

Invitation to Bid

City of Milwaukee

CITY OF MILWAUKEE
200 E WELLS STREET
MILWAUKEE WI 53202
United States

CIMIL

Vendor: 0001030455
WEBPAGE DOWNLOAD
[http://www.milwaukee.gov/citygov/](http://www.milwaukee.gov/citygov/doa/sp/sp.shtml)
doa/sp/sp.shtml
MILWAUKEE WI 53202

Bid ID	Date	Buyer	Page
CIMIL-0000002179	09/15/2008	Michael Drzewiecki	1
Payment Terms	DateTime Bid Open	Closing	
PROMPT PAY	11/14/2008 04:00 PM	12/04/2008 02:00 PM	

Ship To: CITY OF MILWAUKEE
WATER AND DPW FIELD HEADQUARTERS
3850 NORTH 35TH STREET
MILWAUKEE WI 53216
United States

Bill To: DPW-OPERATIONS-FACILITIES MGMT-5455
MUNICIPAL BLDG., 6TH FLOOR
841 NORTH BROADWAY
MILWAUKEE WI 53202
United States

Line	Item	Description	Mfg ID	Mfg Item ID	Quantity	UOM	Need Date
1		VC FOR COMMERCIAL PAINT AND SUPPLIES			1.0000	VEN	

Freight Terms: DEST **Ship Via:** NOT APPL

NOTE: ALL BIDS RECEIVED FOR BID 2179 HAVE BEEN REJECTED. THIS IS A REBID OF THE PREVIOUS REQUIREMENTS WITH CHANGES BEING MADE TO THE SEMI-GLOSS ENAMEL, EGGSHELL ENAMEL AND THE SEMI-GLOSS FINISH PAINTS FROM ALKYD-RESIN BASE TO WATER BASE AND THE REQUIREMENT FOR 20% EBE PARTICIPATION. ALL OTHER REQUIREMENTS WILL REMAIN THE SAME.

VENDOR CONTRACT FOR COMMERCIAL GRADE PAINT AND SUPPLIES TO BE PURCHASED ON AN AS NEEDED BASIS FOR A PERIOD OF THREE YEARS FROM DATE OF AWARD.

PAINT AND PAINTING SUPPLIES WILL BE USED FOR INTERIOR AND EXTERIOR APPLICATIONS FOR WOOD, METAL, AND MASONRY AND SHALL INCLUDE BUT NOT BE LIMITED TO PRIMERS/SEALERS, LATEX WALL AND TRIM FINISHES, WOOD FINISHING STAINS, WATER BASE ENAMELS, ACRYLIC ENAMELS, DRY FOG COATINGS, EPOXY COATINGS, URETHANE ENAMELS, BRUSHES, ROLLERS, PANS, BUCKETS AND DROP CLOTHS, STRAINERS, SCRAPPERS, MASKING TAPE, CLEANING SOLVENTS, SPRAYING EQUIPMENT HOSES, NOZZLES, AND REPAIR PARTS.

BIDDERS ARE REQUIRED TO PROVIDE THE UNIT (LIST) PRICE, DISCOUNT FROM LIST PRICE, DISCOUNTED UNIT PRICE AND EXTENDED PRICE (DISCOUNTED UNIT PRICE X ESTIMATED USAGE) , THE BRAND (MANUFACTURER'S NAME) AND MANUFACTURER'S PART # SHALL BE PROVIDED FOR ALL ITEMS LISTED IN THE " PAINTS, COATINGS AND PAINTING SUPPLIES" SPREADSHEET POSTED ON THE BIDS PENDING WEBPAGE.

NOTE: ALL PAINTS AND COATINGS BID MUST BE LEAD AND MERCURY FREE.

*****IMPORTANT*****

BIDDERS MUST PROVIDE DESCRIPTIVE LITERATURE FOR ALL OF THE PAINTS AND COATINGS BID IN ORDER TO BE CONSIDERED FOR AWARD. THIS LITERATURE MUST INCLUDE PRODUCT SPECIFICATIONS, COMPOSITION (VOLUME SOLIDS, ETC.), PERFORMANCE DATA (SQUARE FOOT PER GALLON COVERAGE), DIRECTIONS FOR USE, AND PRECAUTIONS.

DESCRIPTIVE LITERATURE FOR THE SUPPLIES IS NOT NEEDED.

FAILURE TO PROVIDE DESCRIPTIVE LITERATURE AS INDICATED HEREIN WILL RESULT IN BID REJECTION.

BIDDERS MUST ALSO INDICATE THE CATALOG NAME AND NUMBER THAT WAS USED FOR PROVIDING THE UNIT (LIST) PRICE FOR THE ITEMS FOUND IN THE "PAINTS, COATINGS AND PAINTING SUPPLIES" SPREADSHEET.

A COPY OF ALL CATALOGS AND ALL LIST PRICING SHEETS MUST ACCOMPANY THE BID SUBMITTAL

THE LISTING OF ITEMS CONTAINED IN THE "PAINTS, COATINGS AND PAINTING SUPPLIES" SPREADSHEET ARE REPRESENTATIVE OF THOSE ITEMS THAT MAY BE ORDERED AND THE EXTENDED PRICES WILL BE USED FOR EVALUATION AND AWARD PURPOSES. ITEMS PURCHASED WILL NOT, HOWEVER, BE LIMITED TO THE LISTING OF ITEMS FOUND ON THE "PAINTS, COATINGS AND PAINTING SUPPLIES SPREADSHEET".

