodities and services over $10,000, public work over $20,000, and professional service contracts over $2,000.

Using Department: The organizational unit within the City that uses goods or services.

Vendor, Contractor, Consultant: These terms are interchangeable and refer to any individual or business doing business or seeking to do business with the City.

Goods: Moveable property for sale, such as equipment, supplies, materials, or repair parts; synonymous with commodities.

Services: The time and effort expended by a contractor to satisfy a City requirement as opposed to simply supplying goods. For example, equipment maintenance and repairs.

Professional (Personal) Services: Services that require specialized skill, training and expertise, use of professional judgment or discretion, and/or a high degree of creativity, and often involve a relationship of personal trust and confidence.

Public Work: A construction project that involves the employment of laborers, workers, or mechanics where the primary objective is to benefit the public.

Prevailing Wage: The minimum rates of pay for different work classifications on Public Work Contracts. The New York State Department of Labor issues the wage schedules on a county-by-county basis.

Competitive Sealed Bidding: The process of publicly advertising the City’s requirements for goods, services, or public work; based on a clear and accurate specification/scope-of-work; inviting sealed bids; publicly opening and reading the bids; and awarding a firm, fixed price contract to the lowest responsive and responsible bidder.

Invitation for Bids (IFB): All documents furnished to prospective bidders for the purpose of soliciting prices for goods, services, or public work through the process of Competitive Sealed Bidding.

Bid: The price given by an entity to furnish goods or services in response to an Invitation for Bids from the City.

Bidder: Any entity submitting a sealed bid in response to a formal Invitation for Bid.

Quote/Quotation: A statement of price, terms of sale, and description of goods or services offered by a seller to a prospective buyer.
**Request for Quotation (RFQ):** An informal method of solicitation, by either oral or written quotes, used when Competitive Sealed Bidding is not required, but price competition is still desired.

**Responsive Bidder:** An entity whose bid conforms to the technical, legal, and business requirements of the Bid Solicitation Package. Generally, a bid is non-responsive when it contains any deviation that affects the price, delivery, quality, or quantity of the goods or services to be furnished, or conflicts with the City’s standard terms and conditions.

**Responsible Bidder:** An entity who the City has determined has the integrity, skill, experience, facilities, financial resources, and stability to successfully fulfill the requirements of the Contract.

**Request for Proposal (RFP):** All documents furnished to prospective proposers when soliciting proposals for awarding a negotiated contract based on a formal evaluation of the characteristics deemed relevant to the City’s objective, such as quality, project management, ease of use, and cost against a stated selection criteria.

**Proposal:** An offer made by an entity to the City as a basis for negotiations for entering into a contract.

**Proposer:** An entity submitting a proposal in response to a Request for Proposal.

**BUREAU OF PURCHASING – WHAT WE DO**

Yonkers has a centralized procurement function and the Purchasing Department is responsible for issuing all contracts and purchase orders to acquire the goods and services to support all City departments. Our ultimate goal is to ensure that taxpayer dollars are spent wisely. We accomplish this by ensuring that all procurement actions are conducted fairly, impartially, and in accordance with all applicable City, State, and Federal laws, and that all vendors have an equal opportunity to compete for City contracts.

Our objective is to purchase the right goods and services at the right quality, in the right quantity, from the right source, at the right price, and having them delivered / performed at the right time and place. We accomplish this objective by adhering to sound Purchasing practices, which include:

- Minimizing the cost of the purchasing process through efficient operations and procedures;
- Achieving lower prices by acquiring goods and services through adequate competition;
- Cultivating and maintaining good supplier relationships to encourage them to be responsive to our needs and to provide us with new ideas, better products and services and ultimately, better prices and performance; and
• Adhering to formal purchasing policies and procedures to ensure that taxpayer dollars are spent wisely and to ensure that all purchasing actions are conducted fairly and impartially, and in accordance with all applicable City, State, and Federal laws, rules, regulations, and guidelines.

