



State of Georgia

STATEWIDE CONTRACT

DEPARTMENT OF ADMINISTRATIVE SERVICES

Electronic Request for Quotes (“eRFQ”)

Event Name: Public Mass Transit Vehicles and Related Options, Equipment, and Accessories

eRFQ (Event) Number: 99999-SPD-SPD0000212

1. Introduction

1.1. Purpose of Procurement

Pursuant to the State Purchasing Act (Official Code of Georgia Annotated §§50-5-50 et seq.), this electronic Request for Quote (“eRFQ”) is being issued to establish a variety of statewide contracts with qualified Suppliers, to provide Public Mass Transit Vehicles and Related Options, Equipment, and Accessories. This eRFQ is being conducted by the Department of Administrative Services through its State Purchasing Division (hereinafter, “DOAS”). The resulting statewide contracts will be a “Convenience” source for all State of Georgia and local governmental entities, including but not limited to state offices, agencies, departments, boards, bureaus, commissioners, institutions, colleges, universities, state authorities, local governments, municipalities, cities, townships, counties, and other political subdivisions of the State of Georgia.

In addition, the resulting statewide contracts will also be available on a “convenience” basis to **other State's** entities, state offices, agencies, departments, boards, bureaus, commissioners, institutions and colleges and universities, state authorities, local governments, municipalities, cities, townships, counties, and other political subdivisions. The current contract has been used by transit entities in fifteen (15) other states. All entities authorized to utilize the resulting statewide contract(s) shall be referred to collectively as “Authorized Users.”

This solicitation aims to establish fair and open competition resulting in a comprehensive supply base capable of providing a wide variety of types and quantities of transit vehicles that meet varying levels/types of requirements as set forth by federal, state, and local organizations. The scope included the provision of Mass Transit Buses and Vans and related equipment, options, and accessories. It does not include services or leasing.

This solicitation is designed to structure contracts that will provide Authorized Users considerable flexibility in purchasing transit vehicles and related options, equipment, and accessories by establishing an “ala carte menu” style ordering process that allows Authorized Users to build the bus they want by the addition of preferred options. Public mass transit vehicles made available for purchase under any resultant contracts will be based on two (2) primary purchase types; (1) vehicles purchased by Authorized Users that use state/local funds exclusively, and (2) vehicles purchased by Authorized Users that receive financial assistance (grants) from the United States Department of Transportation’s Federal Transit Administration (FTA). The sale of public transit vehicles to Authorized Users that are funded in whole or in part by grants from the FTA are subject to unique requirements, certifications, and terms/conditions for third-party contracts as detailed in the FTA Master Agreement (Attachment J), FTA Requirements and Clauses (Attachment K), FTA Required Certification Forms (Attachment L), FTA Circular 4220.1, Third Party Contracting Guidance (Attachment S), and the FTA Form CER 10 (Attachment M).

For this solicitation, DOAS has separated transit vehicles into seven (7) distinct product categories: (1) Coach Buses, (2) Transit Buses, (3) Trolleys, (4) Light Duty Cutaway Shuttle Buses, (5) Medium Duty Cutaway Shuttle Buses, (6) Original Equipment Manufacturers (OEM) American Disabilities Act (ADA) Mobility Vans, and (7) Other ADA Mobility and Transit Vans. Specific vehicle types within each category have been further described in the table below (Exhibit A).

Exhibit A: Public Mass Transit Vehicles Product Categories

MASS TRANSIT VEHICLES	
CATEGORY	DESCRIPTION
Category 1- Coach Buses	A type of bus used for transporting passengers on excursions and longer-distance intercity bus services between cities. Coaches often have a luggage hold separate from the passenger cabin and can be equipped with facilities required for longer trips, including comfortable seats and a toilet. A bus with a front door only, separate luggage compartments, and usually with restroom facilities and high-backed seats for use in high-speed, long-distance service. Usually 30-45 feet or longer, with only forward-facing, reclining seats. Most are noted as vehicles of choice for the intercity bus industry. These buses can be made wheelchair accessible. It also includes buses configured for transporting prisoners.
Category 2- Transit Buses	A bus with front and center doors, generally with a rear-mounted engine, low-back seating, and without luggage compartments or restroom facilities for use in frequent stop service. This is what is used most typically on fixed route systems. A 30-foot -45 foot is the standard type of bus used in larger systems. The average life expectancy of transit bus chassis is about 12 years. It is typical for the engine and other equipment to be rebuilt several times.
Category 3 – Trolley Buses	A transit bus with an interior and exterior designed to look like a streetcar from the early 1900s. They typically hold 20 to 40 passengers.
Category 4- Light Transit Cutaway Shuttle Buses	A specially made body placed on a Ford or Chevy or other brands' "cutaway" truck chassis (not a van) with a gross vehicle weight rating (GVWR) of around 9,500 to 19,500 . An OEM makes the chassis, but the bodies are manufactured by bus companies such as Champion, Glaval, Coach and Equipment, Diamond, El Dorado, etc. They have a walk-in, front entry doors, and a center aisle, but they have various wheelbases, with interiors tall enough to allow a person to stand and four-across seating. When equipped to handle 24 or more passengers, an extra rear axle, referred to as a "tag axle," is usually added by the manufacturer.
Category 5- Medium Transit Cutaway Shuttle Buses	A specially made body placed on a Ford or Chevy or other brand's "cutaway" truck chassis (not a van) with a gross vehicle weight rating (GVWR) of around 22,000 to 26,000 . OEM makes the chassis, but the bodies are manufactured by companies such as Champion, Glaval, Coach and Equipment, Diamond, El Dorado, etc. They have a walk-in, front entry doors, and a center aisle, but they have various wheelbases, with interiors tall enough to allow a person to stand and four-across seating. When equipped to handle 24 or more passengers, an extra rear axle, referred to as a "tag axle," is usually added by the manufacturer.
Category 6- *OEM **ADA Mobility Vans	<u>Regular Van</u> : A factory-built 12- or 15-passenger vehicle (including the driver) manufactured by Ford, GM, Chrysler, or other *OEMs. These vehicles have side passenger doors, can be retrofitted with wheelchair lifts, and must meet **ADA requirements. The usual life expectancy of vans ranges from about 125,000 to 150,000 miles. <u>Minivan</u> : A factory-built vehicle between a Sport Utility Vehicle (SUV) and a van. Examples are the Dodge Caravan and Chevy Astro. They hold seven passengers, including the driver. A wheelchair minivan that has gone through an extensive after-factory conversion. The firms performing this after-factory work raise the roofs and drop the floor of the minivans.
Category 7 - Other **ADA Mobility Vans	A standard factory-built van that a specialty retrofitter has significantly altered after leaving the van maker's factory. These retrofitters remove the seats and the top half of the van. Among the features are an extended-height roof, a specific wheelchair entry door, a front entry door with a convenient, low step for ambulatory passengers, and new seating with a center aisle. The conversion van has three-across seats: two-person seats on the driver's side and one person on the other. The usual configuration is eight ambulatory seats and one wheelchair tie (8) down.