THE QUOTED DISCOUNT FROM LIST PRICE SHALL APPLY TO ALL SIMILAR PAINT PRODUCTS CONTAINED IN THE CATALOG(S) IDENTIFIED IN THE BID.

DELIVERY REQUIREMENTS: BIDDERS ARE REQUIRED TO HAVE THE PAINTS, COATINGS AND PAINTING SUPPLIES BD AVAILABLE FOR IMMEDIATE PICKUP AT STORES LOCATED WITHIN MILWAUKEE COUNTY, AND/OR FOR IMMEDIATE SHIPMENT OF LARGE QUANTITIES TO EITHER THE CITY OF MILWAUKEE, WATER AND DPW FIELD HEADQUARTERS, 3850 N. 35TH STREET, MILWAUKEE, WI 53216 OR TO A JOB SITE DESIGNATED AT TIME OF ORDER.

WILL YOU COMPLY WITH THESE REQUIREMENTS? ___ YES ___ NO

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NOTE: IF YOU CANNOT MEET THE ABOVE DELIVERY REQUIREMENTS, YOUR BID WILL BE CONSIDERED NON-RESPONSIVE!

FUEL AND/OR SHIPPING SURCHARGES ARE NOT ALLOWED AND WILL NOT BE PAID BY THE CITY OF MILWAUKEE.

FREIGHT INCREASE: IF THERE IS A FREIGHT INCREASE PRIOR TO DELIVERY OF THE PRODUCT, THE ADDITIONAL INCREASE MUST BE AT THE EXPENSE OF THE BIDDER/CONTRACTOR.

MULTIPLE AWARDS WILL BE MADE TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDERS AS FOLLOWS:

1. THE LOW BIDDER WILL BE AWARDED 60% OF THE TOTAL ESTIMATED VALUE OF THE BID OR \$90,000.00.
2. THE SECOND LOW BIDDER WILL BE AWARDED 25% OF THE TOTAL ESTIMATED VALUE OF THE BID OR \$37,500.00.
3. THE THIRD LOW BIDDER WILL BE AWARDED 15% OF THE TOTAL ESTIMATED VALUE OF THE BID OR \$22,500.00.

NOTE: THE CITY RESERVES THE RIGHT TO REDISTRIBUTE THE VALUES OF THE CONTRACTS, IF LESS THAN THREE AWARDS ARE MADE.

THE LOW BIDDER WILL BE CONSIDERED THE PRIME VENDOR FOR THIS CONTRACT AND THE BACKUP VENDOR(S) WILL BE USED WHEN ANY ONE OF THE FOLLOWING CONDITIONS OCCUR:

1. LOW BIDDER IS UNABLE TO MEET DELIVERY.
2. THE LOCATION OF THE PRIMARY VENDOR'S FACILITY AND THE LOCATION OF THE JOB SITE DOES NOT ALLOW FOR A TIMELY PICKUP OF MATERIALS REQUIRED BY THE CITY.
3. THE PRIMARY VENDOR'S COST EXCEEDS 10% OF ANY OF THE BACKUP VENDOR'S PRICES.

ORDERS WILL BE PLACED FOR QUANTITIES AS NEEDED. THE TOTAL ESTIMATED DOLLAR VALUE OF THE CITY'S USAGE IS \$150,000.00. THE DOLLAR VALUE OF THREE CONTRACTS THAT WILL BE AWARDED FROM THIS BID IS ONLY AN ESTIMATE AND NO GUARANTEE OF THE AMOUNT THAT WILL BE PURCHASED DURING THE CONTRACT PERIOD.

THE LOW, SECOND LOW AND THIRD LOW BIDDERS WILL BE DETERMINED FROM THE GRAND TOTAL OF THE DISCOUNTED EXTENDED PRICES INDICATED IN THE "PAINTS, COATINGS AND PAINTING SUPPLIES" SPREADSHEET SUBMITTED WITH THE VENDOR'S BID.

VENDORS MUST BID ON ALL ITEMS LISTED IN THE "PAINTS, COATINGS AND PAINTING SUPPLIES" SPREADSHEET IN ORDER TO BE CONSIDERED FOR AWARD.

*** SIGNATURE REQUIRED ***

IT IS ONLY NECESSARY FOR YOU TO SIGN THE FIRST PAGE OF THE INVITATION TO BID AND THE BINDING SIGNATURES PAGE. YOUR SIGNATURE WILL SIGNIFY YOUR AGREEMENT TO ALL PRICING, TERMS AND CONDITIONS STATED HEREIN.

BIDDERS, HOWEVER, ARE REQUIRED TO COMPLETE AND RETURN ALL BID PAGES WITH THEIR BID SUBMITTAL.

