



Traffic Speed control: Portable Speed Cushions B2009150

Issued by: **CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT**
Required by: **City of Philadelphia's Streets Dept./Traffic Engineering Division**

Bid Opening Date: Wednesday, November 18, 2020
Bid Opening Time: 10:30 AM Philadelphia Local Time
Location for Bid Opening: MUNICIPAL SERVICES BUILDING - ROOM 170A
1401 JFK BOULEVARD, PHILADELPHIA PA 19102
Buyer: L. Chen
Spec. Writer: J. Washington

Quotations must be submitted through PHLContracts no later than the above cited bid opening date and time.

BIDDER AGREES TO COMPLY WITH ALL CONDITIONS OF THIS BID.

BID QUESTIONS

All questions concerning this Invitation and Bid (I&B) Solicitation, including specifications and conditions, must be presented through PHLContracts within the prescribed time stipulated in the I&B's Questions Tab.

Bid is Best and Good Faith Efforts.

GENERAL INFORMATION

This Invitation and Bid Solicitation is issued under the Antidiscrimination Policy described in the Mayor's Executive Order 03-12. While there are no ranges for the participation of Minority (MBE), Woman (WBE) or Disabled (DSBE) Owned Business Enterprises (collectively, M/W/DSBEs) projected for this Bid, Sellers are prohibited from discriminating in their selection of subcontractors and are encouraged to use their Best and Good Faith Efforts to solicit quotes from M/W/DSBEs on an equitable basis with other firms. See the Office of Economic Opportunity (OEO) Instructions and Form which is part of this Bid Solicitation and Contract.

Monique Nesmith-Joyner
Procurement Commissioner

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SECTION 1

GENERAL BID SUBMISSION

- 1.1 **TITLE:** Traffic Speed Control; Portable Speed Cushions
- 1.2 **CONTRACT TERM:** Date of Award to One Year (“Initial Term”), with an option to renew for up to three (3) additional one (1) year periods, (“the Renewal Term”) exercisable, at the City’s sole discretion, as of the expiration of the Initial Term or the current Renewal term. The City may, at its sole discretion, renew the contract for up to three (3) months at the beginning of each renewal period(s) (the “Additional Performance Period”), if a decision has been made not to renew the contract for an entire year.
- 1.2.1 The City shall exercise such sole option to renew the Contract Term by issuing a change order through www.phlcontracts.phila.gov (“PHLContracts”). “Renewal Notice”) notifying the successful seller that the Contract is renewed for the Renewal Term or Additional Performance Period (identified by commencement and termination dates) that is specified in the Renewal Notice. The Contract shall be deemed to be renewed for such Renewal Term or Additional Performance Period, and successful seller shall be obligated to perform all terms and conditions of the Contract throughout such Renewal Term or Additional Performance Period, as of the effective date indicated on the City's Renewal Notice, whether or not successful seller has agreed, verbally or in writing, to such renewal of the Contract term.
- 1.3 **CONTRACT TYPE: REQUIREMENTS**
- 1.3.1 The following items are required in the operation of various City agencies as ordered. Exact quantities cannot now be determined but estimates thereof are listed herein.
- Quantities listed may be increased or decreased to meet the requirements of the City during the period of this contract. A minimum is not guaranteed. Purchase orders issued as a result of this bid will be for materials or services to be delivered generally on an as-needed basis. Successful seller(s) are cautioned not to deliver any materials or services without first being advised to do so by the ordering agency through a purchase order or other authorized document from the Procurement Department.
- 1.3.2 It is the intent of the Procurement Department to make an award for the period as stated above subject to the appropriation of funds in succeeding fiscal year/years by City Council. The City's fiscal year is from July 1st to June 30th inclusive.
- Materials or services to be ordered after the end of the fiscal year are subject to the issuance of purchase orders for the following fiscal years.
- The City is not liable for the award involving following fiscal years' funds until such orders are issued. The obligation to deliver on such purchase orders shall not take effect until the orders are issued. To simplify the contract procedure, however, the successful seller(s) will be required to furnish an Individual Performance Bond or Performance Security Fee to cover units awarded to them.

