

**KANSAS CITY
REGIONAL
PURCHASING
COOPERATIVE
PROGRAM**

A Partnership of:

Mid-America Regional Council,

Mid-America Council of Public Purchasing,

And Local Governments

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KANSAS CITY REGIONAL PURCHASING COOPERATIVE

INTRODUCTION:

The Mid-America Regional Council (MARC, Federal ID# 43-0976432), the regional council of governments and metropolitan planning organization, serving an eight county region, and the Mid-America Council of Public Purchasing (MACPP), a regional organization of public sector purchasing professionals and a local chapter of the National Institute of Governmental Purchasing (NIGP), initiated the Kansas City Regional Purchasing Cooperative to enhance the current cooperative purchasing efforts in the region.

The Kansas City Regional Purchasing Cooperative (KCRPC) is a partnership between MARC, MACPP, and local governments. The intent of the KCRPC is to increase the amount and effectiveness of local government cooperative purchasing in the metropolitan area and in the process, reduce the costs of goods and services by obtaining more responsive prices.

The Manager's Roundtable, a committee of city and county managers, provides general guidance and support toward the effort. The KCRPC established a standing Advisory Committee comprised of public sector purchasing professionals in the Kansas City metropolitan area. The Advisory Committee is responsible for making bid award recommendations to the MARC Board for final approval, and resolving disputes. The MARC Board of Directors consists of 30 locally elected leaders representing the eight counties and 115 cities in the bi-state metropolitan Kansas City region.

MARC has provided the initial support for the first 2 years of the program, in 2003-05. It is the intent of the initiative to ensure that KCRPC will become self-supporting over time by charging a small Administrative Fee, based on gross sales on each contract, which is consistent with other national cooperative purchasing program Administrative Fees. **Bidders are instructed to include a 1.5% Administrative Fee in their unit bid pricing, effective February 2005.** Because of the volume purchasing discounts, the Administrative Fee is minimal compared to administrative and cost savings experienced by the Participants

The KCRPC is not a legal entity, but rather a program of MARC. All future references for KCRPC will be shown as MARC/KCRPC since MARC will be the legal entity coordinating and managing the bid/procurement activities.

OBJECTIVE:

The objective is for the MARC/KCRPC to provide the following benefits to local governments within the region:

- More cooperative contracts and more opportunities for volume discount savings to local governments.
- New initiatives and new opportunities to save money.
- New opportunities through partnerships with other local governments, schools, and national purchasing cooperatives.

Additional benefits will be available to the vendor by increasing bidding opportunities, larger volumes and increasing their customer base.

LEGAL AUTHORITY:

Each participating government entity will be encouraged to obtain a Letter of Understanding, or a Resolution from their governing body, prior to bid solicitations, giving MARC/KCRPC authorization to issue and award bids on behalf of the Participant. The Letter of Understanding or Resolution may be issued for individual bids, or a blanket letter/resolution. Sample resolutions are available on the web at www.marc.org/kcrpc/.

In the event, a resolution has not been adopted at the time of award, that Participant will take their individual award recommendation to their Council/Commission for approval and issue a separate contract to the successful Bidder. Individual contracts issued by a Participant must reference the MARC/KCRPC assigned bid number and title, and copies are to be provided to MARC/KCRPC. To help keep administrative costs down, it is recommended each Participant to have a blanket resolution or letter of understanding in place, and not for each specific bid issued by MARC/KCRPC.

METHODS OF COOPERATIVE PURCHASES:

MARC/KCRPC will use two (2) methods of cooperative purchasing:

1. JOINT BIDS

- 1.1 This method involves a commitment by each Participant to be listed in the bid as a Participant and to commit to a specific quantity, or annual estimated quantities of the selected commodity/service. A bid may be issued

as a six month contract period, or one year. Joint bids will be evaluated on the lowest and most responsive bids.

- 1.2 The joint bid contracts may include renewal options (six months or one year renewals), escalation/de-escalation clauses based on industry standards, as deemed necessary by the Program Program Coordinator and approved by Participants.
- 1.3 The advantage of joint bids is that it clearly increases the buying power by combining lower quantities of several entities into one bid and reducing administrative costs to individual entities, which in turn, saves the entities money.

