



MLGW MEMPHIS LIGHT, GAS AND WATER DIVISION

January 11, 2010

To Whom It May Concern:

MLGW as a government agency must operate under certain legal requirements. To fulfill those requirements, we ask that you submit a bid in accordance with the attached.

Please note that even though we are sending this bid on **Tool boxes** to you by e-mail, you cannot respond by e-mail. Your bid must be delivered to our office in a **sealed** envelope before **4:00 p.m. on Tuesday, February 2, 2010** or we cannot accept it.

We appreciate your cooperation in this matter and look forward to working with you.

Please reply to this correspondence so that we may be assured that you received it.

Sincerely,



Te' Moore, A.P.P., PSCMC
Senior Procurement Specialist
Memphis Light, Gas and Water
901-528-4701
TMoore@mlgw.org

RECEIPT OF BID ACKNOWLEDGEMENT

PLEASE ACKNOWLEDGE RECEIPT OF THE ATTACHED LEGAL NOTICE TO BIDDERS FOR BIDS ON:

BID ON TOOL BOXES

BIDS DUE: FEBRUARY 2, 2010

BIDS WILL BE OPENED AND READ ON: FEBRUARY 3, 2010

BY RETURNING THIS FORM TO THE ADDRESS INDICATED BELOW OR BY FAXING COMPLETED FORM TO 901-528-4800 WITHIN 5 DAYS.

YES **NO**

DO YOU PLAN TO QUOTE?

IF YES, PLEASE MARK BOX WITH A CHECK MARK
HOW BID WILL BE FORWARDED TO MLGW:

- WILL DELIVER IN PERSON
- US POST OFFICE
- NEXT DAY AIR

IF **NO**, PLEASE STATE REASON:

COMPANY NAME OF BIDDER

CONTACT NAME

PHONE NUMBER **FAX NUMBER**

E-MAIL ADDRESS

VALERIE J. FITZGERALD, C.P.M.
SUPERVISOR OF PURCHASING
MEMPHIS LIGHT, GAS AND WATER DIVISION
P.O. BOX 430
MEMPHIS, TENNESSEE 38101-0430

LEGAL NOTICE TO BIDDERS

Sealed bids/proposals will be received, **in duplicate**, by Memphis Light, Gas and Water Division prior to **4 o'clock p.m. C.S.T., Tuesday, February 2, 2010** at the office of the Supervisor of Purchasing, P.O. Box 430, 220 S. Main St., Room 316, Memphis, Tennessee, 38101-0430. If you choose to bring your bids/proposals to MLGW, please allow **30 minutes** prior to 4 o'clock for MLGW security clearance and delivery of bids/proposals to the Purchasing Department. The official time of receipt will be established in the Purchasing Department and **not** at the main floor security desk. Bids/proposals will be publicly opened and read at **2:00 o'clock p.m. C.S.T., Wednesday, February 3, 2010**, for furnishing MLGW with:

1 LOT OF (94) TOOL BOXES

Sealed bid to be marked "**BID ON TOOL BOXES**"

PLEASE NOTE: In accordance with Tennessee Code Annotated 10-7-503 and 10-7-504.7 bidders of record may have access for inspection of bids/proposals **only** after the completion of evaluation of same by MLGW.

Proposals shall be in accordance with appropriate MLGW Bid Requirement Sheet dated January 11, 2010 copy of which may be obtained from the office of the Supervisor of Purchasing. Any protest must be filed in writing with the Manager of Procurement and Contracts by 5:00 PM CST within five (5) business days of the notification of award or non-award incident. Protest may also be submitted electronically on company letterhead to the Manager of Procurement and Contracts by 5:00 PM CST at jbooker@mlgw.org.

MLGW shall give Local Preference in the awarding of contracts and making purchases whenever the application of such a preference is reasonable in light of the dollar-value of the bids or proposals received in relation to such expenditures. In order for Local Preference to be used in the evaluation of bids, all documentation as required in the Local Bidding Preference Policy must be submitted with the bid. Provided, however, the preference established herein in no way prohibits the right of MLGW from making awards based on the application of the MLGW Supplier Diversity Policy.