Daily purchasing activities include:

• Reviewing requisitions, specifications, and scopes-of-work for completeness and accuracy;
• Determining the right method to acquire the goods and services, taking into consideration applicable laws, estimated cost, and urgency;
• Drafting contract terms and conditions that protect the City’s interests;
• Conducting formal and informal solicitations;
• Seeking new vendors and contractors to increase competition;
• Analyzing bids, proposals, and price quotes to determine the lowest responsive and responsible vendor;
• Performing cost / price analysis to determine that the prices the City pays are fair and reasonable;
• Issuing formal and legally binding contracts and purchase orders; and
• Performing contract administration as necessary to ensure that goods and services are delivered/Performed on time and in the manner prescribed by the purchase order or contract.

WHAT WE BUY

Here is a partial list of the commodities and services we purchase:

Commodities

• Water distribution supplies, including
  o fire hydrants, pipe couplings, and valves;
• Laboratory equipment and chemicals;
• Building, electrical, painting, HVAC, and plumbing supplies;
• Janitorial and cleaning supplies;
• Commercial and industrial supplies, including.
  o generators, air compressors, tools, and construction equipment;
• Computer hardware and software;
• Police and fire equipment including,
  o specialized vehicles and emergency service supplies;
• Automotive parts, oils and lubricants;
• Office equipment and furniture;
• Photographic equipment and supplies;
• Recreational supplies including
  o Sporting goods, arts and crafts
Trade Services

- Equipment maintenance and repairs;
- Printing and mailing;
- Building maintenance and janitorial;
- Heavy equipment and truck maintenance;
- Public work – all construction trades, including
  - General contractors
  - Electrical, plumbing
  - Mechanical, HVAC
  - Paving, site development
  - Sewers, roofing
  - Park rehabilitation, landscaping

Professional Services

- Architectural and Engineering;
- Marketing, advertising, and public relations;
- Software development;
- Accounting and auditing;
- Planning and analysis
- Financial
- Insurance

Empire State Purchasing System

The City of Yonkers is a member of the Empire State Purchasing System, a regional bid notification system created in conjunction with and managed by BidNet®. All Yonkers bids and RFPs are posted on the Empire State website. By registering vendors have a single point of contact to access the bidding opportunities offered by over 130 member agencies.

- Vendors can register for free and search the website for bids, quotes, and proposals. There is no charge for registered vendors to view, download, or order documents.
- For an annual fee, vendors receive automatic e-mail notification of all new bids, proposals, and quotes issued by the Empire State Purchasing System that fit their profile. You also get instant notification of amendments, online access to all award information, and the ability to respond to informal quotes electronically.

Vendors that are interested in registering may do so online at the City’s website http://www.yonkersny.gov/Index.aspx?page=1226. You may also go directly to the Empire State Purchasing System website http://www.empirestatebidsystem.com/
and click on the “Registration” link. If you do not have internet access or if you have questions about registering, you can call BidNet directly at 800-677-1997 ext. 214 and ask for their Vendor Support Department.

Although you do not have to register with the Empire State Purchasing System to do business with the City, this user-friendly system offers substantial benefits for both vendors and municipalities.

First, you save time by receiving documents quicker than by mail or courier. Second, your selling opportunities are expanded by having instant access to solicitations from over 130 municipalities.

The City benefits by saving taxpayer dollars when it comes to the cost of reproduction, printing, and mailing.

The registration fees for **automatic e-mail notification** are:

$89.95 for 1 year  $149.95 for 2 years

This fee is payable directly to BidNet® and the member agencies do not receive any portion of the fee.

**HOW WE BUY**

**Advertised Sealed Bidding – Invitation for Bids (IFB)**

New York State law requires that solicitations for purchase contracts (commodities, e.g. equipment, materials, supplies) $20,000 and over and public work contracts (services, labor, construction) $35,000 and over be awarded by advertised, Competitive Sealed Bidding (CSB) to the lowest responsive and responsible bidder. Bids must be received by a specific date and time, after which they are publicly opened and the prices read aloud. Bid openings take place at the Bureau of Purchasing, City Hall, 40 South Broadway, Room 102, Yonkers, New York 10701.

