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## How to Do Business with the City

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## **DOING BUSINESS WITH THE CITY OF FARMINGTON**

### **INTRODUCTION**

Are you interested in doing business with the City of Farmington? If so, please read on to learn more out the procurement policies and procedures of the Central Purchasing Division of the City of Farmington.

If you offer a commodity or service, your prices are competitive, and the service is reliable, we encourage you to pursue opportunities to do business with the City. City Departments spend millions of dollars annually for equipment, services, and supplies. These goods/services purchased by the City of Farmington cover a broad range of need. The Purchasing Division is continuously searching for responsible sources to supply the City's needs.

### **PURCHASING AUTHORITY**

All procurement is governed by New Mexico Statutes 1978 Annotated, as amended.

### **PURCHASING POLICY --- CITY of FARMINGTON**

It is the goal of the City's Purchasing Division to obtain quality goods and services at the lowest possible cost from qualified, responsive, responsible vendors. Every purchase is made in the City's best interest while providing all vendors a fair and equal opportunity to do business with the City.

The City's Purchasing Division invites all qualified vendors to actively participate in the City's procurement processes.

### **LOCATION AND OFFICE HOURS**

The City of Farmington Purchasing Division is located at 805 Municipal Drive, Farmington, New Mexico 87401 (1<sup>st</sup> floor). The telephone number is 505-599-1373, the fax number is 505-599-1377. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday with the exception of the legal holidays observed by the City.



## **CITY OF FARMINGTON - PURCHASING CODE OF ETHICS**

Subscribe to and support the professional goals and objectives of the City of Farmington.

Believe in the dignity and worth of the services rendered by the City of Farmington, and the societal responsibilities assumed as a trusted public servant.

Seek or accept a position only when fully in accord with the applicable professional principles and when confident of possessing the qualifications to serve under those principles to the advantage of the City of Farmington.

Is governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.

Believe that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.

Identify and eliminate participation of any individual in operational situations where a conflict of interest may be involved.

Believe that members of the City of Farmington and its staff should at no time, or under any circumstances, accept directly or indirectly, gifts, gratuities, or other things of value which might influence decisions.

Keep the governmental organization informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.

Resist encroachment on control of personnel in order to preserve integrity as a professional manager. Handle all personnel matters on a merit basis, and in compliance with applicable laws prohibiting discrimination in employment on the basis of politics, religion, color, national origin, disability, gender, age, pregnancy and other protected characteristics.

Seek or dispense no personal favors. Handle each administrative problem objectively and empathetically, without discrimination.

## *GUIDELINES TO THE NIGP CODE OF ETHICS*

### *I. RESPONSIBILITY TO YOUR EMPLOYER*

Follow the lawful instructions or laws of the employer. Understand the authority granted by the employer.

Avoid activities, which would compromise or give the perception of compromising the best interest of the employer.

Reduce the potential for any charges of preferential treatment by actively promoting the concept of competition.

Obtain the maximum benefit for funds spent as agents for the employer.

### *II. CONFLICT OF INTEREST*

Avoid any private or professional activity that would create a conflict between your personal interest and the interests of your employer.

Avoid engaging in personal business with any company that is a supplier to your employer.

Avoid lending money to or borrowing money from any supplier.

### *III. PERCEPTION*

Avoid the appearance of unethical or compromising practices in relationships, actions and communications.

Avoid business relationships with personal friends. Request a reassignment if the situation arises.

Avoid noticeable displays of affection, which may give an impression of impropriety.

Avoid holding business meetings with suppliers outside the office. When such meetings do occur, the meeting location should be carefully chosen so as not to be perceived as inappropriate by other persons in the business community or your peers.

### *IV. GRATUITIES*

Never solicit or accept money, loans, credits or prejudicial discounts, gifts, entertainment, favors or services from your present or potential suppliers which might influence or appear to influence purchasing decisions.

Never solicit gratuities in any form for yourself or your employer.

Items of nominal value offered by suppliers for public relations purposes are acceptable when the value of such items has been established by your employer and would not be perceived by the offeror, receiver or others as posing an ethical breach.

Gifts offered exceeding nominal value should be returned with an explanation or if perishable either returned or donated to a charity in the name of the supplier.

In the case of any gift, care should be taken to evaluate the intent and perception of acceptance to ensure that it is legal, that it will not influence your buying decisions, and that it will not be perceived by your peers and others as unethical.

#### *V. BUSINESS MEALS*

There are times when during the course of business it may be appropriate to conduct business during meals. In such instances, the meal should be for a specific business purpose.

Avoid frequent meals with the same supplier.