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1.4 **METHODOLOGY OF ACQUISITION:** Purchase only.

1.5 **STATEMENT OF DIRECTION:**

It is the intent of the City of Philadelphia to make an award for Traffic Speed Control; Portable Speed Cushions for the City of Philadelphia Streets Department as specified herein during the contract period.

1.6 **BID SECURITY**

1.6.1 In order to be eligible to sell Services, Supplies and Equipment, all vendors must be enrolled in the City's Annual Bid Security Program. The program covers the time period from **July 1, 2020 – June 30, 2021**. All sellers must pay the **non-refundable** Annual Bid Security Program fee of one hundred dollars (**\$100.00**). The fee must be paid through the Revenue Department payment center [here](#).

The fee should be submitted to the first opening date that the seller wants to submit a quote and be covered under the program. Enrollment and payment of the Annual Bid Security Program must be completed in order to be eligible for award in accordance with Paragraph 2 of the “Services, Supplies, and Equipment (SS&E) Terms and Conditions of Bidding and Contract”.

Fee Description	Additional charge	Comments
If Paying any of the above fees by electronic check	\$0	Please upload or note the payment confirmation to your bid response
If paying any of the above fees using a debit or credit card	\$0.61	Please upload or note the payment confirmation to your bid response

1.7 **BID INFORMATION:**

1.7.1 All information related to this bid will be contained in the Bid Solicitation as issued or amended in PHLContracts.

1.7.2 Information provided verbally by any City official shall not be binding, relevant, or in any way considered to be a commitment by the City. The City will provide, in writing, any clarifications, changes, and/or other information deemed to be necessary.

1.8 **BID SUBMISSION:**

1.8.1 All quotes submitted to the City of Philadelphia must adhere to all bid submission requirements. It is the seller's responsibility to ensure all bid submission requirements are met. Failure to adhere to these instructions may result in the quote being disqualified.

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- 1.8.2 All quotes must be electronically submitted to PHLContracts by a seller with legal authority to bind the seller's Company as that authority is more fully described in the "Consent and Authorization Agreement," which Company has completed, signed and submitted to the City at the time of vendor registration or as an attachment to the first submitted quote; in no event will the City accept a quote from seller unless City has received a duly completed and signed Consent and Authorization Agreement by the time of bid opening. The Contract shall not be legally binding upon the City of Philadelphia unless and until it is executed in accordance with Paragraph 13 of the attached Terms and Conditions.
- 1.8.3 Quotes to advertised sealed bids shall be submitted through PHLContracts and opened publicly at 10:30 AM Philadelphia local time on the bid opening date.
- 1.8.4 Sellers must submit their electronic quote to the City of Philadelphia through PHLContracts **no later than 10:30 AM** on the date that the bid opens.
- 1.8.5 It is the seller's responsibility to ensure that the quote is submitted in a timely manner prior to the bid opening date and time in accordance with Paragraph 1 of attached Terms and Conditions. All quotes must be submitted electronically to the correct bid opportunity established for this Bid, through the PHLContracts online application process at www.phlcontracts.phila.gov. Sellers who have failed to file complete applications through the PHLContracts online application process will not be considered for the contract. Be advised that the unavailability of timely help through our Customer Service will **not** extend an advertised deadline for electronic submission of your quote on PHLContracts. Please allow sufficient time prior to any application deadline for an adequate response to your inquiry or request for assistance.
- 1.8.6 Seller's quote should be complete and include ALL information required as described in the various sections of the bid solicitation, including but not limited to, specifications, Terms and Conditions of Bidding and Contract, pricing and all amendments. All pricing must be completed as specified in the bid solicitation. Every submitted quote the seller must fully accept the terms and conditions contained in the bid solicitation. Failure to accept all of the terms and conditions is a matter of responsiveness in accordance with Paragraph 8 of the of the attached Terms and Conditions.
- 1.8.7 **PROCESSING FEE:**
In addition to enrollment in the City's Annual Bid Security Program, seller must pay, for each submitted quote, a non-refundable Bid Processing Fee of \$25.00. Seller shall pay this fee electronically through the Revenue Department payment center [here](#) (See Section 1.6.1 for fee description and details).