*Original Equipment Manufacturer

**American Disabilities Act

NOTE TO SUPPLIERS: This document's general instructions and provisions have been drafted with the expectation that DOAS may want to make one or multiple awards per line item. For example, this document contains phrases such as "statewide contract(s)" and "award(s)." Please refer to Section 6.4 "Selection and Award," for information concerning whether DOAS will make one award or multiple awards per line item or reserves the right to make either depending on the bids received.

1.2. Estimated Spend

DOAS has determined through spend analysis encompassing State fiscal years 2019 through 2022 that Authorized Users spent approximately \$39.2M annually on public transit vehicles as outlined in this eRFQ. This historical spend is based on purchasing activity by Authorized Users across Georgia and other states who have utilized the Georgia statewide contract for purchasing Mass Transit Vehicles and Related Options, Equipment, and Accessories. The following table depicts the total spend by fiscal year based on the organizational type:

Spend by Entity Type by Fiscal Year (FY19-FY22)					
Entity Type	2019	2020	2021	2022	Sum of Total Spend
BOR	\$ 379,214	\$ 139,306	\$ 27,823,326	\$ -	\$ 28,341,846
Local Entity	\$ 13,360,206	\$ 15,896,900	\$ 3,674,834	\$ 409,313	\$ 33,341,252
State Entity	\$ -	\$ 44,689,254	\$ 2,927,399	\$ 22,069,619	\$ 69,686,272
Other State	\$ 2,761,001	\$ 19,711,072	\$ 40,260,123	\$ 2,207,379	\$ 64,939,575
Grand Total	\$ 16,500,422	\$ 80,436,531	\$ 74,685,682	\$ 24,686,310	\$196,308,945

The table below depicts the spend by fiscal year based on vehicle type:

Spend by Mass Transit Item Type by Fiscal Year (FY19-FY22)					
BUS TYPE	2019	2020	2021	2022	Grand Total
Coach Buses		\$ 42,717,726	\$ -	\$ 7,111,624	\$ 49,829,349
Electric Buses		\$ 11,876,965	\$ 49,812,929	\$ 15,941,544	\$ 77,631,438
Trolley Buses		\$ -	\$ 9,629,106	\$ -	\$ 9,629,106
Cutaway Shuttle Buses	\$ 111,676	\$ 25,430,588	\$ 14,603,802	\$ 31,883,089	\$ 72,029,155
Mobility Vans	\$ 111,676	\$ 1,537,352	\$ 700,962	\$ -	\$ 2,349,990
Grand Total	\$ 16,500,422	\$ 80,436,531	\$ 74,746,799	\$ 24,096,494	\$ 195,780,246

* \$61,117 spend on Parts, Warranty, etc.

While total spend for all transit vehicles remained somewhat steady in fiscal years 2020 & 2021 at around an annual average of \$77M, spend decreased substantially in FY 2022. Spend totals for FY2022 are considered "uncharacteristic" of a typical year and were widely influenced by a worldwide supply chain disruption, including the global shortage of semiconductor chips. DOAS has identified, through GovSpend, another \$53M annually spent on transit vehicles on other local transit agency contracts in Georgia and other states that would qualify as an "opportunity" for the resulting contracts. While it is uncertain how long the supply chain and semiconductor disruption will continue, it is an encouraging sign that government funding to address supply chain issues and transit vehicle purchases is up.

Although the award of these contracts does not guarantee any specific volume of sales from Authorized Users, Awarded Supplier(s) can expect significant sales volume based on historical spending patterns (outlined above) and the expanded (1) customer base and (2) expanded product offerings. Therefore, in response to this eRFQ, DOAS expects to receive substantially discounted pricing that considers the large purchasing base of Authorized Users, additional efficiencies afforded from consolidating procurement and administrative processes under a single contractual umbrella, expanded product offerings, and other

enhancements. Lastly, anticipated growth in sales is expected because the Awarded Supplier(s) of any resulting statewide contract will receive maximum exposure of their service offerings through Team Georgia Marketplace (the State's e-Procurement Solution) and an increased emphasis on collaborative marketing efforts of the Supplier(s) and the State Purchasing Division.

1.3. Electronic Records and Signatures

This eRFQ is being sourced through an electronic sourcing tool approved by the Department of Administrative Services. All Suppliers' responses must be submitted electronically per the instructions contained in Section 2, "Instructions to Suppliers" of this eRFQ. Electronic competitive sealed bids will be administered under the Georgia Electronic Records and Signature Act. Please note electronic competitive sealed bid meets the sealed bidding requirements of the State of Georgia, an electronic record meets any requirements for writing, and an electronic signature meets any requirements for an original signature.

1.4. Overview of the eRFQ Process

The objective of the eRFQ is to select a group of qualified Suppliers to provide the goods and services outlined in this eRFQ to the Authorized Users. This eRFQ process will be conducted to gather and evaluate responses from Suppliers for potential awards. All qualified Bidders are invited to participate by submitting responses, as further defined below. DOAS may elect to request Best and Final Offers (BAFO) during the evaluation process as the negotiation tool for this eRFQ. After evaluating all responses received before the closing date of this eRFQ, and following negotiations resolution of any contract exceptions, the preliminary results of the eRFQ process will be publicly announced, including the names of all participating Bidders and the evaluation results. The final contract award(s) will be publicly announced after the protest process.

NOTE TO BIDDERS: This document's general instructions and provisions have been drafted with the expectation that DOAS may make one or multiple awards per line item. For example, this document contains phrases such as "statewide contract(s)" and "award(s)." Please refer to Section 6.7, "Selection and Award," for information concerning whether DOAS will make one award, multiple or split awards, or reserves the right to make either depending on the proposal responses received.

1.5. Schedule of Events

The schedule of events herein represents DOAS' best estimate of the schedule that will be followed. However, delays to the procurement process may occur, which may necessitate adjustments to the proposed schedule. If a component of this schedule, such as the close date, is delayed, the rest of the schedule may be shifted as appropriate. Any changes to the dates up to the solicitation closing date (the date proposals are due) will be publicly posted before the closing date of this eRFQ. After the close of the eRFQ, DOAS reserves the right to adjust the remainder of the proposed dates, including the dates for evaluation, negotiations, award, and the statewide contract term, on an as-needed basis with or without notice.

Description	Date	Time
Release of eRFQ	As Published on the Georgia Procurement Registry ("GPR")	N/A
Bidders/Offerors' Conference Attendance is: <u>Optional but Strongly Recommended</u> Location: Microsoft Teams Meeting: Join on your computer, mobile app or room device Click here to join the meeting Or call in (audio only) +1 470-344-9228,,564509642# United States, Atlanta	1/24/2023	2:00 p.m. ET

Deadline for written questions sent via email to the Issuing Officer referenced in Section 1.6.	1/31/2023	5:00 p.m. ET
Responses to Written Questions	2/9/2023	5:00 PM EST
Responses Due/Close Date and Time	As Published on the GPR	See GPR
Evaluation Completed (on or about)	2 to 4 Weeks after Closing	

1.6. Official Issuing Officer

Billy Gilbert

Telephone: 404-657-4277

masstransit.2022@doas.ga.gov

1.7. Definition of Terms

Please review the following terms:

American Disabilities Act (ADA): an Act that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life to enjoy employment opportunities, purchase goods and services, and participate in State and local government programs and services.