Effective December 1, 2009, MLGW implemented a new bid notification system in an effort to be more accessible to our suppliers. You may access the system via MLGW's website, mlgw.com at the following URL: <https://service.mlgw.org/bidtracker/>. For easy access, please bookmark the URL. If you have already registered, you do not need to re-register. You may contact the Purchasing department at 901-528-4701 for assistance. Please select the commodities on which you would like to submit bids when you register so you can be notified via e-mail when a bid under that commodity is posted.

MEMPHIS LIGHT, GAS AND WATER
VALERIE J. FITZGERALD, C.P.M.
SUPERVISOR OF PURCHASING
CONTACT: TE' MOORE, A.P.P., PSCMC
SENIOR PROCUREMENT SPECIALIST
(901) 528-4701

**MEMPHIS LIGHT, GAS AND WATER DIVISION
CITY OF MEMPHIS
MEMPHIS, TENNESSEE**

January 11, 2010

BID REQUIREMENTS & INFORMATION FOR

BID ON TOOL BOXES

BIDS DUE: FEBRUARY 2, 2010

BIDS OPENED: FEBRUARY 3, 2010

Memphis Light, Gas and Water Division desires to enter into one (1) contract for one (1) lot of tool boxes as itemized in the attached bid form.

Delivery Requirements:

Bidders must quote realistic lead times for delivery after a release and be prepared to adhere to delivery times quoted.

General Information:

Bidding

Bidders should read the specifications carefully. If you can supply the item requested, you should fill out the inquiry form or proposal section of your bid information. The entire bid document that you receive will be incorporated as part of your bid to MLGW. Before submitting your completed bids, please verify your quotations because a bidder may not withdraw or modify his bid for a period of 120 days after the date and hour set for opening bids and as well as pricing must be held firm for 120 days. Bidders who wish to bid an alternate to MLGW's requested specifications must give complete specifications, catalog numbers or descriptions of the alternate to permit full and proper evaluation. Alternate bids should be equal to or better than the requested specifications.

Termination for Default. In the event that the successful bidder shall fail to maintain or keep in force any of the terms and conditions of this Agreement, MLGW may give 30 days written notice of the Vendor's failure and demand that the same be remedied within 10 days. Should the bidder fail to remedy the same within the remedy period, MLGW shall then have the right to terminate this Contract.

All proposals must be submitted sealed and must bear the proposer's name and address.
Important: All bids must be submitted on MLGW forms provided in a sealed envelope clearly marked: "BID ON TOOL BOXES".

Over shipments: Materials to be ordered for this bid must not be in excess of the quantity ordered unless authorized by MLGW in writing. Any unauthorized over shipments will be returned at the supplier's expense and not at the expense of MLGW.

Living Wage Ordinance: Unless otherwise exempt in accordance with the provisions of the Ordinance, this purchase is subject to City of Memphis Ordinance No. 5185, the Living Wage Ordinance, which requires any contractor or subcontractor holding a service agreement with MLGW to pay a living wage to each of its employees in the amount of \$10.27 per hour with health benefits for employees and their dependents or \$12.32 per hour without health benefits. Proof of such compensation must be evidenced by payroll reports, which shall include information required by the Ordinance.

Negotiations with Single Bidder:

If after attempting to obtain competitive bids for materials and/or services and only one (1) bid, proposal or offer is received and that bid, proposal or offer does not exactly meet our specifications or budgetary limits, the Purchasing department staff shall have the authority to negotiate with the bidder to secure an acceptable bid, proposal or offer.

Best Bid:

Bids will be awarded based on the Best Bid. Best Bid is defined as the most responsive proposal, solicitation or offer that meets required specifications, including, if applicable, any supplier diversity goal as set in the bid package, price, need and delivery dates, and the Local Bidding Preference.