2. COOPERATIVE PURCHASING

This method, also known as piggybacking, involves adding a "cooperative" clause to each contract issued by MARC/KCRPC. Bidders are given the opportunity to accept or decline this clause to sell to Non-Participants. The clause is as follows: "If awarded a contract as a result of this solicitation, I agree to sell at the same price and under the same terms of this Contract to any other Municipal, County, Public Utility, Hospital, or Educational Institution not specifically listed as a Participant on page 4, but having membership in the Mid-America Council of Public Purchasing and located within the Greater Kansas City Metropolitan Trade Area. I agree to notify the Program Program Coordinator, MARC/KCRPC, in the event any Non-Participants want to utilize this contract, before filling any orders. All deliveries shall be F.O.B. Destination and there shall be no obligation on the part of any non-Participant to utilize this Contract."

Any Non-Participants utilizing the MARC/KCRPC contracts, may order at any time by contacting the Contractor directly. All contracts will be posted in the contract database at www.org/marc/kcrpc/. It will be the responsibility of the Non-Participant to identify the MARC/KCRPC bid number when placing orders.

AWARDED CONTRACTS

All contracts issued by MARC/KCRPC will be posted on the MARC/KCRPC web site contract database for viewing or downloading copies of contracts. The contract database will be maintained regularly by MARC/KCRPC.

Posted contracts will include the complete bid document, including; pricing sheet or an order form with awarded items, delivery requirements, addendums, and and the contract.

ROLE OF KCRPC

The Program Coordinator will be responsible for overseeing daily details of planning and scheduling multi-jurisdictional procurement projects, acting as a central point of contact and representative of MARC/KCRPC, establish procedures and user's guide, and market cooperative purchasing within the region.

Other duties include:

- Identify new commodities eligible for cooperative purchasing and recruit local government participation,
- Issue bid packages, which include assembling, analyzing, administering, and marketing contracts to local governments.
- Track contract usage to develop information on projected cost savings generated by KCRPC contracts.
- Explore and initiate new cooperative purchasing activities.
- Form affiliations and partnerships with other regional & national cooperative purchasing organizations.
- Establish central location for purchasing information, easily accessible to users.

ROLE OF PARTICIPANT

The Participant will be responsible for providing necessary specifications/quantities to the Program Coordinator, within the established bid timeframes, for inclusion in the bid documents.

Other duties include:

- Serve as the main point of contact throughout the bidding process.
- Provide specifications, estimated quantities and suggested vendors.
- Review draft copies distributed.
- Review award recommendations from the Program Coordinator.
- Distribute contract award information to applicable internal departments, and review ordering procedures with the departments.
- Notify Program Coordinator of any service/delivery problems during contract period.

DEFINITIONS

Definitions of all relevant terms and entities used throughout the procedures and bidding documents are provided below. Defined terms or entities used in the Invitation for Bid start with a capital letter.

1. "MARC/KCRPC" refers to Kansas City Regional Purchasing Cooperative, a purchasing cooperative partnership of the MACPP and MARC, and their members, and MARC/KCRPC is responsible for assembling and administering this Invitation for Bid and representing the Participants in the bid process.
2. "Participants" or "Participating Members" refers to local government entities that are participating in the Invitation for Bid.
3. "Non-Participant" means a Municipality, County, State, Governmental Public Utility, Non-Profit Hospital, Educational Institution, Special Governmental Agency or Non-Profit corporation performing governmental functions, that is a member of the Mid-America Council of Public Purchasing (MACPP) and is located within the Greater Kansas City Metropolitan Trade Area, but that is not a listed Participant.
4. "MACPP" refers to the Mid-America Council of Public Purchasing.
5. "MARC" refers to the Mid-America Regional Council
6. "Program Coordinator" refers to the authorized representative of KCRPC designated to handle bid solicitation and award and modification of the contract.
7. "Administrative Contracting Officer" refers to the authorized representative of each of the Participants authorized to issue purchase orders, receive required documentation, inspect and receive goods, make payments and handle disputes involving shipments to the jurisdiction.
8. "Bidder" refers to any corporation, company, partnership, firm, or individual that responds to the Invitation for Bid.
9. "Contractor" shall refer to the corporation, company, partnership, firm, or individual, named and designated in the contract agreement to perform the work or provide the materials covered thereby, and its duly authorized agents or other legal representatives.
10. "Administrative Fee" refers to the one and one-half percent (1.5%) fee to be paid monthly by the vendor, to MARC/KCRPC, based on gross sales to Participants under the contract. The Administrative fee shall be built into quoted pricing.
11. The "specifications" include Section 4 of the bid document.
12. A "subcontractor" is a person, firm or corporation supplying labor or materials, or only labor for work at the site of the project for, and under separate contract or agreement with the contractor.
13. The term "sample" as used herein includes natural materials, fabricated items, equipment, devices, appliances or parts thereof as called for in the specifications and any other samples as may be required by the Program Program Coordinator to determine whether the kind, quality, construction, workmanship, finish, color and other characteristics of the materials, etc., proposed by the Contractor conform to the requirements of the contract documents. Samples approved by the Program Coordinator and Participants shall establish the kind, quality, and other required characteristics, and all work shall be in accordance with the approved samples. Samples, when requested, shall be supplied at no cost to the MARC/KCRPC or Participants.
14. The term "estimated" represents quantities estimated for the period of time stated. Purchase orders shall be placed for actual requirements as needed.
15. The term "minimum" means the Participants will order this quantity of supplies during the period of this contract at the price bid.