The purchasing professional should be able to pay for meals as frequently as the supplier. Budgeted funds should be available for such purposes.

#### *VI. CONFIDENTIAL INFORMATION*

Keep bidders' proprietary information confidential.

Develop a formal policy on the handling of confidential information.

#### *VII. RELATIONSHIP WITH THE SUPPLIER*

Maintain and practice, to the highest degree possible, business ethics, professional courtesy, and competence in all transactions.

Association with suppliers at lunches, dinners or business organization meetings is an acceptable professional practice enabling the buyer to establish better business relations provided that the buyer keeps free of obligation. Accordingly, it is strongly recommended that if a seller pays for an activity that the buyer reciprocate.

Purchase without prejudice, striving to obtain the maximum value for each dollar of expenditure.

Preclude from showing favoritism or be influenced by suppliers through the acceptance of gifts, gratuities, loans or favors. Gifts of a nominal value that display the name of a firm which is intended for advertisement may or may not be accepted in accordance with the recipient's own conscience or jurisdictional rules.

Adhere to and protect the supplier's business and legal rights to confidentiality for trade secrets, and other proprietary information.

Refrain from publicly endorsing products.

*VIII. RELATIONSHIP WITH THE EMPLOYER*

Remain free of any and all interests and activities, which are or could be detrimental or in conflict with the best interests of the employer.

Refrain from engaging in activities where the buyer has a significant personal or indirect financial interest.

Exercise discretionary authority on behalf of the employer.

Avoid acquiring interest or incurring obligations that could conflict with the interests of the employer.

*IX. RELATIONSHIPS WITH OTHER AGENCIES AND ORGANIZATIONS*

A buyer shall not use his position to exert leverage on individuals or firms for the purpose of creating a benefit for agencies or organizations that he may represent.

All involvement and transactions shall be handled in a professional manner with the interest of the buyer's employer taking precedent.

*X. RELATIONSHIP WITH PROFESSIONAL PURCHASING ORGANIZATIONS AND ASSOCIATIONS.*

It is the obligation and the responsibility of the buyer, through affiliation with professional organizations, to represent that organization in a professional and ethical manner.

A buyer shall not use his position to persuade an individual or firm to provide a benefit to an organization.

*XI. POLICY*

It is the policy of NIGP that any member of the Institute who personally, or on behalf of his local chapter, is involved in the process of acquiring advertisers and/or exhibitors on behalf of the Institute, shall act only in the capacity of providing referrals of potential or interested parties to the Institute. As a result of such referral, should the Institute form a contractual obligation, appropriate credit shall be given to the individual or chapter.

## PROCEDURAL INFORMATION

Purchasing uses a vendor list for solicitations. Vendors are required to register in order to be added to the vendor list. Vendors may register online by clicking this link: <http://www.fmtn.org/FormCenter/Purchasing-11/Vendors-Application-for-Registration-42>

Information pertaining to our bids, proposals and awards is available publicly and upon request. Purchasing diligently works to ensure all vendors have equal access to this information. We accomplish this by:

**(1) Web Site** <http://www.fmtn.org/bids.aspx> You may download bids and proposals directly from our Web site. If you do not have access to the Internet, bids and proposals can be obtained at our office, or they can be mailed to you. You may also register on the web site to receive notification when Bids/RFP's/RFQ's are posted to our website at: <http://www.fmtn.org/list.aspx?Mode=Subscribe#bids>

To download bids and proposals, go to our Web site and select the bid or proposal that interests you and follow the instructions for downloading. These documents are in PDF format and require Acrobat Reader, which you may download free.

At times, only portions of a proposal may be posted on our Web site due to technical constraints, in which case, you may obtain a copy from our office.

Additionally, we have provided a “**Contact Us**” section on our Web site. This section contains the name, title, phone, and e-mail address for each of our Buyers and an outline of the Departments for which they're responsible. Our Buyers acquire the goods/services requested by City Departments and are your best source for information pertaining to Purchasing policies/procedures and existing, awarded bids and proposals. You may access this section by going to our web site and clicking on the [Contact Us](#) link. If you're planning on visiting our offices and wish to speak with a Buyer, we request you call in advance and make an appointment with that particular Buyer.

**(2) Legal Advertising** - Purchasing advertises formal bids and proposals greater than \$60,000 for tangible goods and services, and proposals greater than \$60,000 for professional services, architects and engineers, in the Legal section of the Farmington Daily Times. We do occasionally advertise in other newspapers as may be appropriate.

**(3)** You may also obtain copies of open bids and proposals by visiting our offices during normal business hours. Appointments are requested if you need to speak with a Buyer.