Failure to submit the bid processing fee may result in the seller's disqualification from bidding. In addition, if an award is made pursuant to the Bid Solicitation, any unpaid processing fees owed by the seller to the City must be paid prior to the City's release of any payments to the seller under the Contract.

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1.8.8 When a Minority Owned Business Enterprise, Woman Owned Business Enterprise, or Disabled Owned Business Enterprise ranges are required in a Bid Solicitation, sellers are reminded that a blank “Commerce Department Office of Economic Opportunity (OCO) Solicitation and Commitment Form” will result in the seller being deemed non-responsive and ineligible for an award. Sellers are reminded to read carefully and entirely the “Bidder’s Guidelines relating to Executive Order 03-12”.

1.8.9 LOCAL BIDDING PREFERENCE

In accordance with Chapter 17-109 of The Philadelphia Code relating to Local Bidding Preferences and the Regulations promulgated thereto, this bid may be subject to a local bid preference¹. In order to determine eligibility to receive the preference, if applicable, seller must be certified as a Local Business Entity (“LBE”) at the time of the bid opening.

Further, through submission of a quote in response to this bid, seller makes the following certification in connection with the grant of any local bidding preference which certification is incorporated into any contract resulting from this bid:

“Throughout the entirety of the contract, my company or my LBE certified subcontractor(s)² will perform the majority of any work on the subject contract within the geographic limits of the City of Philadelphia and my company or my LBE certified subcontractor(s) will maintain within the City a majority of the inventory or equipment that will be used on the contract or the amount of inventory that is customary for that industry.”

If the Procurement Commissioner determines that the awarded seller fails to comply with its certification at any time during the term of its contract, the awarded seller's LBE certification will be revoked and the awarded seller shall be deemed in substantial breach of such contract, shall be required to pay liquidated damages of 10% of the awarded contract amount, and may be debarred by the Procurement Commissioner in accordance with the Procurement Department Debarment Regulation for a period up to three years.

NOTE: If you wish to apply for Local Business Entity (LBE) certification, go to www.phila.gov/procurement. Please provide sufficient time prior to bidding for processing of the LBE application. The Procurement Commissioner reserves the right to request any additional or clarifying information at any time prior to award of the contract, and during the performance of the contract.

¹ For applicable bids of One Million Dollars or less, the preference is ten percent (10%); for all other applicable bids the preference is five percent (5%).

² If the Seller relies upon LBE subcontractor(s) to perform the majority of the work and maintain the majority of the inventory or equipment within the City, the subcontractor(s)' LBE Certification Number and most recent annual affidavit of continuing eligibility must be submitted to the Procurement Department.

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1.8.10 QUESTIONS OR PROBLEMS

In preparing the bid response, should any seller need clarification on the bid requirements, identify a discrepancy in the specifications, determine that a specified product has been discontinued or an alternate procedure is advised, etc.; then the seller is **STRONGLY** encouraged to bring these issues to the attention of the Procurement Department prior to the bid opening by submitting questions on the Q&A tab of the applicable bid posted through PHLContracts. **Questions must be received no later than seven (7) calendar days prior to the scheduled opening date of the bid. The City reserves the right to only respond to those questions submitted prior to the stated deadline.** The City will respond to questions it considers appropriate to this Bid Solicitation and of interest to all sellers, but reserves the right, in its discretion, not to respond to any question. The City reserves the right, in its discretion, to revise questions. No oral response to any seller question by any City employee or agent shall be binding on the City or in any way considered to be a commitment by the City.