Authorized User-Authorized User/Recipient: Any organization and associated authorized official outlined in section 1.1 that is allowed to make purchases off any resulting contract from this eRFQ. The term "recipient" refers to an Authorized User that uses grant funds from the FTA to subsidize the purchase.

Buy America Rule - The "Buy America Requirements" Regulation, Title 49 of the Code of Federal Regulations, Part 661. stipulates that federal tax dollars used to purchase steel, iron, and manufactured goods in a transit project (including transit buses) are produced domestically.

Bidder- a company(ies) that submit a bid in response to this eRFQ.

Component - Any article, material, or supply directly incorporated into a product at the final assembly location.

DOES – the Georgia Department of Administrative Services

DOT - The United States Department of Transportation

Final Assembly - The bringing together of a significant number of individual components to create a product.

FMVSS – Federal Motor Vehicle Safety Standards are U.S. federal regulations specifying design, construction, performance, and durability requirements for motor vehicles and regulated Automobile safety-related components, systems, and design features.

FTA - Federal Transit Administration, an agency of DOT

FTA Compliant Vehicle – A vehicle that meets all FTA and Federal requirements, including Buy America Requirements, qualifies the recipient to receive FTA funds.

FTA Non-Compliant Vehicle – A vehicle not required to meet FTA and Federal requirements. Vehicle purchased with State or local funding.

Manufacture - The transformation of a component or group of subcomponents to add value to, improve, or create a functionally different part.

Original Equipment Manufacturer (OEM). The original manufacturer of a vehicle.

Performance test - An operational test for the vehicle when it is tested on an actual track to evaluate its performance.

Post-delivery - The period during the procurement process beginning with the signing of a formal contract with the selected Bidder. It includes the period of vehicle manufacturing, inspection, testing, and delivery. It ends with title transfer or the placement of the vehicles into revenue service, whichever is first.

Pre-award - The period during the procurement process before the recipient enters into a formal contract with the Bidder.

Pre-Award and Post-Delivery Rule - The "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases" Regulation, Title 49 of the Code of Federal Regulations, Part 663.

Purchaser - The recipient.

Recipient - A receiver of Federal financial assistance from the FTA.

Review - An analysis conducted by the recipient will result in a file containing the necessary certifications of compliance, including the Buy America certification, purchaser's requirements certification, and Federal Motor Vehicle Safety Standards (FMVSS) certification.

Rolling stock - Transit vehicles, such as coach buses, transit buses, cutaway buses, trolley buses, and mobility vans.

Subcomponent - Any article, material, or supply one step removed from a component.

Supplier(s) – a company or companies awarded to do business with or is currently doing business with the State of Georgia or companies that are awarded from this solicitation and will be doing business with the State of Georgia.

SPECIAL NOTE: The terms Bidder and Supplier are used extensively throughout this document and other documents in this solicitation. For clarity, the descriptive term “Bidder” is used in a pre-award context, and the descriptive term “Supplier” is used in a post-award context.

All entities authorized to utilize the resulting statewide contract(s) shall be referred to collectively as "Authorized Users." For clarity to the reader, The Federal and FTA documentation references to "Recipients" should be interpreted as "Authorized Users" who's purchases are with Federal Funds..

Any special terms or words not defined in this eRFQ document or Attachment B, "Special Terms Definition," may be identified separately in one or more attachments to the eRFQ. Please download, save, and carefully review all documents by the instructions provided in Section 2, "Instructions to Bidders," of this eRFQ.

1.8. Contract Term

The initial term of the statewide contract(s) is two (2) calendar years from the implementation date. DOAS shall have three (3), one (1) year options to renew, which options shall be exercisable at the mutual agreement of DOAS and the awarded Suppliers. Renewal will be accomplished through the issuance of a Notice of Award Amendment. In the event the statewide contract, if any, resulting from the award of this eRFQ shall terminate or be likely to terminate before the making of an award for a new contract; DOAS may, with the written consent of the awarded Supplier, extend the statewide contract for such period as may be necessary to permit the State's continued supply of the identified products and services. Any such extensions may limit the vehicles available as the limitation on contracts for FTA vehicles is strictly limited to five (5) years. The statewide contract may be amended in writing from time to time by mutual consent of the parties. Unless this eRFQ states otherwise, the resulting award of the statewide contract does not guarantee any specific volume or a commitment of funds.

2. Instructions to Bidders

By submitting a response to the eRFQ, the Bidder is acknowledging that the Bidder:

1. Has read the information and instructions,
2. Agrees to comply with the information and instructions contained herein.

2.1. General Information and Instructions

2.1.1. Team Georgia Marketplace™ Registration System

DOAS requires all companies and/or individuals interested in conducting business with the State of Georgia to register in the State's web-based registration system through Team Georgia

Marketplace™. Registration is free and enables the registering company to access certain information, services and/or materials maintained in Team Georgia Marketplace™ at no charge to the registering company. All registering companies must agree to be bound by the applicable terms and conditions governing the supplier's use of Team Georgia Marketplace™. If DOAS elects to offer certain optional or premium services to registered companies on a fee basis, the registered company will be allowed to accept or reject the service before incurring any costs and still maintain its registration. Companies may register at

https://fscm.teamworks.georgia.gov/psc/supp/SUPPLIER/ERP/c/NUI_FRAMEWORK.PT_LANDING_PAGE.GBL

2.1.2. Restrictions on Communicating with Staff

From the issue date of this eRFQ until the final award is announced (or the eRFQ is officially canceled), Bidders are not allowed to communicate for any reason with any State staff except through the Issuing Officer named herein in paragraph 1.6 of this eRFQ, or during the Bidders/Offerors' conference (if any), or as defined in this eRFQ or as provided by existing work agreement(s). Prohibited communication includes all contact or interaction, including but not limited to telephonic communications, emails, faxes, letters, or personal meetings, such as lunch, entertainment, or otherwise. DOAS reserves the right to reject the response of any Bidder violating this provision.

2.1.3. Submitting Questions

All questions concerning this eRFQ must be submitted in writing via email to the Issuing Officer identified in Section 1.6, "Issuing Officer" of this eRFQ. No questions other than written will be accepted. No response other than written will be binding upon the State. All bidders must submit questions by the deadline identified in the Schedule of Events for submitting questions. Bidders are cautioned that DOAS may or may not elect to entertain late questions or questions submitted by any other method than as directed by this section. All questions about this eRFQ must be submitted, using the form provided in Attachment H: Questions and Answer Form, to masstransit.2022@doas.ga.gov in the following format:

Company Name

Question #1 Question, *Citation of the relevant section of the eRFQ*

Question #2 Question, *Citation of the relevant section of the eRFQ*

Do not use the comments section of the Sourcing Event to submit questions to the issuing officer.

2.1.4. Attending Bidders/Offerors' Conference

The Bidders Conference or any other information session (if indicated in the schedule of events) referred to in Section 1.5 "Schedule of Events" of this RFQ will be held online via a Microsoft Teams Meeting. A link is provided in section 1.5 for Bidders to log in and attend. The meeting will be recorded. Unless indicated otherwise, attendance is optional, although bidders are strongly encouraged to attend.