In most cases, the lowest, responsive bid from a qualified and responsible vendor whose bid meets or exceeds the requirements and specifications of the bid determines the bid award.

## **PROCUREMENT METHODS**

There are basically three methods of procurement which the City utilizes to provide goods and services for City Departments. Those methods are:

### **A) FORMAL PROCEDURE**

- i. Bids - The formal bid procedure is followed when the tangible goods or services being procured amount to \$60,000 or more. This method requires a sealed bid, formal advertisement, public opening and, in many cases, proof of insurance and bonding.
- ii. Proposals - The formal proposal procedure is followed when professional services, architects or engineers are being procured amount to \$60,000 or more. This method requires a sealed proposal, formal advertisement and, in many cases, proof of insurance and bonding.

### **B) INFORMAL PROCEDURE**

The Informal Procedure is followed when the goods or services being procured are less than \$60,000 and greater than \$20,000. This method does not require formal advertisement nor a public opening but, in many cases, may require proof of insurance and bonding. Informal quotes may be issued (and responses MAY be made) via fax, US Mail, e-mail and/or solicitation of pricing may simply be a telephonic request from the Buyer.

Note: Various informal solicitations are posted on our website.

### **C) SMALL PURCHASE**

The small purchase procedure is for procuring goods or services that amount to \$20,000 or less. This method does not require formal advertisement but in some cases may require proof of insurance and bonding. Goods or services amounting to \$20,000 or less may require quotes at the Buyer's discretion if it is determined quotes would be in the best interests of the City of Farmington.

## **BID SECURITY DEPOSIT**

If appropriate, formal bids may require a bid security deposit to be submitted by the bidder in the form of a check or a bond. It is a guarantee to the City that the successful bidder will accept the contract or purchase order and provide the required Payment/Performance Bond, Insurance, etc.

If a bid security deposit is required, this requirement, as well as the amount, will be stated in the Invitation for Bid. When the bid is submitted, the bidder must furnish a bid security deposit in the form of a bid bond or a cashier's check in the amount required, made payable to the City of Farmington.

## **PAYMENT AND PERFORMANCE BOND**

A Payment/Performance Bond or Irrevocable Unconditional Letter of Credit for 100% of the total project cost is a guarantee to the City that the successful bidder will furnish the goods or services as stated in the bid, complete the project to the City's satisfaction and pay its employees/subcontractors/suppliers pursuant to the requirements of the contract.

No personal or company checks are acceptable.

## **RECEIPT AND OPENING OF BIDS AND PROPOSALS - BIDDERS' RESPONSIBILITY**

It is the bidder's responsibility to ensure timely delivery and that any bids submitted are sealed and identifiable prior to delivery to the City's Purchasing Division. Either an envelope or a box may be used.

If a bid is hand-delivered, it is the bidder's sole responsibility to ensure that a bid is time stamped and physically deposited with the Purchasing Division prior to the time and the date specified on the cover page of the Bid or Proposal.

Bids received via U.S. Mail or other express mail services will be time-stamped by the Purchasing Division.

The sealed envelope or container must bear the official Bid or Proposal number and the official bid due time and date clearly marked on the cover of the Bid Document.

## **BID OPENING TIMES**

Bid opening times are listed on the cover page of the Bid. The bidders and the public are invited, but not required, to attend the formal opening of bids. Prices are read aloud at the bid opening. No decision is made relative to an award of a contract or a purchase order at the bid opening.

Request for Proposals are not publicly opened and no prices or other information will be revealed until after the evaluation has been completed and an award has been made.

After analysis and award, all successful bids and tabulation sheets are kept by the Purchasing Division. After award, the documents are available for inspection. You may review the results on the City of Farmington webpage or you may make an appointment with the appropriate Buyer to review bid results.

**Bids or RFPs received at any time AFTER the date/time set forth on the cover page will NOT be considered and will be returned unopened.**

## **AWARD POLICY -- CRITERIA FOR AWARD**

Award will be made to the bid or proposal that meets specifications and other requirements of the solicitation. The award will be made to the lowest, responsive, responsible, qualified bidder; considering price, responsibility, reliability, capability of bidder, availability of funds, and all other relevant factors.

The appropriate Buyer will notify the successful bidder(s) in writing. It is the responsibility of the bidder to inquire about the award of **informal** bids or proposals.

## **PAYMENT PROCEDURE**

After delivery of goods or services ordered, the vendor must prepare and submit an invoice to Accounts Payable. The City's payment terms are Net 30.

When merchandise is received by the agency, it is inspected and checked against the specifications and the item(s) are received in the City software system. The internal receiving is then matched with the vendor's invoice and the purchase order. If all of these documents are in order, the invoice is processed for payment and a check is issued and payment is mailed to the vendor.