*** CONTACT PERSON ***

ANY QUESTIONS, CLARIFICATIONS, ETC. MUST BE DIRECTED TO MICHAEL DRZEWIECKI IN WRITING VIA EMAIL (PREFERRED) AT MDRZEW@MILWAUKEE.GOV OR BY FAX AT 1-414-286-5976 NO LATER THAN NOVEMBER 25, 2008. REQUESTS RECEIVED AFTER NOVEMBER 25, 2008 WILL NOT BE CONSIDERED.

BIDDERS ARE SPECIFICALLY DIRECTED NOT TO CONTACT ANY CITY OF MILWAUKEE STAFF OTHER THAN MICHAEL DRZEWIECKI FOR MEETINGS, CONFERENCES, OR TECHNICAL DISCUSSIONS THAT ARE RELATED TO THIS BID. UNAUTHORIZED CONTACT OF ANY CITY DEPARTMENT EMPLOYEE IS A CAUSE FOR REJECTION OF THE BID. ANY ADDITIONAL INFORMATION OR CLARIFICATIONS THAT ARE PROVIDED TO ONE BIDDER WILL BE PROVIDED TO ALL BIDDERS IN THE FORM OF AN ADDENDUM POSTED TO THE CITY'S WEB SITE (BIDS PENDING PAGE).

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*** BID AND/OR SPECIFICATION APPEAL PROCESS ***							

BIDDERS SHOULD SUBMIT A WRITTEN REQUEST TO MICHAEL DRZEWIECKI FOR INTERPRETATION OR CORRECTION OF ANY AMBIGUITY OR INCONSISTENCY DISCOVERED IN THE BID, SPECIFICATIONS OR ATTACHMENTS. ANY REQUESTS FOR CHANGES, CLARIFICATIONS, ETC., TO THE BID RELATED SPECIFICATIONS OR ATTACHMENTS MUST ALSO BE SUBMITTED IN WRITING TO MICHAEL DRZEWIECKI VIA EMAIL (PREFERRED) AT MDRZEW@MILWAUKEE.GOV OR BY FAX AT 1-414-286-5976 NO LATER THAN NOVEMBER 25, 2008. REQUESTS RECEIVED AFTER NOVEMBER 25, 2008 WILL NOT BE CONSIDERED.

BIDDERS ARE CAUTIONED NOT TO CHANGE ANY OF THE TERMS OR CONDITIONS IN THE BID AND/OR SPECIFICATIONS WITHOUT THE WRITTEN APPROVAL OF THE DOA-PROCUREMENT SERVICES SECTION. ANY UNAUTHORIZED CHANGES WILL CONSTITUTE A COUNTEROFFER AND WILL SUBJECT THE BID TO REJECTION.

*** BID ADDENDUM ***

ANY CHANGES MADE AS A RESULT OF A WRITTEN REQUEST WILL BE ISSUED VIA A BID ADDENDUM, AND, IF NECESSARY, AN EXTENSION WILL BE MADE TO THE BID CLOSING DATE. ANY ADDENDA WILL BE POSTED TO THE CITY OF MILWAUKEE PROCUREMENT SERVICES WEBSITE: WWW.CITY.MILWAUKEE.GOV (BIDS PENDING PAGE). BIDDERS ARE RESPONSIBLE FOR CHECKING THIS WEBSITE FOR ANY FUTURE ADDENDA, ETC., PRIOR TO THE BID CLOSING DATE. ALL ADDENDA MUST BE SIGNED AND RETURNED BY THE BID CLOSING DATE AND TIME. BIDDERS WHO DO NOT RETURN THE ADDENDA MAY HAVE THEIR BID REJECTED. IF YOU ARE UNABLE TO ACCESS THE INTERNET, CONTACT DOA-PROCUREMENT SERVICES AT 414-286-3501 TO OBTAIN A HARD COPY.

THIS WILL BE A THREE (3) YEAR CONTRACT FROM DATE OF AWARD SUBJECT TO ANNUAL REVIEW BY THE CITY WITHIN SIXTY (60) DAYS OF THE ANNIVERSARY DATE. CONTRACT CONTINUANCE BEYOND DECEMBER 31ST OF ANY YEAR IS CONTINGENT UPON THE APPROPRIATION OF SUFFICIENT FUNDS BY PROPER CITY OFFICIALS.

PRICES QUOTED MUST BE FIRM FOR ONE YEAR AFTER WHICH AN ESCALATOR MAY BE INVOKED UPON REQUEST AND VERIFICATION OF A LETTER FROM THE SUPPLIER AND/OR PUBLISHED PRICE SHEETS. SUCH REQUEST MUST BE MADE TO THE PURCHASING AGENT LISTED ON THE CONTRACT AT LEAST SIXTY (60) DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE INCREASE. PRICE INCREASES SHALL BE BASED ON PRODUCT COST ONLY AND NOT TO EXCEED 10% OF THE FIRM BID PRICE DURING THE CONTRACT PERIOD. THE INCREASE MUST BE APPROVED BY THE BUSINESS OPERATIONS DIVISION, PROCUREMENT SERVICES SECTION PRIOR TO ITS EFFECTIVE DATE.

LIKEWISE, ANY DE-ESCALATION IN PRICE SHALL BE PASSED ON TO THE CITY. VENDORS ARE OBLIGATED TO TREAT PRICE DECREASES AS EQUALLY AS PRICE INCREASES DURING THE TENURE OF THE CONTRACT.