2.1.5. State's Right to Request Additional Information - Bidder's Responsibility

Prior to an award, DOAS must be assured that the selected bidder(s) has all of the resources to perform under the statewide contract successfully. This includes, but is not limited to, an adequate number of personnel with required skills, availability of appropriate equipment in sufficient quantity to meet the ongoing needs of the State, financial resources sufficient to complete performance under the statewide contract, and experience in similar endeavors. If during the evaluation process, DOAS or the State's evaluation team is unable to assure itself of the bidder's ability to perform, if awarded, DOAS has the option of requesting from the bidder any information deemed necessary to determine the bidder's responsibility. If such information is required, the bidder will be notified and will be permitted approximately seven (7) business days to submit the requested information.

2.1.6. Failing to Comply with Submission Instructions

Responses received after the identified due date and time or submitted by any other means than those expressly permitted by the eRFQ will not be considered. Responses must be complete, as required in each section of this eRFQ.

2.1.7. Rejection of Responses; State's Right to Waive Immaterial Deviation

DOAS reserves the right to reject any or all responses, to waive any irregularity or informality in response, and to accept or reject any item or combination of items when doing so would be to the advantage of the State of Georgia. It is also within the right of DOAS to reject responses **that do not contain all elements and information requested in this eRFQ**. A response will be rejected if the response includes any defect or irregularity and such defect or irregularity constitutes a material deviation from the eRFQ requirements, which DOAS will determine on a case-by-case basis.

2.1.8. State's Right to Amend and/or Cancel the eRFQ

DOAS reserves the right to amend this eRFQ prior to the end date and time. Any time a change is made to the eRFQ, the eRFQ will be temporarily "un-posted" from the Team Georgia Marketplace™ to permit changes to be made. Then, once the revision is complete, a new "version" of the eRFQ will be posted to the Team Georgia Marketplace™. The eRFQ will possess the same solicitation number; however, the eRFQ will contain a new version number. By submitting a response, the bidder shall be deemed to have accepted all terms and agreed to all requirements of the eRFQ (including any revisions/additions made in writing prior to the close of the eRFQ whether or not such revision occurred prior to the time the bidder submitted its response) unless expressly stated otherwise in the bidder's response. THEREFORE, EACH BIDDER IS INDIVIDUALLY RESPONSIBLE FOR REVIEWING THE REVISED eRFQ AND MAKING ANY NECESSARY OR APPROPRIATE CHANGES AND/OR ADDITIONS TO THE BIDDER'S RESPONSE PRIOR TO THE CLOSE OF THE eRFQ. Bidders are encouraged to frequently check the GPR for additional information. Finally, DOAS reserves the right to cancel this eRFQ at any time.

2.1.9. Protest Process

Bidders should familiarize themselves with the procedures outlined in Chapter 6 of the *Georgia Procurement Manual* and the Federal Transit Administration (FTA) protest process outlined in Attachment K: Protest section 22 and the signature required certification for FTA protest process in Attachment L.

2.1.10. Costs for Preparing Responses

Each response should be prepared simply and economically, avoiding the use of elaborate promotional materials beyond those sufficient to provide a complete presentation. The cost of developing the response and participating in the procurement process (including the protest process) is the bidder's sole responsibility. The State will not provide reimbursement for such costs.

2.1.11. ADA Guidelines

The State of Georgia adheres to the Americans with Disabilities Act guidelines. Bidders should contact the Issuing Officer at least one day in advance if they require special arrangements when attending the Bidders/Offerors' Conference (if any). The Georgia Relay Center at 1-800-255-0056 (TDD Only) or 1-800-255-0135 (Voice) will relay messages, in strict confidence, for the speech and hearing impaired.

2.1.12. Public Access to Procurement Records

Solicitation opportunities will be publicly advertised as required by law and the provisions of the *Georgia Procurement Manual*. The State Purchasing Act delays the release of certain procurement records in the event the public disclosure of those records prior to the State's public announcements of the results of a solicitation would undermine the public purpose of obtaining the best value for the State, such as cost estimates, proposals/bids, evaluation criteria, bidder

evaluations, negotiation documents, offers and counter-offers, and certain records revealing preparation for the procurement. After issuance of the Notice of Intent to Award (or the Notice of Award in the event the State does not issue the Notice of Intent to Award) , or after a solicitation has been canceled following evaluation, without intent to rebid, requests for access to public records, shall be subject to the disclosure provisions of Georgia's Open Records Act. Pursuant to O.C.G.A. § 50-18-71(a), DOAS must make all public records, including but not limited to cost estimates, proposals/bids, evaluation criteria, bidder proposals, evaluation documents, negotiation documents, offers and counteroffers, and records revealing preparation to the procurement, open for personal inspection and copying, except those records which by order of a court of this state or by law are specifically exempted from disclosure. The State is allowed to assess a charge for the search, retrieval, redaction and to defray the cost of reproducing documents as permitted under O.C.G.A § 50-18-71(c)(1).

2.1.12.1. Marking Submissions as “Confidential,” “Proprietary,” or “Trade Secret

If a Bidder considers any portion of the documents, data, or records submitted in response to this solicitation to be exempt from disclosure under Georgia law. In that case, the Bidder must clearly mark each such submission, or portions of the submission, considered to be exempt from disclosure as “Confidential,” “Proprietary”, or “Trade Secret” and specify the statutory exemption. All markings must be conspicuous; use color, bold, underlining, or some other method in order to conspicuously distinguish the mark from the other text. Wholesale designation of a response or substantial parts of a response as “Confidential” will not be accepted by the State. If only portions of a page are subject to some protection, Bidder should not mark the entire page. PLEASE NOTE: Even though information (financial or other information) submitted by a bidder may be marked as "confidential", "proprietary", etc., the State will make its own determination regarding what information may or may not be withheld from disclosure.

2.1.12.2. Submission of Redacted Copies

If Bidder considers any portion of its bid/proposal to the solicitation to be trade secret or otherwise not subject to public disclosure under the Georgia Open Records Act, Bidder must, in addition to the required original documents, provide a separate redacted electronic copy of its bid/proposal, in PDF format, and briefly describe in a separate writing, as to each item redacted, the grounds for claiming exemption from the public records law, including citation to the appropriate exemption from disclosure requirements provided under Georgia law. This redacted copy should be clearly marked “Redacted Copy-Available for Public Review.” In addition, the electronic file name should include the words “**Redacted Copy**” at the **beginning of the file name**. The redacted copy shall be submitted at the same time Bidder submits its bid/proposal and must only exclude or redact those specific portions that are claimed not subject to disclosure. The redacted copy should reflect the same pagination as the original and show the location from which information was redacted. Except for the redacted information, the redacted electronic copy must be identical to the original bid/proposal. The redacted copy will be open to public inspection under the Georgia Open Records Act without further notice to the Bidder. If Bidder fails to submit a redacted copy with its bid/proposal, the State is authorized to produce the Bidder's bid/proposal with the exception of audited financial statements in answer to any public records request under the Georgia Open Records Act. Even though information submitted by a Bidder may be marked as "confidential", "proprietary", "trade secret" etc., the State will make its own determination regarding what information may or may not be withheld from disclosure. If the State of Georgia deems redacted information to be subject to disclosure under the Georgia Open Records Act, the Bidder will be contacted prior to the release of this information.

