

**DOING BUSINESS WITH
CHARLOTTE-MECKLENBURG
SCHOOLS**



A GUIDE FOR VENDORS

March 2007

CONTACT INFORMATION:

**Charlotte-Mecklenburg Schools
Purchasing Department
PO Box 30035
Charlotte NC 28230
Telephone: (980) 343-6251
Facsimile: (980) 343-6348**

This Vendor Guide is intended to be an informational only publication to assist the business community in gaining a general understanding of Charlotte-Mecklenburg Schools procurement process. The Vendor Guide does not, nor is it intended to, reflect all operating policies and procedures of the Charlotte-Mecklenburg Board of Education.

This vendor guide shall not be construed, nor is it intended, to create any legal rights or interests whatsoever in vendors, or impose legal duties or obligations on the Charlotte-Mecklenburg Board of Education.

Please access the following site for a comprehensive list of all Charlotte-Mecklenburg Board of Education Schools, Departments, and Individual contacts:
WWW.CMS.K12.NC.US

GIFTS OR FAVORS FROM VENDORS

North Carolina General Statute 133-32 addresses the legal implications of State employees accepting gifts or favors from vendors. Briefly summarized, this statute states that it is unlawful for any vendor who has a current contract with a governmental agency, has performed under such a contract within the past year, or anticipates bidding on such a contract in the future to give gifts or favors to any employee of a governmental agency who is charged with preparing plans, specifications, or estimates for public contract, awarding or administering such contracts, or inspecting or supervising construction. It is also unlawful for a State employee to willfully receive or accept such gifts or favors.

AUTOMATED OPPORTUNITY ANNOUNCEMENTS

The Charlotte-Mecklenburg Schools Purchasing Department posts its bid opportunities on two electronic purchasing systems (**NC Interactive Purchasing System -Vendor Link NC & NC Eprocurement**). Companies interested in receiving bid notifications should register their company in both systems. Both systems transmit purchasing, contract, bid data, electronic bid notifications, and bid opportunities electronically (via email and personal computer).

Register for CMS & Statewide Governmental opportunities at:
www.cms.k12.nc.us/departments/purchasing
access the “Supplier/Vendor Help” tab.

TABLE OF CONTENTS

Introduction	1
Marketing Your Products/Services	2
Contacting the Purchasing Office	2
Marketing to Schools and Administrative Depts.	3
Purchasing Procedures	4
State Term Contracts	4
Dollar Thresholds and Specified Procedures	4
Solicitation Documents	6
Responding to RFQs/RFPs/IFBs	7
Responsibility of Bidders	7
Bid Requirements	7
Conferences/Site Inspections	8
Terms & Conditions	9
Bonding	9
Questions about the RFQ/RFP/IFB	9
Bid Evaluation, Award, Performance, and Payment	10
Bid opening	10
Evaluation	10
Award	11
Certification of Award and Purchase Order	11
Review of Awards	11
Deliveries	11
Invoicing & Payment	11
Complaint to Vendor	12
Procedure for filing protest	12
Minority and Women Business Enterprise Program	13
Gifts or Favors From Vendors	15
Opportunity Announcements	15
Contact Information	16

INTRODUCTION

The purpose of this vendor manual is to acquaint prospective bidders and suppliers with the purchasing procedures used by The Charlotte-Mecklenburg Board of Education (Charlotte-Mecklenburg Schools).

The Board of Education intends that its purchasing be conducted in accordance with State laws so that the taxpayer receives full value for each dollar of public funds spent. **To that end, the Charlotte-Mecklenburg Board of Education procedures also conform to open, ethical and sound procurement policies.** Qualified suppliers, therefore are invited to compete for the Schools business, which consists of a variety of goods and services.

The Procurement Department carries out its responsibilities according to North Carolina General Statutes, Article 3 of chapter 143, professional procurement practices and procedures, and rules and regulations adopted by the Board of Education. The Procurement Department has the responsibility for administering procurement procedures on behalf of the School System.