PRICE ESCALATION CLAUSES ARE NOT APPLICABLE FOR "DISCOUNT FROM LIST" CONTRACTS AS THE VENDOR'S CURRENT LIST WILL ALREADY REFLECT MARKET CHANGES. THEREFORE, WHILE PERCENT OF DISCOUNT OFFERED BY VENDOR MUST REMAIN FIRM FOR TERM OF CONTRACT, VENDOR MUST PROVIDE UPDATED PRICE LISTS TO THE CITY USER DEPARTMENT(S) WHEN UPDATED.

THIS INVITATION TO BID REQUIRES AN EMERGING BUSINESS ENTERPRISE (EBE) PARTICIPATION OF 20% IN ACCORDANCE WITH THE CITY OF MILWAUKEE ORDINANCE CHAPTER 360.

NOTE: READ THE TOTAL EMERGING BUSINESS ENTERPRISE PROVISIONS IN THE BID PACKAGE VERY CAREFULLY. EBE FORMS A AND B MUST BE RETURNED WITH YOUR BID.

EBE PARTICIPATION IS AN ELEMENT OF BID RESPONSIVENESS. FAILURE TO MEET THE SPECIFIED EBE REQUIREMENTS WILL RENDER THE BID UNRESPONSIVE, AND THE DOA-BUSINESS OPERATIONS DIVISION MAY THEN RECOMMEND AWARD TO THE NEXT APPARENT LOW BIDDER. [REF: SEC. III C (3)].

FOR FURTHER INFORMATION REGARDING EBE PARTICIPATION, CONTACT THE EMERGING BUSINESS ENTERPRISE MANAGER, OSSIE KENDRIX AT 414-286-5552 OR THE MAIN OFFICE NUMBER AT 414-286-5553.

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		EMERGING BUSINESS ENTERPRISE PROVISIONS					

I. General

A. In accordance with Chapter 360 of the Milwaukee Code of Ordinances Emerging Business Enterprise (EBE) participation is required in all contracting activities of the Business Operations Division, Procurement Services Section. The ordinance requires that certified EBEs be utilized for 18% of the total dollars annually expended through commodity or service contracts. In an effort to meet these requirements, the Purchasing Director, as contracting officer for the City, requires all bidders to utilize EBEs as subcontractors and/or material suppliers on all contracts. For this contract, bidders are required to achieve a minimum 20% EBE participation.

B. The vendor shall prepare and submit accurate and timely EBE utilization forms and reports to the Business Operations Division, Procurement Services Section. The report shall include, but not be limited to, EBE participation for subcontractors (Form A), EBE monthly report (Form D), and EBE subcontractor payment certification (Form E) forms as directed. Failure to submit the forms and/or reports to the Business Operations Division, Procurement Services Section may result in disqualification of future bids, delay of payments, or other sanctions deemed appropriate. The final contract payments will not be made until final EBE monthly report (Form D) and EBE subcontractor payment certification (Form E) are on file with the Business Operations Division, Procurement Services Section.

C. During the performance of this contract, the Business Operations Division, Procurement Service Section reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Business Operations Division, Procurement Services Section will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, except in the case of fraudulent information, the Business Operations Division, Procurement Services Section may take one or more of the following actions listed below:

1. Terminate or cancel the contract, in whole or in part.
2. Possible debarment of the contractor from bidding.
3. Withhold payments on the contract.
4. Any other remedy available to the City by law or in equity.

II. Definitions

A. "EMERGING BUSINESS ENTERPRISE" (EBE) means a small business concern that is owned, operated and controlled by one or more disadvantaged individuals. The disadvantaged individuals must have day-to-day operational and managerial control and interest in capital, financial risks and earnings commensurate with the percentage of ownership.

B. "DISADVANTAGED INDIVIDUAL" means a person who is a citizen or lawful permanent resident of the United States and who has experienced and who continues to experience substantial difficulty in achieving business-related success as defined in subsections 11 and 12 of Chapter 360 of the Milwaukee Code of Ordinances.

C. "OWNED/OPERATED AND CONTROLLED" means a business which is one of the following:

1. A sole proprietorship legitimately owned and operated and controlled by a disadvantaged individual.
2. A partnership or joint venture legitimately owned, operated and controlled by disadvantaged individuals who owned at least 51% of the beneficial ownership interests in the enterprise and who hold at least 51% of the voting interests of the enterprise.
3. A corporation legitimately owned, operated and controlled by one or more disadvantaged individuals who owned at least 51% of the outstanding shares and who hold at least 51% of the voting interests of the corporation.

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III. EBE Utilization Requirements

A. Each vendor shall utilize EBE to a minimum of 20% on this contract. Note that the vendor shall be required to attain EBE participation on their base bid (excluding specified, alternatives, and change orders). EBE commitments relative to contract award shall be based upon the approved EBE participation form (Form A).