PROCEDURES

The authorized representative of MARC/KCRPC, herein known as Program Coordinator, shall serve as the lead on all MARC/KCRPC bids. All notifications, documents, lists shall be transmitted electronically wherever possible to promote reduction of paper and to expedite communication between Program Coordinator and Participants.

1. INITIAL NOTIFICATION OF PENDING JOINT BIDS

- 1.1 Program Coordinator will issue a Buying Schedule for 6-12 months of potential joint bids to generate interest to be included in future notifications for a specific commodity/service on the Buying Schedule.
 - 1.1.1 Notification by e-mail will be sent to current MACPP and MARC membership.
 - 1.1.2 Program Coordinator will maintain a distribution list of those who respond to the initial notification on the Buying Schedule.
 - 1.1.3 Based on responses received, the Program Coordinator will select the commodity/service to be bid. Decision to bid will be based on estimated volume, number of participants, dollar value and ability to standardize the specifications/requirements. It is preferred each participant have at least \$10,000 in estimated annual volume, otherwise, the participant can piggyback off awarded contract.

2. FORMAL NOTIFICATION OF JOINT BIDS - Invitation to Participate

- 2.1 The Program Coordinator will select the joint bid based on the above criteria and issue a formal Invitation to Participate to the entities that responded. A second notice will also be sent to all MARC & MACPP members, as a reminder of upcoming bid, to generate as much participation as possible.
- 2.2 The Invitation to Participate will include the following:
 - 2.2.2 Cover memo with bid schedule, reminder to obtain or provide copy of their Letter of Understanding or Resolution, if not on file. Samples are available at www.marc.org/kcrpc or by contacting the Program Coordinator. Participants will designate who the contact person is, and the memo must be signed by authorized personnel to commit the entity to the joint bid.
 - 2.2.3 Commodities/services to be included in the bid
 - 2.2.4 Instructions to provide any specific entity requirements, such as insurance, licenses, shipping locations, and to provide list of suppliers.
 - 2.2.5 Draft #1 of the bid document to include basic format which includes the regional standard terms and conditions, specifications received by Participants and other information deemed necessary
- 2.3 Review Time:
 - 2.3.1 A maximum of ten (10) calendar days will be allowed for Participants' review and to return Draft #1 with their revisions/additions. To keep bidding process within a 90 day time frame, if a Participant is unable to return Draft #1 within the allotted time, they will be removed from the list, and will be encouraged to piggyback instead. The awarded contract may be modified at a later date, if needed.

3. DRAFT BID DOCUMENTS

- 3.1 The Program Coordinator will review Draft #1 received from the Participants, and request clarifications as needed.
- 3.2 The Program Coordinator will compile and issue Draft #2 bidding document within five to ten (5-10) working days from receipt of the items from Participants.
- 3.3 Draft #2 bidding document will include:
 - 3.3.1 Instructions for review of draft document (areas needing special attention highlighted).
 - 3.3.2 Request for suggested vendors, if not previously sent.
 - 3.3.3 Reminder to non-MACPP Participants, the MACPP membership is required to Participate (or member application submitted before award of contract).
 - 3.3.4 Reminder regarding resolutions from Participant's governing body, if not previously provided.
 - 3.3.5 Reminder that MARC will advertise in the Kansas City Star one time, and 2 minority papers, Dos Mundos and The Call, one time each. Any local advertising required by each Participant will be handled by that entity. The Program Coordinator, will provide the legal advertisement. The legal

advertisement may be modified by the Participant, as necessary, to accommodate their specific entity language.