**Informal Solicitations – Request for Quotes (RFQ)**

When the City needs to purchase a commodity less than $20,000 or public work less than $35,000, we will request competitive quotes by telephone or fax instead of advertising. We find vendors by searching our database and other sources such as telephone and trade directories and the internet.
Request for Proposals (RFP)

The Request for Proposal is the preferred method of solicitation for Professional Services. The RFP method allows the City to negotiate with vendors and award the contract based on factors other than price alone, such as technical merit, past experience, and professional reputation.

Unlike Competitive Sealed Bidding and Request for Quotes in which the City provides a clear specification for vendors to bid against, the RFP describes in general terms the City’s needs and allows vendors to propose their unique solution to satisfying those needs. The City will evaluate vendor proposals in accordance with the evaluation criteria stated in the RFP.

New York State law exempts Professional Services from advertised Competitive Sealed Bidding.

The City is not mandated to use the RFP method, however, and may select a vendor based on informal discussions or quotes.

Authorization

A City **purchase order or contract is required** as authorization to provide goods or services. The Purchase Order / Contract is the **legal document** that indicates the City’s intent to **commit funds** to acquire specific goods and/or services at specified prices and assures that taxpayer dollars are being spent properly. Vendors who provide goods or services **without the prior authorization** of the Purchasing Director do so at their own risk and **have no assurance of payment**.

HOW WE SOLICIT VENDORS

We **advertise** our **formal solicitations** on Fridays in the City’s official newspapers, The Journal News and Yonkers Rising.

We also advertise our **public work bids** (construction) with the organizations listed below. These organizations specialize in providing subscribers with bidding opportunities for public and private construction projects.

- **Dodge Reports**: 914-636-2453, dodge.construction.com/reports/
- **CIS**: 973-492-0509, cisleads.com
- **CDC News**: 800-652-0008 x1039, cdcnews.com
- **Reed Construction**: 800-424-3996, reedconstruction.com
- **The Blue Book**: 800-431-2584, thebluebook.com

Please note, the City does not endorse any products or services provided by these firms.
We also find potential vendors by researching other sources such as the internet and various trade directories such as the Thomas Register® and The Blue Book of Building and Construction®

In addition to advertising, Purchasing posts all solicitations on the Empire State Purchasing Group website. We also invite vendors to participate in solicitations by faxing or emailing them “hello” letters. The “hello” letter indicates the date and time the bid will be opened and describes the product or service to be acquired and the contract requirements.

**Minority & Women Business Enterprise Program**

It is the City’s policy to make every effort to ensure that local businesses, and Minority and Women Business Enterprises (MWBEs) are notified of City solicitations. The City's M/WBE program is designed to assist minority- and women-owned business enterprises in providing goods and services to the city. In addition, the program provides workshops and seminars for minority- and women-owned businesses, and assistance with the resolution of problems and complaints relating to the M/WBE program. You do not have to be a certified minority company to do business with the City of Yonkers but the certification will improve your chances to participate on city contracts.

If you require additional information, please contact Carlos Moran, Yonkers Equity and Diversity Officer, at (914) 377-6184 or via email at carlos.moran@yonkersny.gov.

**BID SUBMISSION REQUIREMENTS – ADVERTISED BIDS**

**Receipt of Bids**

All bids must be submitted in a sealed envelope. The envelope must be addressed to the City of Yonkers, Bureau of Purchasing, 40 South Broadway, Room 102, Yonkers, NY 10701. The envelope, and any express mail courier pouch, must include the bid number, title, opening date and time, and the bidding company’s name and address. This will ensure that your bid is not misrouted and is received on time.

**Submission of Bids**

Bids must be submitted on time. We typically schedule our bid openings for 2:00 PM on Wednesdays. Bids received at 2:01 are late and will not be opened.

Vendors must submit their bids on the forms provided by the Bureau of Purchasing. Failure to submit a bid on the City’s form may render a bid non-responsive.