Contracts for the Charlotte-Mecklenburg Board of Education are awarded on the basis of best value to the School System - - price, quality, and other prescribed selection factors considered. Where price and other factors are identical (tie bids), preference in awarding contracts is given to North Carolina and Mecklenburg County bidders. This manual is intended to provide valuable information about the necessary steps in doing business with Charlotte-Mecklenburg Schools - including the bidding, award and payment processes. Please refer any questions you may have to the appropriate purchaser handling the commodities or services you sell.

Evaluating and reporting on a quarterly and annual basis to the Superintendent, Board of Education, and State of North Carolina the results of contracting and procurement activities.

The aspirational goals established by Charlotte-Mecklenburg Schools represent the percentage of M/W/SBE participation that could be attained in the available market. The aspirational goals are based upon an analysis of factors such as size and scope of the contract and the availability of M/W/SBEs to perform various elements of the contract.

Recommended Aspirational Goals for Each Business Category By Race/Ethnic/Gender Classification Based on MGT Disparity Study

Category	MBE Goal	WBE Goal	Overall M/W/SBE Goal*
Construction	10%	6%	21%
Architecture & Engineering	4%	7%	16%
Professional Services	9%	9%	23%
Contracted Services (other than Architecture & Engineering and other Professional Services)	5%	4%	14%
Goods	3%	3%	11%

***NOTE: The overall M/W/SBE goal can be achieved by any combination of participation by MBE and/or WBE firms.**

Interested businesses are encouraged to contact the M/W/SBE Office at 980-343-8638. Additional information regarding the M/W/SBE Program, available assistance, certification, and purchasing procedures is available at www.cms.k12.nc.us/departments/mwsbe/.

Minority, Women and Small Business Enterprise Program

In accordance with G.S. 143-64.31, it shall be the policy of the Charlotte-Mecklenburg Board of Education to promote full and equal access to business opportunities with Charlotte-Mecklenburg Schools by proactively seeking diverse suppliers and building relationships through a competitive process. Minority-owned, women-owned, and small business enterprises (collectively “M/W/SBE”) as well as other responsible vendors shall have a fair and reasonable opportunity to participate in Charlotte-Mecklenburg Schools (CMS) business opportunities.

The M/W/SBE Program is designed to provide interested vendors with the necessary tools and understanding of how to do business with the school system, available small business assistance, certification requirements, and upcoming bid opportunities. While competitive bidding remains the cornerstone of CMS purchasing procedures, the M/W/SBE Office proactively works to increase the participation of minority, women, and small businesses through race neutral means by:

Encouraging all Charlotte-Mecklenburg Schools’ personnel involved in procurement and contracting activities to provide equal access to participation in CMS Construction and Repair, Goods, Professional Services, and Other Services contracts.

Establishing aspirational goals of participation based on identified disparities for M/W/SBE firms capable of supplying those goods and services which are necessary for school system operations.

Providing procedures for determining and monitoring M/W/SBE participation and compliance with State of North Carolina M/WBE requirements and Board of Education M/W/SBE Policy.

MARKETING YOUR PRODUCTS/SERVICES

The Procurement Department utilizes two state-wide vendor databases (NC Interactive Purchasing System - Vendor Link NC and NC Eprocurement) for the purpose of soliciting quotes and bids on various categories of commodities and services. See “Automated Opportunity Announcements” section of this manual for registering and receiving notifications of opportunities.

Contacting the Procurement Office

Prospective suppliers are encouraged to send a catalog, line card, or other listing of products/services offered. The following information is supplied by vendors once the determination is made by a school, department, or Purchasing Agent, to procure from your company, and is easily transmitted by use of our electronic vendor application. Please contact the Procurement Office for additional instructions.

Legal Business Name

Mailing Address

Area Code / Phone # / Fax #

Employer Tax Identification Number (TIN) (SSN if individual or Sole Proprietorship)

* Ownership Control: Minority-Owned, Women Owned, Disabled Owned, Disabled Owned Business Enterprise, Non-Profit Work Center for Blind and Severely Disabled.

Signature/Title/Phone/Email address of Company
Official Authorized to certify the above information.