- 3.4 The Program Coordinator will allow five to ten (5-10) working days from the date of circulation of Draft #2 bid document for review by the Participants, depending on the complexity of the bid. This process shall be repeated if Participants have proposed significant changes to the original document, until all Participants have approved a final document. The Program Coordinator shall allow at five (5) working days from the date of each re-circulation for rereview and approval.
- 3.5 In the event Participants cannot agree on a final bid document, the the Program Coordinator will advise the Advisory Committee for resolution. The Advisory Committee decision shall be final and binding on all parties. The result of the Committee's decision will be sent to the Participants, and will include the final document, as it will be published.

4. FINAL BID DOCUMENT, PUBLICATION, MAILING AND CIRCULATION

- 4.1 Upon approval by Participants of the final bid document, the Program Coordinator will:
 - 4.1.1 Submit legal advertisements to the three (3) newspapers
 - 4.1.2 Post final bid document on MARC/KCRPC and DemandStar websites
 - 4.1.3 Enter additional suggested vendors to DemandStar to receive notification of Invitation to Bid.
- 4.2 The Program Coordinator will send to the Participants:
 - 4.2.1 Final bid document as issued
 - 4.2.2 Final Bidder's list

5. ACTIONS DURING THE OPEN BIDDING PERIOD

- 5.1 The Program Coordinator will:
 - 5.1.1 Maintain bidder's list and update as bidder's are added to the list
 - 5.1.2 Be the sole contact for questions/clarifications pertaining to the bid.
 - 5.1.3 Respond to bidder's clarification requests and keep a record of same for inclusion in the bid file or addenda. Keep Participants updated as necessary, regarding any clarification requests, or addendums to be issued.
 - 5.1.4 Respond to Participant's questions
 - 5.1.5 Obtain approval by Participants for any addendums prior to issuance. If clarifications are received at the deadline (5:00 pm - 7 days prior to bid opening), a verbal approval followed by written confirmation (email or fax) is acceptable.
 - 5.1.6 Prepare and distribute addenda to bidders, and post on MARC and Demandstar websites
 - 5.1.7 Not issue addenda later than 7 calendar days prior to bid opening date, unless revision to document can be considered a minor technicality, at the discretion of the Program Coordinator. If revision is considered a major revision the Program Coordinator will issue an addendum with the revision and postpone the bid opening to accommodate the seven (7) day clarification requirement. If the bid opening is postponed, the Program Coordinator will immediately notify all Participants and bidders by the most efficient method possible (telephone, e-mail, or fax).
- 5.2 In the event a Participant needs to withdraw from the bid, a request must be sent to the Program Coordinator immediately for review. An addendum will be issued if the withdrawal request is approved. Withdrawals will not be allowed after the bids have opened, except for the following:
 - 5.1.7.1 Funding no longer available, or insufficient funding
 - 5.1.7.2 Significant changes in Participant's requirements that would not be consistent with scope of the bid.
 - 5.1.7.3 Bid prices come in higher than the Participant's EXISTING valid contract. Documentation will be required before withdrawal is allowed.

6. BID OPENING

- 6.1 All bid openings will be held at the MARC offices, 600 Broadway Suite 300, Kansas City, MO.
- 6.2 The Program Coordinator, and/or designee shall be responsible for opening, reading and recording all bids received by the bid opening time. The Program Coordinator will provide an attendance sheet for those attending the bid opening to sign in.

- 6.3 Bid responses received after the published bid opening date and time, shall not be opened or accepted for consideration. Such responses will not be logged and will be returned unopened to the bidder, with letter stating reason bid is being returned. Late bids with no vendor identification on the outside will be kept in the bid file, unopened. The Program Coordinator, and/or designee, will be responsible for recording all bids received and maintaining a bid log, to include the bidder's name, date and time received.
- 6.4 No decisions relating to bid award or discussion of bids shall take place during or after the bid opening. Bidders must request bid tabulations in writing. Bid tabulations will be available for distribution the next business day following the bid opening. The Participants will receive their copy of the bid tabulation during the bid evaluation stage.