Confidentiality:

By submitting a proposal in response to this solicitation, a respondent acknowledges that Memphis Light, Gas and Water Division (MLGW) is a governmental entity subject to the Tennessee Public Records Act. The respondent further acknowledges that any materials or documents provided to MLGW may be "public records" and, as such, may be subject to disclosure to, and copying by, the public unless otherwise specifically exempt by statute. Should a respondent provide MLGW with any materials, which it believes, in good faith, contain information, which would be exempt from disclosure or copying under Tennessee law; the respondent shall indicate that belief by typing or printing, in bold letters, the phrase "Proprietary Information" on the face of each affected page of such material. The respondent shall submit to MLGW both a complete copy of such material and a redacted copy in which the exempt information on each affected page, and only such exempt information, has been rendered unreadable. In the event a respondent fails to submit both copies of such material, the copy submitted will be deemed a public record subject to disclosure and copying regardless of any annotations to the contrary on the face of such document or any page(s) thereof.

Should any person request to examine or copy any material so designated, and provided the affected respondent has otherwise fully complied with this provision, MLGW, in reliance on the representations of the respondent, will produce for that person only the redacted version of the affected material. If the person requests to examine or copy the complete version of the affected material, MLGW shall notify the respondent of that request, and the respondent shall reply to such notification, in a writing that must be received by MLGW no later than 4:00 p.m., Central Time, of the second MLGW business day following respondent's receipt of such notification, either permitting or refusing to permit such disclosure or copying. Failure to provide a timely written reply shall be deemed consent to disclosure and copying of the complete copy of such material. If the respondent refuses to permit disclosure or copying, the respondent agrees to, and shall, hold harmless and indemnify MLGW for all expenses, costs, damages, and penalties of any kind whatsoever which may be incurred by MLGW, or assessed or awarded against MLGW, in regard to MLGW's refusal to permit disclosure or copying of such material. If litigation is filed in relation to such request and the respondent is not initially named as a party, the respondent shall promptly seek to intervene as a defendant in such litigation to defend its claim regarding the confidentiality of such material. This provision shall take

precedence over any provisions or conditions of any proposal submitted by a respondent in response to the bid and shall constitute MLGW's sole obligation with regard to maintaining confidentiality of any document, material or information submitted to the MLGW.

****Please note:**

All mandatory information requested in this bid package and/or specifications must be supplied with your bid for it to be considered. Failure to complete all areas of this bid will deem your bid unresponsive and not in compliance with our requirements. Your bid, therefore, will not be considered.

Of the bids considered for award, the Board of Light, Gas and Water Commissioners reserves the right to reject any or all bids, to waive any informalities in the bids, and to accept any bid, or portion thereof which it deems most favorable to the interest of the Memphis Light, Gas and Water Division, and to award one (1) contract to whomsoever it may elect.

All items are requested to be quoted f.o.b. Memphis, Tennessee, our dock, transportation prepaid.

Bidder may not withdraw his bid for a period of one hundred twenty (120) days after the date and hour set for opening bids.

Time of delivery of each item together with price and price protection policy quoted will be given due consideration in award of contract.

Bidding blank and specifications giving more complete information is attached. The information contained in these documents must be considered in submitting your bid, which **MUST be submitted in duplicate.**

Bidder shall indicate on bidding blank make and model of equipment he proposes to furnish and must sign each page of the bidding blank submitted.

All items are to be delivered to Division's Heavy Equipment Shop, 214 Orleans Street, Memphis, TN.

After completion of evaluation, bidders will be notified with a Notification of Award Letter. Interested parties may request to review the bids.

NOTE: PLEASE BE ADVISED THAT ANY ORDER OR ORDERS THAT RESULT FROM BIDS ON THIS REQUIREMENT WITH THE TOTAL EXCEEDING \$25,000, WILL BE ISSUED AFTER APRIL 7, 2010, IF APPROVED BY THE COUNCIL OF THE CITY OF MEMPHIS.

Supplier Diversity Policy

It is the express intent of Memphis Light, Gas and Water Division that minority, women and locally owned small suppliers and contractors have the maximum practicable opportunity to participate in the award and performance of purchase orders and contracts. MLGW's Board of Commissioners encourages the growth of minority-owned business enterprises (MBE), women-owned business enterprises (WBE) and locally owned small businesses (LSB) by providing them the opportunity to furnish MLGW with good and services and to contract with MLGW. It is the goal of MLGW that such businesses should be able to compete under the competitive bidding provisions of MLGW and be able to supply a representative portion of purchases and contracts with MLGW. For the purposes of MLGW's Supplier Diversity Program, The Uniform Certification Agency (UCA) is the agency recognized for certifying MBE/WBE/LSB's.