Bids must be signed by a duly authorized officer of the firm with the authority to legally bind the firm to a contract. The bid must also be notarized.
The City’s bid acceptance period is ninety (90) days following the opening of bids. This means a vendor may not withdraw its bid during this period.

**Pricing**

All bid prices must be firm for the contract term – no price adjustments are allowed unless expressly permitted in the bid requirements.

Bid prices must be F.O.B. Destination, Freight Prepaid and Allowed. This means that the City takes legal title to the goods when we receive them at our delivery point.

All bid prices must include, without limitation, delivery charges, demurrage, insurance, packing, container charges, and any other expenses associated with the bid requirements.

The City’s standard payment terms are Net 30 days from receipt of a proper invoice. However, vendors may offer cash discounts for payment earlier than 30 days. Discounts will not be considered in determining the low bidder.

The New York State Tax Law exempts NYS governmental entities such as the City of Yonkers, from the payment of NYS sales and use taxes on our purchases. Tax exemption numbers are not issued to NYS governmental entities. In order to make tax-exempt purchases, the NYS governmental entity must present the vendor with the entity’s official purchase order, contract, or other documentation.

**Security/Bonds**

Some bids, such as those for public work (construction) and equipment maintenance and repairs, may require bid security and / or performance and payment security. If required, the bid document will include the City bond forms and state the amounts of security required.

When bid security is required, it is typically for 5% of the total bid amount. When Performance and Payment security is required, it is typically for 100% of the total bid amount. Only the successful bidder is required to furnish the performance and payment security and this must be delivered to the City before the vendor can start the work.

Acceptable security for bids, performance, and payment is limited to 1) a bond in a form satisfactory to the City, or 2) a bank certified check or money order. Please note, AIA bond forms are not acceptable.

**Insurance**

Many bids also require that the successful bidder furnish evidence of insurance before starting the work. The types and amounts of insurance differ depending on the work and, if required, will be stated in the bid documents. The insurance certificate must list the City as an additional insured and as the certificate holder.
Public Work and maintenance contracts require Worker’s Compensation and Employer’s Liability Insurance, Commercial General Liability Insurance and, if necessary, Automobile Liability Insurance. Contracts for vehicle repairs where the work is performed at the vendor’s facility will also require Garage Liability Insurance.

Professional Service contracts will additionally require Professional Liability Insurance.

**Indemnification**

The City of Yonkers will not indemnify any vendor. All City contracts contain an indemnification clause that provides in part that:

> In addition to any liability or obligation of the Contractor to YONKERS that may exist under this Contract or by statute or otherwise, Contractor shall indemnify and hold YONKERS and its directors, officers and employees, harmless from and against any damages, costs, claims or liabilities which YONKERS may sustain, as a result of: any and all liabilities, losses, damages, interests, judgments, liens, costs and expenses (including without limitation, reasonable counsel fees and disbursements), claims, demands, suits, actions, or proceedings which may be made or brought against YONKERS for or in relation to any personal injury or property damage caused by the negligent acts or omissions of the Contractor.

The indemnification clause included in City contracts will not be waived or amended by the City.

**Licensing**

Contractors interested in bidding on **electrical or plumbing public work contracts** must be licensed by the Trades Licensing Division of the Office of the Westchester County Clerk (914-995-2657; fax 914-995-3092; Email: CC-Licensing@WestchesterGov.com)

The Westchester County licensing databases can be viewed at:


Click on Records Online.
Click on Trades Licensing.
Search by License Type.
Site Inspections and Pre-Bid / Pre-Proposal Conferences

Bids and RFPs for complex work usually include a site-inspection or pre-bid/proposal conference. These are informal meetings where vendors have the opportunity to discuss the work requirements with City representatives to assist them with the preparation of their bids/proposals. These meetings are informal to the extent that nothing said at these meetings is binding on the City or shall change the terms and/or conditions of the bid/RFP unless subsequently issued in a written addendum to the bid/RFP. These meetings are usually not mandatory; however, attendance is strongly encouraged.