B. The determination of EBE utilization shall be based on the following criterion:

1. The firms identified as EBE by the vendor on the EBE participation form must be certified by the City of Milwaukee's Emerging Business Enterprise Program prior to bid opening.
2. The contractor shall be credited for the entire expenditure to EBE firms only if all of the identified scope of work is performed directly by the certified EBE firm.
3. The contractor shall be credited for the entire expenditure to a EBE manufacturer only if the manufacturer produces goods from raw materials or substantially alters them for resale. Only 20% of the EBE participation may be extended for EBE suppliers that do NOT manufacture the products they supply.
4. The contractor shall count only the EBE requirement of expenditures to EBEs that perform a commercially-useful function in the actual work of the contract. EBEs are required to notify the Business Operations Division, Procurement Services Section if they subcontract out work on this project, to ensure that they perform a commercially-useful function. The Business Operations Division, Procurement Services Section will make the final determination and evaluation of whether or not the EBE is performing a commercially-useful function on this project.

C. Vendors should submit a completed EBE Participation Form (Form A) and Affidavit of Compliance (Form B), which meet the minimum EBE % participation specified utilizing City certified EBE's with the bid.

1. Information on the Form (A) shall include, but not be limited to:

- a. The name, address, contact person and telephone numbers for the certified EBE firms that will participate on the bid as subcontractors or suppliers.
- b. A description of the scope of work to be performed by the EBE (s) on this bid.
- c. The EBE contract dollar value and corresponding percentages that the dollar value represent of the total contract amount.
- d. The EBE (s) owner/or authorized representative acknowledgement signature.

2. The listing on the EBE Participation Form (A) shall constitute a representation that the contractor has communicated directly with the EBE(s) listed. If the vendor is awarded the contract, they will enter into a subcontract with the certified firm (s) for that portion of the work listed at the designated price(s) set forth.

3. EBE participation is an element of bid responsiveness. Failure to meet the specified EBE requirements will render the bid unresponsive, and the Business Operations Division, Procurement Services Section may then recommend award to the next apparent low bidder.

4. Only EBE(s) that have been EBE City certified by the Emerging Business Enterprise Program may be listed on the EBE Participation Form and counted towards the percentage requirements on this project. A listing of the current CITY certified EBE firms is maintained at:

City of Milwaukee
Department of Administration
Emerging Business Enterprise Program
200 E Wells St, City Hall, Room 606
Milwaukee, Wisconsin 53202

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D. If for any reason a EBE cannot perform, THE CONTRACTOR SHALL CONTACT THE BUSINESS OPERATIONS DIVISION, PROCUREMENT SERVICES SECTION FOR APPROVAL TO SUBSTITUTE ANOTHER CITY EBE CERTIFIED FIRM. The contractor must submit a written request for substitution which specifies the reasons for the request. Approval must be obtained prior to making substitution. Any difference in the cost occasioned by such substitution shall be borne by the contractor. If the contractor cannot find another certified firm to do the work at a comparable price, a non-EBE firm may be substituted with the approval of the Business Operations Division, Procurement Services Section.

E. If the contractor has a problem in meeting the EBE requirements or if any other problems relative to EBE(s) arise during or before completion of the contract, the contractor shall immediately contact the Business Operations Division, Procurement Services Section.

F. Certification programs other than the City's Emerging Business Enterprise Program are not accepted by the City of Milwaukee nor do they have any bearing on the eligibility criteria established by the City of Milwaukee.

G. The Business Operations Division, Procurement Services Section reserves the right to waive any of these specifications when it is in the best interest of the City and in accordance with the procedures set forth in Chapter 360 of the Milwaukee Code of Ordinances.

H. Right to Appeal. All contracts required to be purchased from the lowest responsible and responsive bidder under s. 16-05-2 of the City charter shall be purchased from the lowest responsible and responsive bidder determined in accordance with applicable City ordinances for participation of EBEs. Determinations made by the purchasing agent under applicable city ordinances for participation by EBEs shall be subject to appeal in accordance with the procedures prescribed by s.16-01 of the City charter and the Milwaukee code for appeals from the recommendations of the purchasing agent as to the apparent low responsible and responsive bidder. Effective August 8, 2001, the fee required to appeal bid specifications is 1% of the estimated dollar amount of the contract, and the fee required to appeal bid award recommendations is 1% of the dollar value of the recommended award pursuant to s.16-05 of the charter and s.310-19 of the code. The required appeal fee is a prerequisite for pursuing your appeal and must accompany your appeal. If your appeal is upheld, the appeal fee will be refunded.

*****TERMS AND CONDITIONS*****

BY SIGNING THIS BID, BIDDER HEREBY AGREES TO ALL THE TERMS AND CONDITIONS OF THE "CITY OF MILWAUKEE INVITATION, INSTRUCTIONS, TERMS AND CONDITIONS FOR FORMAL BID & CONTRACT" DOCUMENT, WHICH IS HEREBY REFERENCED AND INCORPORATED AS PART OF THE CONTRACT AWARDED FROM THIS BID. THIS DOCUMENT CAN BE FOUND BY ACCESSING THE CITY'S WEB SITE AT [HTTP://WWW.MILWAUKEE.GOV](http://www.milwaukee.gov), CLICK THE DEPARTMENTS LINK, CLICK THE PROCUREMENT SERVICES (PURCHASING) LINK UNDER BUSINESS AND DEVELOPMENT CATEGORY, CLICK THE BID INFORMATION LINK FOR THE DOCUMENT, OR YOU MAY OBTAIN A COPY BY CALLING OUR OFFICE AT (414)286-3501.