Mail information to: Charlotte-Mecklenburg Schools
Purchasing Department
PO Box 30035
Charlotte NC 28230

* Request for assistance in determining a vendor's classification as a small, minority, women-owned, or disabled-owned business should be referred to the Historically Underutilized Business Program, a divisional office of the NC Department of Administration at (919) 807-2330, and suppliers may also seek assistance from the Charlotte-Mecklenburg Schools Minority Women Owned Small Business Enterprise (MWSBE) office at (980) 343-8638.

If a vendor needs to make personal contact with the appropriate procurement official, ***appointments are preferred (and in most cases required)***. Sales contacts with the Procurement Department are normally scheduled between the hours of 9:00 a.m. and 4:00 p.m.

Marketing to Schools and Administrative Departments

Since schools and administrative departments have authority to purchase certain supplies - - not otherwise contracted for under term contracts or carried in warehousing - - up to a value of \$750.00 per order, vendors may consider marketing products directly to Schools and Administrative Departments. Additionally, since they are instrumental in prescribing the specifications for the equipment/supplies they require, marketing contacts are recognized as a necessary part of educating users on the capabilities and variety of products in the market place. In marketing your products to schools and administrative departments, we require that you do not sell items which are stocked in our warehouse. Please work directly with the CMS Procurement Department for these bulk warehouse stocked items.

Complaint to Vendor

Schools/Departments are encouraged to directly contact the vendor in an effort to resolve any dissatisfaction with product, warranty, or service performance. When problems are not resolved to the user's satisfaction, the school/department notifies the Procurement Department in writing. The Procurement Department then forwards the complaint to the vendor and initiates a dialogue for resolution. Vendors who do not act responsibly to quickly resolve legitimate complaints may be removed from contracts and/or prohibited from bidding (disbarred) on future contracts with The Charlotte-Mecklenburg Board of Education.

Procedure for Filing Protests

When an offeror wants to protest a contract award pursuant to a solicitation, they must submit a written request to the Chief Financial Officer of the Charlotte-Mecklenburg Board of Education. This request must be received within 30 consecutive calendar days from the date of the contract award, and must contain specific sound reasons and any supporting documentation for the protest. If the Chief Financial Officer can render a decision based on the facts without a meeting, a written response with a decision will be rendered within 10 consecutive calendar days of the receipt of the protest. If not, the Chief Financial Officer will schedule a meeting with the protesting party to hear their complaint. This meeting will be held within 30 consecutive calendar days after receipt of the written protest. The Chief Financial Officer will respond to the protesting party in writing with a decision within 30 consecutive calendar days from the date of the protest meeting. All decisions of the Chief Financial Officer shall be the final administrative review.

Award

After completion of the evaluation process, recommendations of award for equipment, supplies, and materials are made by a CMS Procurement Department Official. The Procurement Official canvasses the bids before contract certifications are issued to the successful vendor(s).

Certification of Award and Purchase Order

A purchase order will be issued to the successful vendor. Shipment of goods should not be made until receipt of the official Charlotte-Mecklenburg Schools purchase order, which gives shipping and invoicing instructions.

Review of Awards

After contract award, unsuccessful bidders can obtain the name of the successful bidder, price, and similar basic information through written or telephone request. Requests for more detailed information can be obtained by written request or by visiting the Purchaser to review the bid file during normal business hours. Vendors are encouraged to review bid files since much valuable information can be obtained that may be useful in future bidding situations.

Deliveries

All deliveries must be **F.O.B. Charlotte-Mecklenburg Schools (applicable location)**, vendors expense. This expense should be included as a part of the product cost, not as a separate line item.

Invoicing and Payment

Unless otherwise stipulated on the purchase order or contract, all invoices should be forwarded directly to the attention of the Accounts Payable Department. Applicable North Carolina sales and use tax shall be added to the invoices as a separate line item.

All requests for **Product Evaluations** (excluding sample supplies), should be made through the Procurement Department. **“Evaluation Purchase Orders”** must be issued by the Purchasing Department for equipment left for trial. Before a purchase order can be issued, the vendor must sign an agreement which reflects the vendor’s responsibility for liability and for any installation and/or shipping costs associated with the equipment. Failure to follow this procedure could result in rejection of the product or service.

PURCHASING PROCEDURES

State Term Contracts

In an effort to reduce costs statewide for frequently purchased items, the NC Division of Purchase and Contract competitively awards contracts to cover designated state agencies and local governments for a period of one or more years.