If it is in the City's best interest to do so, the bid **MAY** be amended to reflect the proposed changes/modifications. **Exceptions taken DO NOT obligate the City to change the specifications.**

The City of Philadelphia, Procurement Department will post all amendments to the Bid on PHLContracts regarding any interpretations/changes made to specifications or instructions. The City will not accept responsibility for oral instructions, suggestions or changes by any City agency.

Otherwise the successful seller will have to provide the product or service exactly as defined in the Bid Solicitation including any and all specifications and requirements listed.

1.9 SELLER QUALIFICATION:

- 1.9.1 All sellers must be a bona fide manufacturer of, or dealer in, the article or service specified within the bid. To demonstrate this, sellers should submit the following reference information with their bid. References provided should be pertinent to the commodity or service requested in this Bid Solicitation; and demonstrate the seller's ability to perform on a contract of this size and scope.

Please note that reference information in each section must be completed. Failure to submit this information may result in the seller's disqualification.

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SECTION 2

SPECIFICATIONS

- 2.1 Successful Seller(s) shall be required to supply the City of Philadelphia’s Streets Departments with Portable Recycled Rubber Speed Cushions and or Portable Recycled Rubber Speed Tables with complete installation hardware, including but not limited to, heavy duty steel bolts, washers, steel anchors, plastic shields, 2 part epoxy & rubber grommets for patching holes to keep debris out as listed in Sections 2 of this Invitation and Bid.
- 2.2 **Material:** The Portable Speed Cushion and/or Portable Speed Table assembly shall fully conform to the following stipulations & shall meet or exceed the specifications as listed:
- 2.2.1 **General:**
- Units shall be pre-molded to specifications conforming to ITE standards and be MUTCD compliant.
 - All work shall be completed in full compliance of Pennsylvania Department of Transportation’s Pub 408.
 - All panels/modules shall be constructed of compression molded 100% recycled black rubber, with embedded high intensity reflective white arrows in the direction of travel, as stipulated in the current MUTCD.
 - Material shall have 100% recovery that is zero deformation under repetitive loading.
 - Material shall be resistant to extreme temperatures and variations, UV light, oils, moisture and damage
 - Each module or panel shall be inter-changeable so as to produce the desired size/configuration, and to minimize inventory.
 - Modules/panels shall be assembled with an approved interlocking system or reinforced with special steel beams etc. to fully assure the integrity of the assembled system, as acceptable to the City Engineer.
 - Material shall be able to withstand commonly found road chemicals.
 - The entrance exit and the side ramps shall all have smooth transition to the pavement surface. The difference in “step” shall not exceed one half inch maximum.
 - The device will be removed from the roadway during the winter months. They will be installed/re-installed after April 1st and removed by December 1st.
 - These panels or modules shall be suitably reinforced to maintain its integrity and ensure 100% recovery from compression, under various adverse repetitive loading such as WB 50 or other similar vehicles.
 - Each assembly shall include all hardware required for easy installation.
 - Appropriate hardware for asphalt concrete installation must be provided.

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2.2.1.1 **Speed Cushions:**

- Each piece of speed cushion shall not weigh less than 40 pounds so as to assure stability of the system.
- Shall have a minimum tensile strength of 500 psi.
- Minimum dry skid resistance of 85 or better.
- Shall have Shore “A” Hardness of 65 or better.
- Specific Gravity of material shall be 1.0 or higher.
- Entrance and exit gradient shall be in the range of 7% to 10%.
- Side gradient shall be in the range of 25% to 35%.
- Material surface shall be well textured to provide traction and the minimum friction shall be 0.85 or better.
- Each set of speed cushion assembly shall yield about 6 feet (± 6 inches) in width, about 7 feet in length (± 6 inches) and shall be 3 inches high above the existing roadway surface. Upon assembly, each speed cushion shall comprise about 1/3 length of up slope, 1/3 length of flat landing and followed by 1/3 length of a down slope.
- Each module/panel shall be installed using (6) ½” x 6” screw anchors embedded into pavement surface.
- A two-year written warranty shall be provided.
- All materials shall be delivered to Traffic Signal & Sign Shop located at 4501 “G” Street (at Ramona Street in Juniata Park), at no additional costs to the City of Philadelphia.