7. BID EVALUATION AND RECOMMENDATION OF BID AWARD

- 7.1 The Program Coordinator will scan all bids received, evaluate bid responses, check references, obtain clarifications and prepare a written Recommendation of Bid Award within five to ten (5-10) working days after the bid opening. Any samples needed by the Participants for evaluation, will be requested by the Program Coordinator. If bidder(s) fails to submit samples within the allotted time, they will be considered non-responsive, and the next low bidder will be notified to submit samples.
- 7.2 Recommendation of Bid Award shall, at a minimum, include:
- 7.2.1 Recommendation of Award, which will include:
- a) Recommendation of the first, second and third low bidder(in the event a bidder does not fulfill the notice of award requirements)
 - b) Rationale for recommendation of other than the lowest responsive and responsible bidder(s) that has fully met the published specifications.
 - c) Results of reference checks.
- 7.2.2 Spreadsheet detailing the, pricing, payment terms with early payment discounts, delivery information.
- 7.2.3 Any other information pertinent to bid award.
- 7.2.4 A copy of the bid-opening attendance sheet will be provided upon request of Participant.
- 7.3 The Participants will return their Bid Recommendation within five to ten (5-10) working days of issuance. In the event a Participant does not agree with the initial recommendation, they will notify the Program Coordinator immediately, to discuss available resolutions.
- 7.4 If the Program Coordinator and Participants cannot agree on the bid award, the disagreement shall be referred to the Advisory Committee for resolution, either electronically or by holding a Committee meeting. Said Committee's decision shall be final and binding on all parties.

8. APPROVAL PROCESS

- 8.1 The Program Coordinator will prepare and present award recommendation to the Advisory Committee. The recommendation shall include a second and third low bidder, in the event the low bidder does not fulfill the notice of award requirements (if any). If the Advisory Committee does not approve the award as presented, the Program Coordinator will notify the Participants and bidders, of the reason of non-award.
- 8.2 The Program Coordinator will prepare 3 contract sets with a cover memo, and submit to the MARC Executive Director for review and approval. If approved, the MARC Executive Director will sign the contracts and return to the Program Coordinator.
- 8.3 In the event, a resolution has not been adopted at the time of award, each Participant will take their individual award recommendation to their Council/Commission for approval and will issue a separate contract to the successful Bidder. The Program Coordinator will provide necessary documents to the Participants for their governing body approval. The Participants required to take contract award to their governing body for approval to award, will provide the Program Coordinator with copies of contracts and Notices of Awards issued, to be made part of the bid file.

9. NOTICE OF AWARD, SUBMITTALS AND CONTRACT

- 9.1 After receipt of signed contracts by the MARC Executive Director, the Program Coordinator will:
- 9.1.1 Issue a Notice of Award, to the recommended bidder, within two (2) working days after MARC approval. The Notice of Award will inform the recommended bidder(s) that final award of the bid is

contingent upon the bidder(s) providing all required bid deliverables (certificates of insurance, signed contract forms, etc.). The bidder shall have ten (10) calendar days to submit all requirements of Notice of Award to the Program Coordinator.

- 9.1.2 Notify Participants a Notice of Award has been issued.
- 9.2 If the recommended bidder(s) fails to supply the required bid submittals within the period specified by the Notice of Award, the Program Coordinator shall withdraw the award, in writing, and proceed with award of the bid to the next lowest recommended bidder.
 - 9.2.1 The Program Coordinator shall send a revised Notice of Bid Award to Participants, with reasons why the previous recommended bidder has been rejected.
- 9.3 The Program Coordinator will re-issue contracts with the next low bidder and submit to the MARC Executive Director, with a cover memo, for review and approval. The above process will be repeated until recommended bidders provides required submittals.
- 9.4 The Program Coordinator will send the Participants; a copy of the signed contracts, insurance certificates, an order form with the commodity/pricing for each bidder. Participants may request any additional documentation that may be needed for their file.
- 9.5 Because the KCRPC is self-supporting by the Administrative Fees on awarded contracts, it is important that all Participants submit the following forms to the Program Coordinator within five (5) working days after receipt of award documents. The savings information will provide the data needed to determine if the contract is successful and advantageous to the Participants:
 - 9.5.1 Administrative Cost Savings Calculation Form (available at www.marc.org/kcrpc/)
 - 9.5.2 Cost Reduction Calculation Form (available at www.marc.org/kcrpc/)
- 9.6 The Program Coordinator shall post the complete bid document, to include Notice of Award, signed contracts to the Contract Database at www.marc.org/kcrpc/ and DemandStar web sites.