Supplier Diversity may be achieved by bidders on purchases through the use of UCA certified MBE/WBE/LSB authorized product distributors, stocking distributors, sales representatives or other authorized manufacturer's representatives of MLGW specified and approved products. Bids received from and or including UCA certified companies in bid responses shall be deemed as an effective response to solicitations in our effort to make awards based on "best bid." Best Bid is defined as the most responsive proposal, solicitation or offer that meets required specifications, including, if applicable, any supplier diversity goal as set in the Bid Packet or Bid Invitation Requirements.

For more information on the Supplier Diversity Policy, Program and how to participate, contact Renise Holliday, Supplier Diversity Coordinator at (901) 528-5466 or rholliday@mlgw.org.

Local Bidding Preference Policy

MLGW shall give Local Preference in the awarding of contracts and making purchases whenever the application of such a preference is reasonable in light of the dollar-value of the bids or proposals received in relation to such expenditures. Provided, however, that the preference established herein in no way prohibits the right of MLGW from making awards based on the application of the MLGW Supplier Diversity Policy.

Definitions as used in this article have the following meanings:

Contract shall mean any contract, purchase order, or agreement (other than a lease, collective bargaining agreement, a contract funded by federal monies supplied under any federal grant program/plan, contracts for purchased power and gas, loans, grants, financial assistance, and banking contracts), awarded in accordance with the MLGW Procurement Policy and whose cost is to be paid from funds belonging to or administered by MLGW.

Local Business shall mean that the supplier or contractor has a valid domestic type Shelby County and Tennessee business license, issued at least one year prior to bid or proposal opening date, to do business in said locality that authorizes the business to provide the goods, services, or construction to be purchased, and the physical principal business address located within the city limits of Memphis, Tennessee. Post Office boxes are not verifiable and shall not be used for the purpose of establishing said address.

Eligibility

In order to be eligible for the Local Preference, the supplier or contractor must provide a copy of the domestic Shelby County business license and must also provide proof that City of Memphis personal property and real estate taxes were appropriately paid. Proof of payment includes a copy of the receipt issued by the Treasurer for the City of Memphis or a screenshot from the Treasurer's website evidencing payment of the taxes. The website address is <http://epayments.cityofmemphis.org>

Application of Local Preference

In the bidding of, or letting contracts for procurement of supplies, materials, equipment and services, with a total price of fifteen thousand (\$15,000) dollars or more, Local Preference shall mean that if the lowest responsive bidder is a regional or non-local business, then all bids received from responsive Local Businesses are decreased by five (5) percent. The original bid is not changed; the five (5) percent decrease is calculated only for the purpose of determining the Local Preference. The Local Preference cost differential is not to exceed one hundred thousand dollars (\$100,000).

In the case of request for proposal, letters of interest, best-evaluated bids, qualifications or other solicitations and competitive negotiation and selection in which objective factors are used to evaluate the responses; Local Businesses are assigned five (5) percent of the total evaluation points up to a maximum of five (5) points.

In the event of a tie between a Local Business and one or more non-local Businesses meeting specifications, the ties shall be broken in favor of the Local Business. The Local Business Preference shall not apply to purchases or contracts, which are funded, in whole or in part, by a government entity and the laws, regulations, or policies governing such funding prohibit application of the Local Preference. Nor shall the Local Preference apply to purchases made or contracts let under emergency or noncompetitive situations.

Application of the Local Preference to a particular purchase or contract may be waived by the Board of Commissioners upon recommendation by the applicable Vice President and approved by the President.

* BIDDING BLANK *

Memphis Light, Gas and Water Division
220 South Main Street - Room 316
Memphis, Tennessee 38101

The undersigned, as bidder, declares that the specifications have been carefully noted and made a part of the bidding blank below and proposes and agrees that, if this proposal is accepted, contract will be entered into with the Memphis Light, Gas and Water Division, City of Memphis, Tennessee, to furnish and deliver f.o.b. Memphis, Tennessee, transportation prepaid, the item or any one or more of the items called for by this proposal and in accordance with the specifications made a part of the proposal.