2.2.1.2 **Speed Tables:**

- Each piece of speed table shall not weigh less than 40 pounds so as to assure stability to the system.
- Shall have a tensile strength of 500 psi.
- Shall have a Shore “A” Hardness of 65 or better.
- Specific Gravity of material shall be 1.0 or better.
- Entrance and exit gradient shall be in the range of 6% to 10%.
- Side gradient shall be in the range of 25% to 35%.
- Each module/panel shall be installed using (6) ½” x 6” screw anchors embedded into pavement surface.

2.3 **PRICING**

Sellers shall submit a price in PHL Contracts, under the items tab, per speed cushion/speed table assembly with all installation hardware as called for in the specifications.

Successful bid shall list detailed breakdown of each panel/module, parts, including hardware, and quote their individual prices which shall add up total quoted bid price of each assembled speed cushion/speed table.

Seller shall indicate the Manufacturer and Model Number for each item offered under the alternate description.

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Prices shall be firm for the Initial Term of the Contract.

- 2.3.1 **32820-001-000**
PORTABLE SPEED CUSHIONS; 6FT. W X 7FT L X 3 IN H
- 2.3.2 32820-001-000-00
PORTABLE SPEED CUSHIONS; 6FT. W X 10.5 FT L X 3 IN H
- 2.3.3 32820-001-001
PORTABLE SPEED TABLE; 7.5 FT W X 10.5 FT L X3 IN H
- 2.3.4 32820-001-001
PORTABLE SPEED TABLE;14 FT W X 22.5 FT L X3 IN H

2.4 Warranty
A two-year written warranty shall be provided.

2.5 DELIVERY:
The Traffic Shop
4501 G Street
(at Ramona Street in Juniata Park)
Philadelphia, PA 19120

SECTION 3

BID EVALUATION AND AWARD

3.1 EVALUATION:

- 3.1.1 Bids will be evaluated by the Procurement Department.
- 3.1.2 Bids will be evaluated for responsiveness to the bid specifications and for responsibility of the sellers.
- 3.1.3 Bid may be disqualified if they are deemed to be non-responsive without notice. Any and all decisions regarding responsiveness are final and are not appealable. A bid may be deemed non-responsive for any of the following:
 - (i) improper bid security
 - (ii) improper bid execution
 - (iii) incompleteness
 - (iv) offering counter terms and conditions
 - (v) improper or incomplete execution of OEO documents (if applicable)

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3.1.4 Sellers whose bids are determined to be non-responsible for reasons of seller qualification shall be notified by the City of the reasons for the determination and may contest the finding of non-responsibility through the prescribed procedures described in paragraph 9 of “SS&E Terms and Conditions of Bidding and Contract”.

3.2 AWARD:

3.2.1 This Invitation and Bid shall be awarded to the lowest responsive and responsible seller(s), either in whole, section, or item by item, whichever is deemed to be in the best interest of the City.

3.2.2 While the contract will be awarded to the lowest responsive and responsible seller as otherwise provided in this Invitation and Bid, the City aspires to purchase articles manufactured in the City of Philadelphia or in the Commonwealth of Pennsylvania.

3.2.3 EVALUATION AND AWARD

In applying the 10% preference, if applicable, the bid price of the LBE will be multiplied by .90 and rounded to the second decimal place. In applying the 5% preference, if applicable, the bid price of the LBE will be multiplied by .95 and rounded to the second decimal place. The adjusted bid price of the LBE will then be used in determining the lowest responsive and responsible seller. If the bid is awarded as a whole or by section, the local bid preference may be applicable. If the bid is awarded by line item, the local bid preference is not applicable.