2.1.12.3. Trade Secret

In addition, if the Bidder claims that certain information in its bid/proposal may be withheld as trade secret pursuant to O.C.G.A. 50-18-72(a)(34), the Bidder shall include **with its bid/proposal submission, an affidavit indicating the specific information** that the Bidder identifies as a trade secret, affirmatively declaring that such information is trade secret. A sample affidavit template is provided in **Attachment R** of this solicitation; however, use of the sample affidavit template does not guarantee that all requirements of the Open Records Act have been met. A sample affidavit is provided. Along with the affidavit, the Bidder shall provide a justification regarding how and why each redaction request constitutes a trade secret pursuant to Georgia law. The designation of a “trade secret” shall not be binding on the State, but the State will review and consider the designation. Wholesale designation of a response or substantial parts of a response as “trade secrets” will not be accepted by the State. In general, the State does not consider pricing information to be trade secrets. *See State Rd. & Tollway Auth. V. Elec. Transaction Consultants Corp. 306 Ga. App. 487; 702 S.E. 2d 486 (2010).*

2.1.13. Registered Lobbyists

By submitting a response to this eRFQ, the bidder hereby certifies that the bidder and its lobbyists are in compliance with the Lobbyist Registration Requirements in accordance with the *Georgia Procurement Manual*.

2.1.14. Supplier Debriefing Process

For all solicitations resulting in contracts contract awards of \$250,000 or more, unsuccessful bidders may request a supplier debriefing from DOAS in accordance with the *Georgia Procurement Manual*, Section 6.6. The purpose of a supplier debriefing is to share information about the evaluation and award process. Unsuccessful bidders can benefit from bidder debriefings by enhancing their understanding of the procurement process and gaining insights to improve the competitiveness of their responses to future solicitations. The supplier debriefing is not an adversarial proceeding and may not be used to challenge DOAS’s selection. For more information, including the process and deadline for requesting a supplier debriefing, please review the *Georgia Procurement Manual*, Section 6.6.

2.2. Submittal Instructions

Listed below are key action items related to this eRFQ. The Schedule of Events in Section 1.4 identifies the dates and time for these key action items. This portion of the eRFQ provides high-level instructions regarding the process for reviewing the eRFQ, preparing a response to the eRFQ and submitting a response to the eRFQ. Bidders are required to access, print and utilize the training materials identified in Section 2.1.1 “Team Georgia Marketplace™” of this eRFQ to ensure the bidder successfully submits a response to this eRFQ.

2.2.1. eRFQ Released

The release of the eRFQ is formally communicated through the posting of this eRFQ as an event in Team Georgia Marketplace™ and by a public announcement posted to the Georgia Procurement Registry, which is accessible online as follows: http://ssl.doas.state.ga.us/PRSapp/PR_index.jsp

This eRFQ is being conducted through Team Georgia Marketplace™, an online, electronic tool, which allows a bidder to register, logon, select answers and type text in response to questions, and upload any necessary documents. Team Georgia Marketplace™ permits a bidder to build and save a response over time until the bidder is ready to submit the completed response. Each bidder interested in competing to win a contract award must complete and submit a response to this eRFQ using Team Georgia Marketplace™. Therefore, each bidder MUST carefully review the instructions and training information from the following link for a comprehensive overview of the functionality of Team Georgia Marketplace™: <http://doas.ga.gov/state-purchasing/purchasing-education-and-training/supplier-training>

2.2.2. eRFQ Review

The eRFQ (or “Sourcing Event”) consists of the following: this document, entitled “Statewide eRFQ Document”, and any and all information included in the Sourcing Event, as posted online on Team Georgia Marketplace™, including any and all documents provided by DOAS as attachments to the Sourcing Event or links contained within the Sourcing Event or its attached documents.

Please carefully review all information contained in the Sourcing Event, including all documents available as attachments or available through links. Any difficulty accessing the Sourcing Event or opening provided links or documents should be reported immediately to the Issuing Officer (See Section 1.5) and/or the Help Desk (Section 2.2.8). Attached documents may be found as follows:

1. First, documents may be provided at the “header” level of the Sourcing Event. Please select “View/Add General Comments & Attachments”, which appears at the top of the screen of the Event under the “Event Details” Section. Next, by selecting “View Event Attachments”, the bidder may open and save all of the available documents. In this location, the bidder is most likely to find this document (Statewide eRFQ Document) as well as the documents referenced in Section 4 “eRFQ Bid Factors.” Please thoroughly review all provided Event Attachments.
2. Second, documents may also be provided at the “line detail” level of the Sourcing Event. Please navigate to “Step 2: Enter Line Bid Responses”, which appears towards the bottom of the screen of the Event. Please access any provided documents as follows:
 - a. First Method:
 - i. To the right of each line appearing under Step 2, the Event contains a “Bid” link. By selecting the “Bid” link, the bidder will navigate to a new page of the Event.
 - ii. On this new page, the bidder can select “View/Add Question Comments and Attachments” to locate attached documents.
 - b. Second Method:
 - i. To the right of each line appearing under Step 2, the Event contains a “Line Comments/Files” icon (appears as a bubble with text). By selecting the “Line Comments/Files” icon, the bidder will navigate to a new page of the Event.
 - ii. On this new page, the bidder can locate attached documents.

In this location, the bidder is most likely to find the cost worksheet (if any, as defined by Section 6 “Cost Sheet”) as well as any other documents provided with respect to the identified line items. Please thoroughly review all provided attachments.

2.2.3. Preparing a Response

As noted earlier, Team Georgia Marketplace™ allows the bidder to answer questions by entering text and numeric responses. In addition, as noted in Section 2.2.4 “Uploading Forms”, the bidder may also provide information by uploading electronic files. When preparing a response, the bidder must consider the following instructions:

1. Use the provided worksheets to prepare your response. Enter your responses directly into the worksheet. Unless otherwise directed, do not insert “see attached file” (or similar statements) in the worksheet to reference separate documents.
2. Answer each question in sufficient detail for evaluation while using judgment with regards to the length of response.
3. Proofread your response and make sure it is accurate and readily understandable.
4. Label any and all uploaded files using the corresponding section numbers of the eRFQ or any other logical name so that DOAS can easily organize and navigate the bidder’s response.

5. Use caution in creating electronic files to be uploaded. If DOAS is unable to open an electronic file due to a virus or because the file has become corrupted, the bidder's response may be considered incomplete and disqualified from further consideration.
6. Use commonly accepted software programs to create electronic files. DOAS has the capability of viewing documents submitted in the following format: Microsoft Word or WordPad, Microsoft Excel, portable document format file (PDF), and plain text files with the file extension noted in parentheses (.txt). Unless the eRFQ specifically requests the use of another type of software or file format than those listed above, please contact the Issuing Officer prior to utilizing another type of software and/or file format. In the event DOAS is unable to open an electronic file because DOAS does not have ready access to the software utilized by the bidder, the bidder's response may be considered incomplete and disqualified from further consideration.
7. Continue to save your response until the response is ready to be submitted. Select the "Save for Later" button at the top of the page under "Event Details" of the Event.