The undersigned, as bidder, hereby certifies that the equipment he proposes to furnish is in compliance with all OSHA requirements.

Ninety-four (94) latest model full-size, aluminum tread plate, truck crossover, single lid toolboxes, all in accordance with Division Specification No. **TPT-10-2705**

MAKE AND MODEL _____

DELIVERY _____

UNIT PRICE \$_____

TERMS: _____

PRICE PROTECTION POLICY: _____

NAME OF BIDDER (COMPANY): _____

ADDRESS OF BIDDER (COMPANY): _____

SIGNATURE OF BIDDER: _____

PRINTED NAME: _____

PHONE: _____ DATE: _____

E-Mail: _____ FAX: _____

**MEMPHIS LIGHT, GAS AND WATER DIVISION
CITY OF MEMPHIS
MEMPHIS, TENNESSEE**

SPECIFICATION NO. TPT-10-2705
January 2010

Ninety-four (94) latest model full-size, aluminum tread plate, truck crossover, single lid toolboxes, all in accordance with Division Specification No. **TPT-10-2705**.

State Specifically What Will Be Furnished

GENERAL:

Full-size truck toolbox with full width single lid, such as RDS model #70183, Delta Champion #232000, equal or better

MODEL: _____

2 way adjustable strikers

Approx. 20" wide, 14" deep and 69" in length

DEPTH: _____

At least .056" aluminum tread plate.

DIMENSIONS: _____

THICKNESS: _____

Reinforced single lid with beveled sides

Fully welded seams

Plastic tool tray

2 gas strut lid supports

WARRANTY:

Information describing the warranty of the equipment that is proposed

At least one (1) year basic warranty covering 100% parts and labor

Company of Bidder _____

Signature _____

EXCEPTIONS: If any, exceptions to the above listed specifications and other requirements as outlined in the Legal Notice to Bidders for proposals shall be stated below:

Company of Bidder _____

Signature _____

DOCUMENT INCLUSION CHECK LIST AND SIGN OFF SHEET

BELOW IS A CHECK LIST FOR YOU TO VERIFY INCLUSION OF ALL DOCUMENTS. PLEASE ✓
IN THE CIRCLE FOR DOCUMENT BEING INCLUDED.

- MLGW BIDDING BLANK COMPLETED & SIGNED
- THIS SHEET SIGNED AND INCLUDED WITH BID
- IS THIS PURCHASE SUBJECT TO LOCAL BIDDING PREFERENCE,
PLEASE INDICATE: YES NO

IF YES, YOUR BID MUST INCLUDE THE FOLLOWING DOCUMENTATION:

- A COPY OF VALID DOMESTIC-TYPE SHELBY COUNTY BUSINESS LICENSE
- LICENSE #_____
- DATE ISSUED (AT LEAST ONE YEAR PRIOR TO THIS BID OPENING DATE)

- PROOF THAT CITY OF MEMPHIS PERSONAL PROPERTY AND REAL ESTATE TAXES
AND ALL OTHER NECESSARY LOCAL BUSINESS OPERATIONAL TAXES WERE PAID.
PROOF OF PAYMENT INCLUDES A COPY OF THE RECEIPT ISSUED BY
THE TREASURER FOR THE CITY OF MEMPHIS OR A SCREENSHOT FROM THE
TREASURER'S WEBSITE EVIDENCING PAYMENT OF THE TAXES. THE WEBSITE
ADDRESS IS <HTTP://EPAYMENTS.CITYOFMEMPHIS.ORG>.

IF DOCUMENTS LISTED ABOVE ARE NOT RECEIVED, YOUR BID WILL BE DEEMED
UNRESPONSIVE AND CANNOT BE CONSIDERED AS STATED IN THE BID REQUIREMENTS.

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND ALL
DOCUMENTS INCLUDED IN THIS BID PACKAGE.

SIGNED _____ DATE _____

COMPANY NAME: _____