Unless the Procurement Commissioner determines to waive the preference for the reasons stated in **subsection 7b. of the LBE Regulation**, an LBE, whose bid is otherwise responsive and responsible and who has submitted the required information, shall be granted the applicable bid preference on competitive bid(s) awards that are awarded as a whole or by section.

3.2.4 PERFORMANCE SECURITY

In this bid, Performance Security in the amount of \$25.00 is required as outlined in paragraph 13 of “SS&E Terms and Conditions of Bidding and Contract”

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Any applicable, performance security shall be required for any subsequent renewal periods. In this bid, Performance Security in the amount of \$25.00 is required as outlined in paragraph 13 of “SS&E Terms and Conditions of Bidding and Contract”.

Fee Description	Amount of Fee	Link for Online Payment
Bid Processing Fee – must be submitted each time your company submits a quote	\$25.00	https://www.officialpayments.com/pc_entry_standard.jsp?productId=13691685193618277287239107425767516
Annual Master Bid Security Fee – must be paid once every fiscal year if submitting quotes for SS&E Bids	\$100.00	https://www.officialpayments.com/pc_entry_standard.jsp?productId=13691685193618277287239092661817436
Performance Security Fee – must be paid after receiving award notification. This fee is not to be submitted with quote	\$25.00	
If Paying any of the above fees by electronic check	\$0	
If paying any of the above fees using a debit or credit card	\$0.61	

3.2.5 DISCLOSURES: SLAVERY ERA RECORDS, FEMALE EXECUTIVES AND SOLE SOURCE CONTRACTS.

In accordance with **Philadelphia Code Section 17-104 (2)**, the successful seller, after award of the Contract, will complete an affidavit certifying and representing that the seller (including any parent company, subsidiary, exclusive distributor or company affiliated with seller) has searched any and all records of the seller or any predecessor business entity regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era. The names of any slaves or slaveholders described in those records must be disclosed in the affidavit.

The seller expressly understands and agrees that any false certification or representation in connection with this disclosure and/or any failure to comply with these requirements shall constitute a substantial breach of this Contract entitling the City to all rights and remedies provided in this Contract or otherwise available in law (including, but not limited to, **Section 17-104 of The Philadelphia Code**) or equity and the Contract will be deemed voidable.

In addition, it is understood that false certification or representation is subject to prosecution under **Title 18 Pa.C.S.A. Section 4904**.

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In accordance with **Philadelphia Code Section 17-104 (3)**, seller must provide the following information with its bid:

- (i) the current percentage of female executive officers in the company and the current percentage of females on the company's executive and full boards;
- (ii) the company's aspirational goals for the inclusion of females in executive positions and on the executive and full boards; and
- (iii) the intended efforts by the contractor to achieve the aspirational goals.

This information should be submitted with the bid but the City reserves the right to allow seller to submit this information at any time prior to award of a contract.

If this is a Sole Source Contract, seller is subject to the disclosure requirements established under **Chapter 17-1400 of The Philadelphia Code**.

3.2.6 INSURANCE:

Insurance is a requirement for this bid in accordance with Paragraph 15 of the “SS&E Terms and Conditions of Bidding and Contract”. No contract will be executed nor purchase order issued unless and until all required insurance certificates, in the required amount, are received.

All insurance MUST meet the following requirements:

- Insured must be in the same name and address as the successful seller.
- The insurance carrier must be rated “A” or better by AM Best.
- The certificate holder must be the City of Philadelphia, and specifically named as an additional insured on the certificate in the "Description of Operations section".
- Certificate must be signed by an authorized representative of the insurance company/carrier.

All certificates are to be uploaded to PHLContracts or sent to the appropriate buyer.

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SECTION 4

CONTRACT MANAGEMENT

4.1 CITY OF PHILADELPHIA RESPONSIBILITY

4.1.1 Order Against Contracts

(i) Subsequent to contract conformance of a Requirements bid, purchase orders will be issued at such time that the product and/or service is needed. Such purchase orders will show if delivery is to be made upon receipt of order, or only after notification by the using department.