*****SLAVERY DISCLOSURE AFFIDAVIT*****

NOTE: EFFECTIVE DECEMBER 28, 2005, THE CITY OF MILWAUKEE ADOPTED AN ORDINANCE RELATIVE TO THE DISCLOSURE OF PARTICIPATION IN OR PROFITS DERIVED FROM SLAVERY BY CONTRACTORS. ALL CONTRACTORS AWARDED A CONTRACT ON BEHALF OF THE CITY OF MILWAUKEE, WHETHER OR NOT SUBJECT TO A COMPETITIVE BID, SHALL COMPLETE AN AFFIDAVIT PRIOR TO ENTERING INTO THE CONTRACT VERIFYING THAT THE CONTRACTOR HAS SEARCHED ANY AND ALL RECORDS OF THE COMPANY OR ANY PREDECESSOR COMPANY REGARDING RECORDS OF INVESTMENTS OR PROFITS FROM SLAVERY OR SLAVEHOLDER INSURANCE POLICIES DURING THE SLAVERY ERA. THE NAMES OF ANY ENSLAVED PERSONS OR SLAVEHOLDERS DESCRIBED IN THOSE RECORDS MUST BE DISCLOSED IN THE AFFIDAVIT.

THE CITY SHALL MAKE THE INFORMATION CONTAINED IN THE AFFIDAVIT AVAILABLE TO THE PUBLIC. ANY CONTRACT BETWEEN THE CITY AND A CONTRACTOR WHICH FAILS TO PROVIDE THE REQUISITE AFFIDAVIT OR WHICH INCLUDES MATERIAL FALSE INFORMATION ON SUCH AFFIDAVIT SHALL BE RENDERED NULL AND VOID. TO REFERENCE MILWAUKEE CODE OF ORDINANCES 310-14, PLEASE SEE:

<http://cctv25.milwaukee.gov/code/volume3/ch310.pdf>

***** ETHICAL PURCHASING REQUIREMENT *****

This is NOT AN ORDER

All returned quotes and related documents must be identified with our request for quote Number.

Authorized Signature

Invitation to Bid

City of Milwaukee

CITY OF MILWAUKEE
200 E WELLS STREET
MILWAUKEE WI 53202
United States

CIMIL

Vendor: 0001030455
WEBPAGE DOWNLOAD
<http://www.milwaukee.gov/citygov/daa/sp/sp.shtml>
MILWAUKEE WI 53202

Bid ID	Date	Buyer	Page
CIMIL-0000002179	09/15/2008	Michael Drzewiecki	7
Payment Terms	DateTime Bid Open	Closing	
PROMPT PAY	11/14/2008 04:00 PM	12/04/2008 02:00 PM	

Ship To: CITY OF MILWAUKEE
WATER AND DPW FIELD HEADQUARTERS
3850 NORTH 35TH STREET
MILWAUKEE WI 53216
United States

Bill To: DPW-OPERATIONS-FACILITIES MGMT-5455
MUNICIPAL BLDG., 6TH FLOOR
841 NORTH BROADWAY
MILWAUKEE WI 53202
United States

Line	Item	Description	Mfg ID	Mfg Item ID	Quantity	UOM	Need Date
EFFECTIVE JANUARY 8, 2008, THE SUCCESSFUL BIDDER FOR ALL PROCUREMENTS MUST COMPLY WITH CITY OF MILWAUKEE ORDINANCE 310-17 WHICH CAN BE FOUND AT:							

<http://cctv25.milwaukee.gov/code/volume3/ch310.pdf>

AND THE HOURLY NON-POVERTY WAGE TABLE WHICH CAN BE FOUND ON THE PROCUREMENT SERVICES WEB SITE AT:

<http://www.city.milwaukee.gov/display/router.asp?docid=327>

IT IS YOUR RESPONSIBILITY AS A BIDDER TO FAMILIARIZE YOURSELF WITH THIS ORDINANCE PRIOR TO SUBMITTING YOUR BID. BIDDERS ARE ALSO URGED TO MAKE ALL SUBCONTRACTORS AWARE OF THIS ORDINANCE AND ENCOURAGE ANY AND ALL SUBCONTRACTORS TO COMPLY WITH IT AS WELL.

WILL YOU COMPLY WITH THIS REQUIREMENT ? (CHECK BELOW)

_____ YES _____ NO

NOTE: FAILURE TO COMPLY WITH THIS REQUIREMENT MAY RESULT IN BID REJECTION.

IMPORTANT FAIR TRADE NOTE: IF THIS QUOTE RELATES TO THE PURCHASE OF FOOD OR BEVERAGES, THE VENDOR IS URGED TO MAKE FAIR TRADE PRODUCTS AVAILABLE IN ACCORDANCE WITH COMMON COUNCIL RESOLUTION NUMBER 070280 DECLARING THE CITY OF MILWAUKEE A FAIR TRADE CITY EFFECTIVE JULY 18, 2007.