10. ACTIONS DURING THE CONTRACT PERIOD

- 10.1 During the contract period, the Program Coordinator shall:
 - 10.1.1 Be the primary contact, (except for orders/payments) and shall, upon request, assist in the resolution of contract issues between Participants and the Contractor.
 - 10.1.2 Inform Participants of contract developments during the contract period. Issue general contract modifications and/or contract extensions after the Program Coordinator has obtained written approval of the Participants. Executed contract modifications shall be distributed to all Participants within two (2) working days following the date of execution. All modifications will be posted to the appropriate web sites.
 - 10.1.3 Submit to the Advisory Committee any unresolved disagreements regarding terms, conditions, specifications, contract modifications and/or contract extensions for resolution. Said committee's decision shall be final and binding on all parties.
 - 10.1.4 Monitor use of the contract and receive reports from the contractor(s) on purchase orders issued against the contract, entities using the contract, and number and type of commodities purchased through the contract.
 - 10.1.5 Provide to Advisory Committee, a report of savings for Participants. This report shall also be included in an Annual Business Report, to be issued April 15 of each year. All reports issued by MARC/KCRPC shall be posted to the MARC web sites.
 - 10.1.6 Notify all Participants of any requested price increases, if escalation/de-escalation clause has been included in the bid document. The Program Coordinator will research and request written justification from the Contractor to substantiate their requested price increases. A modification to the contract will be issued, if Participants approve.
- 10.2 During the contract period, the Participants shall
 - 10.2.1 Distribute award information to their departments and advise the contract must be utilized.
 - 10.2.2 Be responsible for placing individual orders and handling invoicing, payments, and deliveries. Send copies of all purchase orders issued to the Program Coordinator.
 - 10.2.3 **Not solicit for pricing outside the contract.** If Participant does violate this rule, the Participant may be barred from participating in future joint bids.
 - 10.2.4 Not modify, change or alter any part of a contract without notifying the Program Coordinator of need. The Program Coordinator will be the only authorized person to modify a contract issued by MARC/KCRPC.

11. ACTIONS DURING THE CONTRACT RENEWAL PERIOD

- 11.1 The Program Coordinator shall begin initiation of renewal a minimum of ninety (90) calendar days before the contract expiration date. The Program Coordinator shall:
- 11.1.1 Review contract for available renewal options. Contact vendor for any pricing changes or changes to contract. Program Coordinator shall research any requested price increases to ensure the pricing is still competitive and within the published Consumer Price Index (CPI).
 - 11.1.2 Review total purchases through contract period, and compare to original estimated value submitted by each Participant. If discrepancies are found, i.e. 25% or more difference between estimates and actual purchases, the Program Coordinator will contact Participant to investigate why contract is not being utilized.
 - 11.1.3 Distribute a renewal recommendation form to Participants for opportunity to approve/reject renewal recommendation. Review all renewal recommendation forms.
 - 11.1.4 Prepare and submit recommendation memo for renewal to Advisory Committee.
 - 11.1.5 If Advisory Committee agrees with renewal, Program Coordinator shall follow procedures stated above for submittal to MARC Executive Director for final approval.
 - 11.1.6 Issue modification to the contract for renewal, if approved by the MARC Executive Director. Distribute approved modification to all Participants and post to appropriate web sites. Send contractor a signed, original modification.
- 11.2 In the event Participants choose not to renew, Program Coordinator will review possibility of issuing a new joint bid, following the above stated procedures. Program Coordinator will notify the vendor of Participants' decision not to renew.

12.0 TIMELINE FOR BIDDING PROCESS

The average time line for a joint bid is 90-120 days for entire process, depending on complexity of bid and number of participants involved. Actual time will vary depending on timely responses during draft stage, bidding stage, and award recommendations.

MARC/KCRPCStaff Contacts:

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