2.2.4. Uploading Forms

Once the bidder is ready to upload electronic files (completed forms or worksheets, product sheets, etc.), please following the directions within the eRFQ to upload these documents in the proper location. There are three places to upload completed documents:

1. First, the "View/Add General Comments & Attachments" link contains a place for the bidder to upload all of the documents and worksheets which were provided by DOAS under the "View Event Attachments" link. Once the bidder has completed the Event Attachments, the bidder can then select "Add New Attachments" to upload the completed documents. The bidder can upload as many documents as necessary in this section of the Sourcing Event.
2. Second, the bidder can also upload documents in response to each question or bid factor which appears on the main page of the Sourcing Event, which appears below the "View/Add General Comments & Attachments" link of the Sourcing Event. To the right of each question or bid factor, the bidder can select the "Add Comments or Attachments" link to either enter a written response or upload an electronic document in response to the question or bid factor. After selecting "Add Comments or Attachments", the bidder should select "Upload" under the "Add New Attachments" section to browse and upload an electronic file.
3. Third, the bidder can also upload documents in the bottom portion of the Sourcing Event where pricing is requested. After selecting the comment bubble icon, the Sourcing Event allows the bidder to select "Upload" in order to include an attachment as part of the bidder's response. In the alternative, the bidder can also select the link "Bid", which also appears to the right of any line items provided in the "Enter Line Bid Responses" portion of the Event. After selecting the "Bid" link, the bidder can select "View/Add Question Comments and Attachments" to upload a document.

2.2.5. Reviewing the Response Prior to Submission

Each bidder is responsible for ensuring all questions have been answered appropriately and that all necessary documents have been uploaded. Prior to final submission of your response, please review the following checklist:

1. Please review and confirm that the bidder has answered all questions appropriately. Many questions require a "yes" or "no" response. Please ensure that the correct response has been selected.
2. Please review and confirm that the most competitive response has been provided.
3. Please confirm that all necessary files have been uploaded.
4. Please select the "Validate Entries" button under "Event Details" at the top portion of the Event. While the "Validate Entries" feature cannot verify whether the bidder has attached files, attached the correct files, or entered the correct responses, the "Validate Entries" feature will alert the bidder if one or more questions in the "Event Questions" section of the Event have not been answered. The "Validate Entries" feature is a useful tool; however, it is

no substitute for careful preparation and review by the bidder. The State will not consider the bidder's use of the "Validate Entries" feature as an excuse for an error committed by the bidder in the preparation of its response.

2.2.6. Submitting the Completed Response/Bid

Once the completed response has been reviewed by the bidder, click the "Submit Bid" button at the top of the page under the "Event Details" section of the Event. Any information entered by a bidder into Team Georgia Marketplace™ but not submitted prior to the submission deadline will not be released to DOAS and will not be considered for award. Only after the bidder selects the "Submit Bid" button, will the response to the eRFQ be sent electronically, time stamping the bidder's response and sending a confirmation email to the email address of the bidder. Please note that submission is not instantaneous; therefore, each bidder must **allow ample time for its response to be submitted prior to the deadline.**

2.2.7. Reviewing, Revising or Canceling a Submitted Response

After the response has been submitted, the bidder may view and/or revise its response by logging into Team Georgia Marketplace™ and selecting the eRFQ event number and the "View/Edit" feature for the bidder's previous response. Please take note of the following:

1. REVIEW ONLY. In the event the bidder only wishes to view a submitted response, the bidder may select "View/Edit". Once the bidder has finished viewing the response, the bidder may simply exit the screen. DO NOT SELECT "Save for Later." Team Georgia Marketplace™ recognizes any response placed in the "Save for Later" status as a work in progress and withdraws the originally submitted bid. As a result, unless the bidder selects "Submit" prior to the closing date and time, no response will be transmitted through the system.
2. REVIEW AND REVISE. In the event the bidder desires to revise a previously submitted response, the bidder may select "View/Edit" and then revise the response. If the revisions cannot be completed in a single work session, the bidder should save its progress by selecting "Save for Later." Once revisions are complete, the bidder **MUST** select "Submit" to submit its corrected response. Please permit adequate time to revise and then resubmit the response. Please note submission is not instantaneous and may be affected by several events, such as the bidder temporarily losing a connection to the Internet.

AS EACH BIDDER IS SOLELY RESPONSIBLE FOR RESUBMITTING ITS RESPONSE PRIOR TO THE eRFQ END DATE AND TIME TO ENSURE THE RESPONSE MAY BE CONSIDERED BY DOAS, PLEASE USE CAUTION IN DECIDING WHETHER OR NOT TO MAKE REVISIONS. The State will assume no responsibility for a bidder's inability to correct errors or otherwise make revisions to the submitted response or the bidder's inability to resubmit a response prior to the eRFQ end date and time.

3. WITHDRAW/CANCEL. In the event the bidder desires to revise a previously submitted response, the bidder may select "View/Edit" and then select "Save for Later". Team Georgia Marketplace™ recognizes any response placed in the "Save for Later" status as a work in progress and **withdraws the originally submitted bid.** As a result, unless the bidder selects "Submit" prior to the closing date and time, no response will be transmitted through the system. In the event a bidder desires to withdraw its response after the closing date and time, the bidder must submit a request in writing to the Issuing Officer.

2.2.8. Help Desk Support

For technical questions related to the use of Team Georgia Marketplace™, bidders have access to phone support through the DOAS Customer Service Help Desk at 404-657-6000, Monday through

Friday 8:00 AM to 5:00 PM excluding State Holidays or any other day state offices are closed such as furlough days or closings in response to inclement weather. Bidders can also email questions to: ProcurementHelp@doas.ga.gov.

3. General Business Requirements

This section contains general business requirements. By submitting a response, the bidder is certifying its agreement to comply with all of the identified requirements of this Section 3 and that all costs for complying with these general business requirements are included in the bidder's submitted pricing.

3.1. Periodic Performance/Sales Reports

If selected for an award, the supplier shall submit the following management reports to the DOAS-identified contract administrator. All reports shall be provided by the supplier in electronic format. All electronic reports must be submitted in Microsoft Excel or Microsoft Access format. Reports should include the ability to sort/summarize by account. The supplier agrees to provide all data requested in a flat-file format as designated by DOAS' contract administrator.

Sales by Product Number Reports

Statewide sales by customer account number and product number, including the information: product number, product description, manufacturer name, NIGP code, merchandise class code/indicator, quantity shipped, list price, unit price, total spend, year-to-date quantity shipped, year-to-date spent, year-to-date frequency of order. The information must be provided in a flat file format. Reports will be submitted monthly, by the fifteenth (15th) calendar day of the following month.