For large orders requiring partial or periodic deliveries and involving sizable amounts of money, separate invoices may be submitted for each delivery and partial payments will normally be authorized.

Vendors will expedite receiving their payment by preparing and mailing the invoice in strict accordance with the instructions given on the purchase order.

## **PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES AND ALL CORRESPONDENCE.**

## **PREVAILING WAGES**

Every contract or project in excess of sixty thousand dollars (\$60,000) that the City is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads of the state and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages and fringe benefits to be paid to various classes of laborers and mechanics, which shall be based upon the wages and benefits that will be determined by the director to be prevailing for the corresponding classes of laborers and mechanics employed on contract work of a similar nature in the state or locality, and every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project, unconditionally and not less often than

once a week and without subsequent unlawful deduction or rebate on any account, the full amounts accrued at time of payment computed at wage rates and fringe benefit rates not less than those stated in the minimum wage rates issued for the project. The specific wage required to be paid to these categories of workers will be set forth in the bid document.

## **PROCUREMENT METHODS**

### **SMALL PURCHASES**

The City of Farmington utilizes a procurement card (p-card) program. The p-card may be used to purchase goods and services below the small purchase limit of \$20,000.

The City of Farmington also occasionally uses small purchase orders (SPO) to purchase items below the small purchase limit of \$20,000.

### **"AS NEEDED" OR "ONE TIME"**

The Purchasing Division buys many items on an "as needed" basis for City agencies. A firm price is requested for a fixed quantity with single or multiple delivery dates.

Depending on the estimated dollar amount of the purchase, the sealed bid, request for proposal or informal bid method may be used. A purchase order is issued to the successful Bidder.

### **LONG TERM CONTRACTS**

The Purchasing Division establishes long term contracts for goods or services commonly used in volume by all or multiple City departments. These contracts are normally awarded by the formal sealed bid method for definite periods of time, usually one year with three one year extension periods. These contracts are "estimated quantities" imposing no obligation upon the City other than the requirement to purchase from a successful contractor such quantities as may be needed by the City during the effective dates of the contract.

### **COOPERATIVE PURCHASING**

The Purchasing Division does participate in cooperative procurement endeavors as provided for in 13-1-135 NMSA 1978. The Purchasing Officer may authorize purchases of goods and services pursuant to any intergovernmental agreement which the governing body has approved and is in the best interest of the City.

## **GENERAL INFORMATION FOR THE VENDOR**

### **ASSIGNMENT OF CONTRACT**

Because the responsibility of the individual bidder is an essential element of her/his contract with the City, a person with whom such a contract has been awarded may not assign her/his interest to another party without the written permission of the Purchasing Officer.

### **BACK-ORDERS**

If it is necessary to back-order any items, the vendor should notify the City and advise the City of the expected delivery or shipment date. If this date is not acceptable, the City may seek remedies for default.

### **ERRORS OR OMISSIONS**

Should the City omit anything from any bid or RFP which is necessary to a clear understanding of the goods or services, or should it appear that various instructions are in conflict, then the bidder shall secure written instructions from the Purchasing Division as specified in the Bid or Proposal documents. A Bid or Proposal may be amended at any time before the bid opening by the issuance of one or more "Addenda."

### **CANCELLATION OF BID OR PROPOSAL**

The Purchasing Division may cancel a bid or proposal at any time prior to its award if deemed in the best interests of the City.

### **CONTRACTS AND AGREEMENTS**

Terms and conditions submitted on vendor's and contractor's forms with bids or proposals are normally NOT acceptable to the City. Unless such forms/documents are specifically requested by the City in the Request For Bid (RFB) or Request For Proposal (RFP), they will be rejected and thereby have no commercial or legal significance with respect to any resulting contract or purchase order.

Under applicable law, contracts and purchase orders duly authorized by an agent of the City and accepted by the vendor or contractor shall constitute binding agreements between the parties. These documents, properly executed, shall represent the entire understanding of the parties with respect to the subject matter and performance. To the extent "other documents" are referenced in the contract or purchase order, they shall be incorporated.

## **CORRESPONDENCE CONCERNING SOLICITATIONS**

Any questions concerning a bid or proposal should be done in writing and directed to the Buyer whose name and telephone number appear on the solicitation document. The person corresponding should specify the solicitation number and the opening date that appears in the invitation.

## **DEFAULT BY VENDOR**

In case of any default by the contractor, the City of Farmington may procure the product or service from other sources and hold the contractor responsible for any damages incurred including, but not limited to, excess cost or handling charge.