Whenever a vendor has questions regarding the content of a solicitation, the questions must be submitted in writing to the buyer. Any questions that result in a material change in the specifications or requirements will be answered in a formal, written addendum. The addendum will be posted on the HVMPG website. It is the vendor’s responsibility to ensure that they receive all addenda before submitting their bids or proposals.

Only written addenda issued by the Bureau of Purchasing shall be binding. No officer, employee, or agent of the City is authorized to clarify or amend the Solicitation Documents by any other method, and any such clarification or amendment, if given, is not binding on the City.

Goods to be Furnished

All goods must be marked and packaged in accordance with U. S. Standard measurements and nomenclature, using the English language. Unless otherwise specified, all goods shall be new and unused.

Authority to do Business in New York

Any corporation not incorporated under the Laws of New York State must furnish a copy of its Certificate of Authority from the New York State Secretary of State to do business in the State of New York, in accordance with Article 13 of the New York State Business Corporation Law. You may get additional information at: Department of State, Division of Corporations, 41 State Street, Albany, NY 12231 (518-473-2492).
HOW WE EVALUATE SEALED BIDS AND QUOTES

Sealed bids, telephone, and fax quotes are awarded to the lowest responsive and responsible bidder.

A responsive bidder is one that submits a bid that conforms in all material respects to the bid submission requirements. If a bidder takes exception to the City’s terms and conditions, scope-of-work, or price schedule, the bidder may be deemed non-responsive and ineligible for award.

Examples of non-responsiveness include, but are not limited to:

- Bids with qualified price, i.e., price is subject to the “price in effect at time of delivery”.
- Bids valid for less than the 90-day acceptance period.
- Bids that include the Vendor’s own terms as a condition of accepting their bid.
- Bids that are not F.O.B. Destination, such as F.O.B. Factory or Point of Origin.
- Bids that are uncertain or ambiguous.
- Bids that do not conform to the delivery requirements.

A responsible bidder is one that has the qualifications, skill, integrity, and financial capability to provide the goods or service in the manner prescribed in the bid document.

Examples of non-responsibility may include, but are not limited to:

- Bidders who have a history of poor performance on contracts of a similar nature with other municipalities.
- Bidders that have been debarred by the NYS Department of Labor, the federal government, or another municipality.
- Bidders in tax arrears to the City, County, or State.
- Bidders that are unable to obtain the required performance and payment security or insurance.
- Bidders with criminal or civil sanctions.
THE NEXT STEP

Now that you know how the City purchases its goods and services, what next?

The next step is up to you! We want your business. We want you to compete in our solicitations. And, we are here to assist you. As we stated earlier, we actively seek new vendors to maximize competition. Competition is essential to obtaining the best prices, the best quality, and the best level of service for the benefit of our taxpayers.

But, you must also be proactive to succeed in the public sector.

- Promote your business in telephone directories and trade journals,
- Look for our bid advertisements in the newspapers and construction trades,
- Register with the Hudson Valley Municipal Purchasing Group.

If you are a Minority or Women Owned Business (MWBE), you should consider certification by the NYS Department of Economic Development (DED). They provide programs designed to assist MWBEs with selling opportunities to state and federal agencies.

Local businesses and MWBEs should also contact the following agencies to learn about other public sector procurement opportunities:

The Division for Small Business Procurement Assistance (518-292-5220) will explain about bid opportunities through the NYS Contract Reporter. The NYS Contract Reporter is a weekly online publication that informs businesses of bid opportunities with State agencies, public authorities, public benefit corporations, and some municipalities. You can subscribe at their website at www.nyscr.org.

The NYS Office of General Services (OGS) awards contracts for use by State agencies and other organizations, such as the City of Yonkers, that are authorized to purchase from State contracts. You can register to receive bid notices at http://ogs.ny.gov/default.asp. For more information, you can call the Procurement Services Group at 518-474-6717.

We hope you found this guide helpful and we look forward to your participation in future City solicitations.

Mike Spano
Mayor, City of Yonkers

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