PAYMENT TERMS

THE CITY STRIVES TO MAKE TIMELY PAYMENT ON ALL INVOICES. PAYMENT TO THE VENDOR WILL BE DEEMED TIMELY IF THE PAYMENT IS MAILED, DELIVERED OR TRANSFERRED WITHIN 60 CALENDAR DAYS AFTER RECEIPT OF A PROPERLY COMPLETED INVOICE OR RECEIPT AND ACCEPTANCE OF THE PROPERTY OR SERVICE UNDER THE ORDER OR CONTRACT, WHICHEVER IS LATER. IF THE CITY DOES NOT MAKE PAYMENT BY THE 60TH CALENDAR DAY, THE CITY SHALL PAY SIMPLE INTEREST BEGINNING WITH THE 31ST CALENDAR DAY OF THE RATE OF ONE PERCENT PER MONTH (UNLESS THE CITY DISPUTES THE AMOUNT OF THE INVOICE). REFERENCE COMMON COUNCIL FILE NO. 900859 ADOPTED OCTOBER 16, 1990, PROVISIONS OF STATE STATUTE 66.285 AND 66.286

IF THIS BID HAS SUBCONTRACTOR REQUIREMENTS, THE PRIME CONTRACTOR MUST PAY SUBCONTRACTOR(S) WITHIN TEN WORKING DAYS OF THE RECEIPT OF PAYMENT FROM THE CITY OF MILWAUKEE, OR TEN DAYS FROM RECEIPT OF A PROPERLY SUBMITTED AND APPROVED INVOICE FROM THE SUBCONTRACTOR, WHICHEVER IS LATER. IF THE CONTRACTOR FAILS TO MAKE TIMELY PAYMENT TO A SUBCONTRACTOR, THE CONTRACTOR SHALL PAY SIMPLE INTEREST AT THE RATE OF ONE PERCENT PER MONTH, BEGINNING WITH THE 11TH CALENDAR DAY.

IF YOU WOULD LIKE TO OFFER A PAYMENT DISCOUNT TO THE CITY, PLEASE STATE BELOW:

_____%, _____ DAYS

THE CITY WILL DETERMINE THE LOW BIDDER BY TAKING INTO CONSIDERATION CASH DISCOUNTS OFFERED BY THE BIDDERS ONLY IF THE PAYMENT TERMS ARE 30 DAYS OR MORE. HOWEVER, IF THE LOW BIDDER WHO IS AWARDED THIS CONTRACT HAS QUOTED A MORE FAVORABLE DISCOUNT FOR EARLIER PAYMENT, AND THE CITY PAYS WITHIN THAT EARLIER TIMEFRAME, THE BIDDER WILL BE HELD TO THAT QUOTED DISCOUNT.

BID INFORMATION

A. INVITATION: Sealed bids for furnishing supplies, equipment, work, material, labor, services, or material and labor combined as specified below must be received in the DOA-Business Operations Division, Procurement Services Section, Room 601, City Hall, 200 East Wells Street, Milwaukee, WI 53202,

NO LATER THAN 2:00 PM ON: DECEMBER 4, 2008

ALL BIDS RECEIVED AFTER THE SPECIFIED CLOSING DATE AND TIME WILL BE REJECTED.

ALL BIDS WILL BE OPENED AND READ PUBLICLY ON THE SPECIFIED CLOSING DATE AT 2:30 PM IN ROOM 301C OF CITY HALL (THIRD

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MILWAUKEE WI 53202
United States

Line	Item	Description	Mfg ID	Mfg Item ID	Quantity	UOM	Need Date
		FLOOR), 200 EAST WELLS STREET, MILWAUKEE, WI.					

B. FORM AND MANNER OF BID: Please note that bids must be SEALED, addressed to Business Operations Division, Procurement Services Section, Room 601, City Hall, 200 E. Wells St., Milwaukee, WI 53202. Your bid envelope must be plainly marked in the lower left hand corner of the envelope as follows:

Bid Number: 0000002179 (REBID #1)

Bid Closing Date: DECEMBER 4, 2008 AT 2:00 PM

Commodity/Service: VC FOR COMMERCIAL GRADE PAINT AND SUPPLIES

Any bid received in an envelope not properly and clearly marked as specified above may result in the bid being rejected. Bids delivered by other electronic means, such as e-mail, are not allowed and bids so delivered will not be considered.

The fax number for submitting SEALED bids is (414)286-5507. Bidders choosing to use facsimile equipment to transmit bids do so at their own risk. The City cannot and does not guarantee that its facsimile equipment will always be available or properly operating for the receipt of bids. Fax bids must be received IN THEIR ENTIRETY before the 2:00 p.m. bid closing time.

An original of the bid sent by fax machine must be received by the DOA, Business Operations Division, Procurement Services Section, if requested, within four (4) business days. FAILURE TO RESPOND IN FOUR (4) BUSINESS DAYS MAY RESULT IN BID REJECTION.

Bidders wishing to hand deliver their bid should bring their bid response and have it time stamped before 2:00 p.m. on the bid closing date to:

Department of Administration Office (DOA)
200 E. Wells Street, Room 606 (6th floor of City Hall)
Milwaukee, WI 53202.