Dollar Thresholds and Specified Procedures

Limited Purchase Order (L.P.O.) Delegation to Schools & Departments (< \$750.00): This procedure is used by all Charlotte-Mecklenburg Schools and administrative offices to directly purchase certain supplies and materials up to \$750 per order. It does not apply to supplies and materials available from storerooms or warehouse inventories (users are encouraged to check with the procurement office, or appropriate warehouse personnel if they are not sure). Orders must not be split to avoid the \$750 limit. Competitive quotes are not required, but encouraged.

BID EVALUATION, AWARD, PERFORMANCE, AND PAYMENT

Procurement Card (P-Card) Delegation to Schools and Departments (< \$1000.00)

Schools and Departments are delegated to procure all supplies, materials, equipment, and services in an amount not to exceed \$1,000.00 per individual transaction/procurement via P-Card. Orders may not be divided to evade or circumvent this level of monetary authority. The \$1,000.00 maximum applies to the total cost of the order rather than to a line item cost or single item cost.

Small Order Purchase of Supplies and Materials < \$30,000.00

All purchases exceeding the Schools & Departments delegation amount of \$750 shall be submitted via requisition to the Procurement Department. Items not on state contract and totaling less than \$30,000 may be purchased without acquiring competitive quotations. If such purchases are of a recurring nature, a discount schedule or a blanket bid for a specified period of time may be negotiated with one or more vendors. It is also important that fair and open competition be maintained when making small purchases less than \$30,000. Orders may not be divided to alter the application of this provision. The \$30,000 limit applies to the total order cost rather than each line item, or per item cost.

Informal Local Purchase of Supplies and Materials \$30,000.00 to \$90,000.00

Primary: Items not on state term contract and totaling between \$30,000 and \$90,000 require telephone or written quotations be acquired by schools/departments. Fair and open competition shall be maintained in seeking competitive quotations. Orders may not be divided to circumvent this process.

Bid Opening

Responses to Formal Processes (ie IFBs, RFPs) are opened and the names of the bidders, the manufacturers and catalog number(s) of the item(s) they have offered, prices, delivery and payment terms they have submitted become public record.

Responses to informal processes (ie RFQs) remain confidential until after an award is made, ie a purchase order is issued to a successful supplier.

Evaluation

During the period of evaluation and prior to award, possession of bids and accompanying information is limited to Charlotte-Mecklenburg Schools personnel involved in the evaluation process.

At the discretion of the appropriate purchaser, vendors may be contacted where clarification of a proposal is necessary for proper evaluation; however, in doing so, ***no improvement in a bidder's competitive position is permissible.***

Being the "low bidder" does not necessarily mean that an award will be made to that vendor. The purpose of the evaluation process is to determine the "best buy" for the School System, taking into consideration selection criteria in the RFQ/RFP/IFB and the factors spelled out by procedure and statute. *Some factors considered in addition to price are: the quality of the articles offered, the general reputation and performance capabilities of the bidders, the substantial conformity with the specifications and other conditions set forth in the request for bids, the suitability of the articles for the intended use, the personal or related services needed, the transportation charges, the date or dates of delivery, and such other factors deemed pertinent or peculiar to the purchase in question .*

Terms and Conditions:

All solicitation documents are subject to the specified terms and conditions. Please read these terms and conditions carefully. **The inclusion of any other terms and conditions by the vendor may be grounds for rejection of that bid.** Terms and conditions included as part of published price lists, catalogs, and other documents submitted as a part of the bid response are considered to be waived and will have no effect either on the bid or any contract which may be awarded. The bidder specifically agrees to the terms and conditions specified in the RFQ/RFP/IFB by signing the “execution” page.

Bonding

Charlotte-Mecklenburg Schools does not normally require bid bonds. Performance bonds may, however, be called for without expense to the School System. Alternative bonding methods may also be provided. Otherwise, in the case of default of the contractor, the School System may procure the articles or services from other sources and hold the contractor responsible for excess costs incurred.