3.1.1 Quarterly Sales Reports: Sales by Product Number Reports

Statewide sales by customer account number and product number, including the information: product number, product description, manufacturer name, NIGP code, merchandise class code/indicator, quantity shipped, list price, unit price, total spend, year-to-date quantity shipped, year-to-date spent, year-to-date frequency of order is required quarterly. The information must be provided in a flat-file format. Reports will be submitted quarterly in accordance with section 3.5 of the eRFQ. A copy of the Supplier's Quarterly Sales Report is provided as **Attachment I** and is due by the twentieth (20) calendar day of the following month.

3.2. Business Review Meetings

If selected for an award, the supplier must participate in business review ("BR") meetings at DOAS' request. During the BR meetings, the supplier will present a written and oral status to DOAS regarding all work orders/purchase orders (including date and value). The BR meeting will also focus on the status of service level agreements and key performance indicators agreed to by the supplier and DOAS. The BR meeting may involve, but not be limited to, the following: a review of the supplier's performance and submitted reports, identification of areas of improvement to be addressed, review of the previous quarter's sales statistics, development/monitoring of a supplier service "scorecard."

3.3. Virtual Catalog

Team Georgia Marketplace™ Virtual Catalog

In June 2008, DOAS entered into a multi-year agreement with SciQuest, Inc. whereby SciQuest will provide certain electronic catalog hosting and management services to enable state customers to access a central online website to view and/or shop the goods and services available from existing statewide contracts as further described in that agreement. The central online website is referred to as Team Georgia Marketplace™ and the catalog site is referred to as the Virtual Catalog.

Supplier's Interface with the Virtual Catalog

To be eligible for contract award, the Offeror must agree to cooperate with DOAS and SciQuest (and any authorized agent or successor entity to SciQuest) in the event DOAS selects this statewide contract to be exhibited on the Virtual Catalog. At a minimum, the Offeror agrees to the following:

1. Offeror agrees, upon DOAS' written request, to deliver within thirty (30) days' of such request either (1) a hosted catalog or (2) punch-out catalog. Offeror will cooperate with DOAS and SciQuest to create a schedule to enable the integration of the Offeror's statewide contract offering into the Virtual Catalog within this thirty (30) day time period.
2. Offeror will join the SciQuest Supplier Network (SQSN) and will have the option of using the SciQuest's Supplier Portal to extract the Offeror's catalog and pricing, upload products, pricing and images into the SciQuest system, and view reports on catalog spend and product/pricing freshness. The Offeror can receive orders through electronic delivery or through low-tech options such as e-mail and fax. More information about the SQSN can be found at: www.sciquest.com or call the SciQuest Supplier Network Services team at 919-659-2152.
3. Offeror will support use of the United Nations Standard Product and Services Code (UNSPSC). UNSPSC versions that must be adhered to are driven by SciQuest for the suppliers and are upgraded every year. The State of Georgia reserves the right to migrate to future versions of the UNSPSC and the Offeror will be required to support the migration effort. All line items, goods or services provided under the resulting statewide contract must be associated to a UNSPSC code. All line items must be identified at the most detailed UNSPSC level indicated by segment, family, class and commodity. More information about the UNSPSC is available at: <http://www.unspsc.org> and <http://www.unspsc.org/faqs#How>.
4. DOAS will decide which of the catalog structures (either hosted or punch-out as further described below) will be provided by the Offeror. **Whether hosted or punch-out, the catalog must be strictly limited to the Offeror's awarded contract offering (e.g. products and/or services not authorized through the resulting statewide contract should not be viewable by User Agencies).**
 - a. Hosted Catalog. By providing a hosted catalog, the Offeror is providing a list of its products/services and pricing in an electronic data file in a format acceptable to SciQuest, such as Tab Delimited Text files. In this scenario, the Offeror must submit updated electronic data from time to time to DOAS to maintain the most up-to-date version of its product/service offering under the statewide contract in the Virtual Catalog.
 - b. Punch-Out Catalog. By providing a punch-out catalog, the Offeror is providing its own online catalog, which must be capable of being integrated with the Virtual Catalog as follows: Standard punch-in via Commerce eXtensible Markup Language (cXML). In this scenario, the Offeror ensures its online catalog marketplace is up-to-date by periodically updating the offered products/services and pricing listed on its online catalog. If awarded multiple contracts, Offeror agrees to maintain a single Punchout site and be able to provide the appropriate contract id on each item returned to SciQuest. The site must also return detailed UNSPSC codes (as outlined in line 3) for each line item. Offeror also agrees to provide e-Quote functionality to facilitate volume discounts.
5. Minimum Requirements: Whether the Offeror is providing a hosted catalog or a punch-out catalog, the Offeror agrees to meet the following requirements:
 - a. Catalog must contain the most current pricing, including all applicable administrative fees and/or discounts, as well as the most up-to-date product/service offering the Offeror is authorized to provide in accordance with the statewide contract; and
 - b. The accuracy of the catalog must be maintained by Offeror throughout the duration of the statewide contract between the offeror and DOAS; and
 - c. The Catalog must include a State-specific contract identification number; and
 - d. The catalog must include detailed product line item descriptions; and
 - e. The catalog must include pictures when possible;* and
 - f. The catalog must include any additional DOAS content requirements.**
6. Revising Pricing and Product Offerings: Any revisions (whether an increase or decrease) to pricing or product/service offerings (new products, altered SKUs, etc.) must be pre-approved by DOAS and will be subject to any other applicable restrictions with respect to the frequency or amount of such revisions. However, no statewide contract showcased in the Virtual Catalog may include price changes on a more frequent basis than once per quarter. The following conditions apply with respect to hosted catalogs:
 - a. Updated pricing files are required by the 1st of the month and will go into effect in the Virtual Catalog on the 1st day of the following month (i.e. file received on 1/01/09 would be effective in the Virtual

Catalog on 12/01/09). Files received after the 1st of the month may be delayed up to a month (i.e. file received on 11/06/09 would be effect in the Virtual Catalog on 1/01/10).

- b. DOAS-approved price changes are not effective until implemented within the Virtual Catalog. Errors in the Offeror's submitted pricing files will delay the implementation of the price changes in the Virtual Catalog.
7. Offeror must be able to accept Purchase Orders via fax, e-mail, cXML or EDI INT AS 12.
- a. For Purchase Orders received via email, the Offeror must provide a dedicated email address (i.e. orders@company.com) that is monitored during normal business hours.
 - b. The Offeror is required to provide positive confirmation via phone or email within 24 hours of the Offeror's receipt of the Purchase Order. If the Purchasing Order is received after 3pm EST on the day before a weekend or holiday, the Offeror must provide positive confirmation via phone or email on the next business day.
8. Offeror agrees that DOAS controls which contracts appear on the Virtual Catalog and that DOAS may elect at any time to remove any supplier's offering from the Virtual Catalog.