C. BID DESCRIPTION: VC FOR COMMERCIAL GRADE PAINT AND SUPPLIES

D. PLANS AND/OR SPECIFICATIONS: REFER TO SEE "PAINTS, COATINGS AND PAINTING SUPPLIES" SPREADSHEET.

E. SPECIAL CONDITIONS: The following special conditions apply to this Invitation to Bid and the award of the contract following the receipt of bids:

Time is of the essence for all terms of the contract. IMMEDIATE PICKUP AND/OR DELIVERY IS REQUIRED FROM THE VENDOR'S STORES LOCATED IN MILWAUKEE COUNTY.

ALL GOODS THAT REQUIRE DELIVERY, MUST BE DELIVERED FOB DESTINATION TO LOCATION (S) DESIGNATED AT TIME OF ORDER.

THE EMERGING BUSINESS ENTERPRISE (EBE) PROVISION FOR THIS BID WILL BE 20%. (If applicable, you must submit EBE Forms A and B with your bid).

Any special conditions stated above shall take precedence over any conflicting provisions stated elsewhere in this document or any attached terms and conditions.

F. BID DEPOSIT OR BID BOND REQUIRED (See attached Terms and Conditions for more details): NONE

G. PERFORMANCE BOND REQUIRED (See attached Terms and Conditions for more details): NONE

DOES ANY OFFICER, EMPLOYEE, AGENT, MEMBER OF A GOVERNING BODY, OR PUBLIC OFFICIAL OF THE CITY OF MILWAUKEE WHO EXERCISES ANY FUNCTIONS OR RESPONSIBILITIES IN CONNECTION WITH THE REVIEWING, APPROVING OR ADMINISTERING THE CARRYING OUT OF ANY SERVICES OR REQUIREMENTS TO WHICH THIS BID PERTAINS, HAVE ANY PERSONAL INTEREST, DIRECT OR INDIRECT, IN THIS BID AND ANY CONTRACT THAT MAY RESULT THEREOF?

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United States

Line	Item	Description	Mfg ID	Mfg Item ID	Quantity	UOM	Need Date
Yes	_____	No	_____				

Has your business been certified as an Emerging Business for the City of Milwaukee by the Emerging Business Enterprise Program?

Yes _____ No _____

If you are interested in the certification process for your business, please contact the Emerging Business Enterprise Program Office for more information at (414) 286-8749 or (414) 286-8781,

Would you be willing to extend the pricing from any contract that may result from this bid to other V.A.L.U.E. members of local government entities in the southeastern Wisconsin area including but not limited to the Milwaukee Metropolitan Sewerage District (MMSD) and/or Milwaukee Public Schools (MPS)?

Yes _____ No _____

Please be advised that the award of this bid by the City of Milwaukee is NOT contingent upon your agreement to the above request. If, however, you agree to extend to any other agencies, each agency will be responsible for issuing and administering its own contract and resulting purchase order.

CONTACT PERSON FOR ORDER PLACEMENT:

NAME: _____ (PLEASE PRINT)

PHONE: _____ FAX: _____

EMAIL ADDRESS: _____

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Authorized Signature

CITY OF MILWAUKEE
Department of Administration
Business Operations Division
Procurement Services Section

BINDING SIGNATURES FOR BID AND CONTRACT

Upon award and acceptance of this bid by the City of Milwaukee, the undersigned bidder, by its authorized persons signing below, agrees that all provisions set forth herein will become binding as a formal contract upon the fulfillment of all conditions precedent set forth herein.

This agreement constitutes the entire agreement between the parties relating to the subject matter of this agreement. All prior understandings, agreements, correspondence and discussions of the parties are merged into and made a part of this agreement.

CONTRACTOR (To be signed by two persons authorized to legally bind your firm to this contract)

Bidder's Firm _____

Address _____

City/State _____ Zip _____

Telephone _____

Fax number _____

E-mail _____

Federal ID # _____

BY: _____
(manual signature required)

NAME _____
(typed or printed)

TITLE _____

DATE _____

BY: _____
(manual signature required)

NAME _____
(typed or printed)

TITLE _____

DATE _____

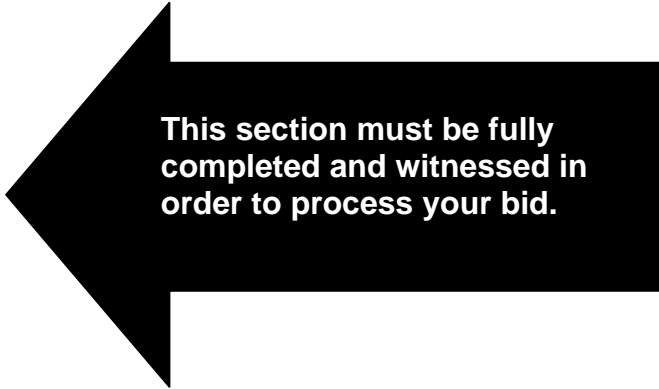
Witnesses: Two Witnesses to Bidder's Authorized Signature

BY: _____
(manual signature required)

NAME _____
(typed or printed)

BY: _____
(manual signature required)

NAME _____
(typed or printed)



FOR OFFICIAL CITY USE ONLY

CITY OF MILWAUKEE, a municipal corporation

BY _____
City of Milwaukee Purchasing Director

DATE _____

Countersigned:

BY _____
City Comptroller

DATE _____