Questions about the RFQ/RFP/IFB

If you have any questions prior to submitting a bid, contact the Purchaser whose name and telephone number is on each RFQ/RFP/IFB. Once the bid opening has occurred, no changes by the vendor will be permitted.

Secondary: The Procurement Department may utilize the above processes or electronic procurement methods (E-Procurement, E-Quote, Interactive Purchasing System, Reverse Auctioning, etc) to solicit and ensure that competitive pricing is obtained.

Formal Bids (\$90,000 or greater)

Items not on state term contract and totaling \$90,000 or greater require submission to the Procurement Department for formal bid procedures. The \$90,000 threshold applies to the total cost rather than to the cost of any single item. Dividing an order to avoid the \$90,000 threshold is not allowed.

“Non-Construction Repairs”, “Contractual Services”, and “Printing” are not significant for schools since all constitute services. The statute placing schools under the jurisdiction of the North Carolina Department of Administration, Division of Purchase and Contract for purchases does not apply to services. Competition for these services is recommended. The Charlotte-Mecklenburg Schools Graphic Production Department should be utilized whenever advantageous.

Solicitation Documents

Request For Quote (RFQ): A Request For Quotation (RFQ) may be in the form of a telephone or a written request. *Faxed quotations from vendors are acceptable.*

Request For Proposal (RFP): A Request For Proposal (RFP) may be used in establishing contracts which *seek creativity or different ways of accomplishing a task.* The RFP may be handled in the same manner as an Invitation for Bid, or it may be a two-step procurement process. If the two-step procurement process is used, separate sealed technical and cost responses are requested; however, *the cost response is opened only if the technical response is accepted.* As with IFBs, responses to RFPs must be in writing and must be delivered “sealed” to the designated address.

Invitation for Bid (IFB): The Invitation For Bid is generally used in establishing contracts for equipment, materials, and supplies. The school system is required to follow formal bid procedures, (i.e. electronic advertisement and posting of opportunities).

RESPONDING TO RFQs/RFPs/IFBs

The Request for Quotation (RFQ), Request for Proposal (RFP), or Invitation for Bid (IFB) provides all the necessary instructions and a complete description of the requirement with specifications and terms and conditions to enable the preparation of a quote/proposal/ bid.

Responsibility of Bidders

Prospective suppliers should be financially sound and able to perform fully according to the specifications, delivery requirements, services and other stipulations contained in the RFQ/RFP/IFB at the price(s) bid. In cases where the contractor refuses to comply with the resultant contract, Charlotte-Mecklenburg Board of Education reserves the right to purchase on the open market and charge the contractor with any excess costs incurred.

Bid Requirements

Each responding vendor is responsible for carefully reading the RFQ/RFP/IFB and understanding its contents. Vendors who have previously submitted bids for the same commodity or service should not presume that the specifications, terms, and conditions are necessarily the same. There may be slight differences that would only be realized after carefully reading the entire bid document. Any questions related to the bid should be directed to the purchaser named in the solicitation document.

Some standard requirements include the following:

Bid Delivery: Bids will be received at the address cited in the RFQ/RFP/IFB on or before the date and exact time specified. Generally, bids are opened at 2 P.M. on the opening date. The bid may not be considered for evaluation if delivered after the specified bid opening time. It is the vendor's responsibility to make sure that the bid is submitted on time and to the proper place.

Signature: All solicitation documents must be properly signed and executed in the designated place(s). Signature in ink is a requirement in properly executing the bid. Failure to properly execute a bid will result in that bid not being considered for award.

Price Alterations or Withdrawal of Bid Prior to Bid Opening:

Any price corrections on bids should be individually initialed in ink. Price corrections may only be made or a bid withdrawn prior to opening. In order to make corrections or withdraw a bid, proper identification must be presented.

Additional Information: For those bids requiring price lists, product literature or other information, such material must be provided in accordance with the instructions outlined in the RFQ/RFP/IFB.

Conferences/Site Inspections:

When the solicitation document stipulates a *mandatory* conference or site inspection, interested vendors *must* attend the conference or site visit at the specified place, time, and date or their bids will be automatically rejected. Such requirements are intended to supply vendors with valuable information or visual inspection which can help to ensure the completeness and accuracy of all bids.