4.1.2 Invoices shall be submitted after delivery and acceptance of the product or service by the City. The City makes all efforts to process invoices in a timely manner. Incomplete and/or inaccurate information may result in delays of invoice processing. Please make sure that invoices contain the following information to help the City process payments to the successful seller as quickly as possible.

(a) After the delivery or services have been completed the successful seller must submit three (3) copies of the invoice for payment to the receiving department listed on the purchase order.

(b) The invoice must correctly reference both the purchase order number and the awarded name, address and Federal Employer Identification number.

(c) Payments will only be made to the entity name as shown on the purchase order; the invoice must reflect this same entity name as the entity to "pay to". For any bids awarded for work to begin on or after July 1, 2019, the City has instituted a policy of making all of its payments through electronic deposits into the awarded entity's designated bank account. Before any City payments are made, the awarded entity will be required to supply the City with the information necessary for the City to initiate electronic payments by completing one of the electronic payment processing enrollment forms available on the City's vendor portal at <https://secure.phila.gov/finance/vendorpayments>. Applicants awarded a contract before July 1, 2019 are encouraged to complete one of the electronic payment processing enrollment forms before the conversion to electronic payments becomes mandatory. The City intends to stop issuing paper checks.

(d) The invoice must show the quantity; the item or type of service; and the price.

(e) The unit of purchase on the invoice must agree with the unit cited on the purchase order. Reference to the specific line item is helpful.

4.1.3 The using agencies and departments are responsible for monitoring the services and/or products delivered as described in the contract. If any problems arise, a letter should be sent to the vendor requesting resolution by a specified date. A copy should be sent to the buyer. If vendor does not resolve the breach of contract by the requested date the matter should be turned over to the buyer.

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4.1.4 ADD-ONS:

The City reserves the right to add, delete and/or acquire products/services that the successful seller can supply that are similar to, but not specifically called for in this bid. The procedure for such acquisitions shall be as follows:

Procurement or the using department will obtain from the successful seller a letter (on his/her letterhead) verifying the items to be added. The letter shall include the complete description of the item, the location (if applicable), the bid number bid schedule number, the price to the City and the applicable contract period; and upon receipt and approval by the Procurement Department shall automatically become part of the contract. **The City, however, reserves the right to accept or reject the letter and to acquire the supplies or materials in the open market.**

4.2 VENDOR RESPONSIBILITY

4.2.1 Contractor may deliver only products, services or equipment as authorized in the contract and only after receipt of a purchase order or other authorized document from the Procurement Department. All orders must be in writing. Contractor shall not accept verbal delivery requests until after receipt of purchase order or other authorizing document from Procurement.

4.2.2 Contractor may deliver only products, services or equipment at the prices quoted in the contract and that are reflected on a purchase order or a change to a purchase order (a change to a purchase order is issued whenever the items, unit price, total amount, or terms and conditions change from the original purchase order).

4.2.3 Contractors may deliver products, services or equipment up to the dollar limit of the purchase order and for the period shown on the purchase order. Contractors are requested to carefully monitor obligations against purchase orders and inform the departments of anticipated funding shortfalls.

4.2.4 DELIVERY:

Unless otherwise specified in Section 2 and/or approved by the Using Agency, delivery of product and/or service will be made within 30 days from date requested by Using Agency. **SELLER NOTE:** In PHL Contract Question tab specify delivery if other than 30 days.

4.2.4.1 Liquidated Damages

Liquidated Damages in the amount of 5% of the unit price may be applied to each item which exceeds the delivery schedule/requirement.

4.2.5 In the event that the successful seller receives an order for products, services or equipment not specifically priced and incorporated into the contract, they must:

- (i) bring this to the immediate attention of the Procurement Department and
- (ii) notify the ordering agency in writing and refuse to deliver.