## **INSPECTIONS**

All materials, equipment, and supplies are subject to inspection and tests. Items that do not meet specifications will be rejected. Failure to reject upon receipt does not relieve the contractor of liability.

## **LATE BIDS**

As per the section on Bid Opening Times:

**Bids or RFPs received at any time AFTER the date/time set forth on the cover page will NOT be considered and will be returned unopened.**

## **MODIFICATION OR WITHDRAWAL OF BID OR PROPOSAL**

Vendor exceptions or deviations to the bid document must be on vendor's letterhead and must accompany the Bidder's Proposal or Request for Proposal at the time of the bid opening. Any bid or proposal submitted with exceptions to specifications or terms and conditions may be disqualified if they are unacceptable to the City.

Withdrawals of bids or proposals must be made prior to the date and time of opening. In rare instances, "relief" from the responsibility of a successful offeror to supply the City with the good(s) or service(s) they are contractually obligated to supply to the City at the contract price may be granted. Requests for such relief must be in writing to the Purchasing Officer.

## **NEW/USED/ALTERED/EQUIPMENT**

Generally, all supplies and equipment offered and furnished must be new and of current production unless provided otherwise in the Bidder's Proposal or Request for Proposal. Re-manufactured, reconstructed or demonstration items are not considered new. No new or used equipment is acceptable if serial numbers or any other manufacturer's identifying labels or marks have been removed, obliterated, or changed in any way.

## **PACKAGING**

All packaging shall conform to the industry standard. A packaging slip or invoice must accompany all shipments and reference the purchase order number or the bid number.

## **PRODUCT SAMPLES/LITERATURE/TESTING AND DEMONSTRATION**

Manufacturers and suppliers often offer the City demonstrations and/or samples of their products or services at the agency level. The City recognizes the value of such samples, tests and demonstrations.

In order to assure proper testing and valid evaluation, vendors are required to obtain prior approval for such samples/tests/demonstrations from the Purchasing Division.

Any samples or descriptive literature requested in the Bidder's Proposal must be provided free of charge. Samples which are not destroyed by testing will be returned at the bidder's expense upon request. Samples submitted by successful bidders may be kept for the duration of the contract for comparison of shipment received.

## **PURCHASES NOT SUBJECT TO FORMAL BID OR PROPOSAL PROCESS**

The City of Farmington may forego the formal bid and proposal process for the following:

1. Exempt from the procurement code. 13-1-98
2. Small Purchases. 13-1-125
3. Sole source purchases. 13-1-126
4. Emergencies. 13-1-127
5. Procurement under existing contracts. 13-1-129
6. Cooperative Procurement. 13-1-135

## **SPECIFICATIONS**

Unless a vendor specifies otherwise in her/his bid, it is assumed that the vendor is bidding in strict accordance with the specifications listed in the Bidder's Proposal. When merchandise is received that does not meet the specifications, it may be returned to the vendor at the vendor's expense. See modifications or withdrawal of bids and proposals.

## **SUBSTITUTIONS**

Substitution is defined as shipment of an item that materially conforms to the specifications but is technically different from the item bid. Substitution shall require the approval of the Purchasing Division prior to shipment.

Any goods delivered that do not meet the specifications will be returned to the vendor at her/his expense. When a shipment of product is returned, the contractor must make immediate replacement with acceptable merchandise or the City may seek remedies for default.

## **TAX**

### **Sales Tax Exemption (No. 01-406101-005)**

The City of Farmington issues Type 9 Nontaxable Transaction Certificates (NTTC's) and is tax exempt for purchases of TANGIBLE PERSONAL PROPERTY ONLY. These certificates may not be used to purchase construction materials to be used in construction projects. To receive an NTTC, please contact Accounts Payable at 505-599-1213. Determinations for applicable tax classification should be made by the Taxation and Revenue Department or your tax consultant.

## **TIE BIDS**

The award for bids which are equal in all respects, including price, will be awarded in accordance with 13-1-110, NMSA 1978.

## **TRADE-INS**

The City may request bids for new equipment with the inclusion of the used equipment in the bid as a "trade-in." In such cases, a trade-in price quotation will be requested for the used equipment as an amount to be deducted from the purchase price of the new equipment. The City reserves the right to purchase equipment either with or without the trade-in, and to offer the used equipment noted at public auction or sealed bid sale.

## **DISCLAIMER**

The guidelines presented here have been prepared, and provided to you, the vendor, for information purposes only. They do not supplant the laws, regulations, and procedures governing procurement by the City of Farmington. In the event of changes in those laws, regulations, or procedures, the laws, regulations, and procedures are binding and take precedence.