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- 4.2.6 Should products, services, or equipment be delivered that are not specifically incorporated and priced into the contract, and/or be delivered without purchase order, the City shall have no obligation for payment.
- 4.2.7 For delivery of products or equipment, successful seller shall honor and be paid for orders placed until the close of business of the date of purchase order expiration. Delivery of product may occur following purchase order expiration, so long as the order was placed prior to the purchase order expiration date.
- 4.2.8 For performance of services, successful seller shall honor and be paid for orders placed until the close of business of the date of purchase order expiration. Performance of services may occur following purchase order expiration, so long as the order was placed prior to the purchase order expiration date.
- 4.2.9 **Approval of Work:**
All completed work shall be approved by the ordering department prior to approval for payment. Work must be completed in a first class workmanlike manner to the absolute satisfaction of the City. The cost of any faulty or inadequate workmanship or parts will not be paid for by the department and must be assumed by the successful seller. In addition, the successful seller is responsible for picking up any delivered material that is rejected for non-compliance to specifications. Any and all costs associated with the return are to be at the sole expense of the successful seller.
- 4.2.10 At the conclusion of this contract, contractor agrees to cooperate with any incoming vendor on a transition plan to ensure an orderly changeover of responsibilities.
- 4.2.11 **Invoices/Receipts**
- 4.2.12.1 Successful sellers must submit timely invoices for services, supplies and/or equipment within 30 days. Vendors shall not invoice more than once a month.
- 4.2.12.2 Invoices should be sent in triplicate to each ordering department.
- One (1) original and two (2) copies of fully itemized invoices.
 - See also item **4.1.2 above**.
- (a) After the delivery or services have been completed the successful seller must submit three (3) copies of the invoice for payment to the receiving department listed on the purchase order.
 - (b) The invoice must correctly reference the purchase order number, the awarded seller name, address and Federal Employer Identification number.
 - (c) Checks will only be made payable to the company name as shown on the purchase order; the invoice must reflect this same company name as the “pay to”.

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(d) The invoice must show the quantity and type of item or service and the price.

(e) The unit of purchase on the invoice must agree with the unit cited on the purchase order. Reference to the specific line item is helpful.

4.3 PRICE INCREASE OR DECREASE:

Successful seller shall provide Products at the prices set forth in PHL Contracts Item tab for a period of 12 months; thereafter, contract may be renewed under the terms and conditions of this agreement at the sole option of the City on an annual basis for three (3) additional one (1) year period(s)

Successful seller may increase prices for the 3 renewal period(s) provided that; notice of price increases must be received, in writing, by the City at least 60 days prior to the expiration of each contract period and price increase letter shall be sent to the Buyer, referencing the Bid #, Contract #, period and showing item(s), descriptions and applicable pricing. Contact the Procurement Customer Service Unit (at Bid.Info@phila.gov or 215-686-4720) if you are unsure of the assigned buyer on the contract.

In no event shall the increased prices exceed successful seller's published charges for noneducational state and local governments on the effective date of the adjustment, under similar terms and conditions.

Failure to notify the City within this sixty (60) day time frame may result in the following:

the effective date of the price increase may be sixty (60) days from the receipt of the price increase letter by the City;

or

if the letter is not received before the last day of the contract period, the prices for the renewal period shall be the same as the prices for the previous contract period.

NOTE: Price decreases may be forwarded to the Procurement Department buyer, in writing at any time during the contract period, to include any renewal period(s).

Failure to notify the City within the time frame specified in 4.3 will result in a commensurate delay in implementing the price change.

4.4 SELLER ACCEPTANCES – IN SUBMITTING AN EXECUTED BID, THE SELLER AGREES TO THE CONTRACT MANAGEMENT PROCEDURES IN THIS SECTION.

SECTION 5 PRICING

(PRICES QUOTED IN PHL CONTRACTS MAY NOT EXCEED THREE (3) DECIMAL PLACES)

Unit pricing quoted in PHL Contracts will prevail in case of any discrepancy(ies) between unit price and the extended amount and will be the determining factor in establishing applicable contract amount(s)/award.