*Details regarding the submission of image files and catalog content will be discussed during the enablement process; however, the following represents key information regarding the submission of product image files:

- o Provide URL links to the product images (preferred method) or actual image files (in gif, jpeg and other commonly used formats) for all of the items in the Offeror's catalog that will be hosted by the Virtual Catalog. These images are displayed to the customer directly in search results as well as in the product details window.
- o Provide the actual image files in a 'zip archive'. Please go to www.winzip.com to download the WinZip® application that is needed to create such an archive as well as additional details about using WinZip® application.
- o Provide only one image per product.
- o Color pictures are preferred; however, black and white pictures or drawings are acceptable if this is the current standard for the Offeror's business marketing.
- o Please note the Virtual Catalog prefers jpg format for image files (280X280 pixels) although images in many other formats are accepted.
 - When an image is in jpg format, it is resized to 280X280 pixels, if necessary, to maintain a consistent appearance for the Virtual Catalog.
 - When an image is in a format other than jpg, it will be converted to jpg and resized to 280X280 pixels to maintain a consistent appearance for the Virtual Catalog.
- o As products change, updated image files must be submitted to update the Virtual Catalog.
- o Provide a corporate logo image in the following sizes. Logo will be used for display on the Supplier/Contract profile.
 - o 30 pixels (H) x 70 pixels (W)
 - o 50 pixels (H) x 115 pixels (W)
 - o 300 pixels (H) x 200 pixels (W)

In rare instances where an image is not available, SciQuest and DOAS will work with the Offeror to determine the best solution for advertising the Offeror's offering.

** Existing suppliers in the SQSN normally host one (1) general product catalog that is made available for all customers. This avoids duplication of effort for the supplier and brings improvements to the catalog to all customers at once. It is rare that individual customers have needs that are not also required by others. SciQuest does not prohibit 'private' catalogs, but recommends review of requirements with the supplier enablement consultants and the suppliers in question first. Although suppliers in the SQSN normally submit one (1) catalog, it is possible to have multiple contracts applicable to different Georgia agencies. For example, a supplier may have different pricing for state government agencies and Board of Regents institutions. Suppliers have the ability and responsibility to submit separate contract pricing for the same catalog if applicable. The system will deliver the appropriate contract pricing to the person viewing the catalog.

In the event DOAS selects this statewide contract to be included on the Virtual Catalog, SciQuest's technical documentation will be provided to the Offeror after (1) the Offeror has been formally invited by DOAS to join the Virtual Catalog and (2) the Offeror has joined the SciQuest supplier network and signed up for SciQuest's Supplier Portal. These services will be provided by SciQuest at no additional cost to the Offeror. Offeror agrees that Offeror's statewide contract pricing includes any and all costs to the Offeror in complying with these provisions.

The Board of Regents and select colleges currently maintain separate instances of certain statewide contracts through SciQuest. In the event Board of Regents or one or more colleges elects to publish the resulting statewide contract in the board/college's SciQuest catalog, the awarded supplier agrees to work in good faith with the board/college to implement the catalog. DOAS does not anticipate that this will require additional efforts by the awarded supplier; however, the supplier agrees to take commercially reasonable efforts to enable such separate SciQuest catalogs or related integrations (i.e., electronic order submission, e-invoicing, etc.). Suppliers are welcome to submit questions regarding this requirement during the Q&A period and/or during the Offerors' Conference.

3.4. State of Georgia Purchasing Card

DOAS administers a program which provides a purchasing card (hereinafter, "State of Georgia PCard") to be used by authorized government employees of certain governmental entities electing to participate in the program to purchase necessary supplies. Contractor shall impose no fee on either DOAS or any Authorized User for the use of the State of Georgia PCard pursuant to this statewide contract. All purchases made by Authorized Users representatives utilizing State of Georgia PCards shall be exempt from sales tax. It is the responsibility of the Authorized User representative to provide the Authorized User's tax identification number as needed at the point of sale.

If selected for award, the supplier shall keep the State of Georgia PCard numbers confidential and shall not disclose the State of Georgia PCard numbers except as expressly authorized by DOAS. The supplier represents that State of Georgia PCard numbers will be processed, transmitted and stored in compliance with the Payment Card Industry Data Security Standard. Supplier shall provide immediate written notice to the current DOAS contract administrator in the event of (1) any unauthorized disclosure of State of Georgia PCard Numbers or (2) supplier's failure to maintain compliance with the Payment Card Industry Data Security Standard in the supplier's contract performance. Supplier agrees to cooperate with DOAS, Authorized Users, and DOAS contractual partner(s) for the PCard in resolving any issues or disputes concerning the use of the State of Georgia PCards pursuant to this statewide contract.

3.5. Administrative Fee

Pursuant to O.C.G.A. Section 50-5-51(10), DOAS has the authority to collect monies, rebates, or commissions payable to the State that are generated by supply contracts established pursuant to O.C.G.A. Section 50-5-57. These administrative fees are used by DOAS to fund various initiatives, including the administration of existing and new statewide contracts, training, and technology. For this statewide contract, DOAS requires each supplier to pay to DOAS an administrative fee on all sales pursuant to the resulting statewide contract. The administrative fee amount for this statewide contract is **one (1) percent**. **EACH SUPPLIER MUST SUBMIT PRICING IN ITS COST PROPOSAL WHICH INCLUDES THE IDENTIFIED PERCENT ADMINISTRATIVE FEE (HEREINAFTER, "THE FEE") BUILT INTO THE SUBMITTED PRICING.** All suppliers must agree that the Fee will not be identified separately from the product and/or service pricing offered to Authorized Users wherever that pricing may appear (website, catalog, invoices, etc.). This Fee will be collected by the awarded Supplier and remitted to DOAS in accordance with the following paragraphs.

- a. Section 3.5 (a) of the RFQ, which is incorporated in the State of Georgia Statewide Contract document, contains due dates for both quarterly sales reports and administrative fees. Section 3.5 (a) of the RFQ document is also referenced by in the State of Georgia Statewide Contract Attachment 1

Contract Terms and Conditions for Software, Products, and Ancillary Services, Section A.4 "Reporting Requirements".

The Quarterly Sales Report must be received by DOAS twenty (20) days after the end of the Fiscal Quarter through submission within the Supplier Portal of Team Georgia Marketplace, and the Fees must be received as a response to an invoice generated by DOAS between the time of receipt of the invoice and forty-five (45) days after the end of the fiscal quarter as defined by the table below:

<i>DOAS' Fiscal Quarters</i>	<i>Months</i>	<i>Supplier's Quarterly Sales Report Due Date</i>	<i>Supplier's Payment Due Date (In Response to DOAS generated Invoice)</i>
<i>Quarter 1</i>	<i>July 1st – September 30th</i>	<i><u>October 20th</u></i>	<i><u>November 15th</u></i>
<i>Quarter 2</i>	<i>October 1st – December 31st</i>	<i><u>January 20th</u></i>	<i><u>February 15th</u></i>
<i>Quarter 3</i>	<i>January 1st – March 31st</i>	<i><u>April 20th</u></i>	<i><u>May 15th</u></i>
<i>Quarter 4</i>	<i>April 1st – June 30th</i>	<i><u>July 20th</u></i>	<i><u>August 15th</u></i>
			30 DAYS FOLLOWING TERMINATION OF SWC

At the end of each state fiscal quarter as defined above, Supplier shall prepare the Quarterly Sales Report and submit the file through the Supplier Portal of Team Georgia Marketplace, including the Supplier's most up-to-date Invoice Contact Name (Billing Contact), Supplier Billing Address, and Supplier Billing E-Mail. In the event that no sales have occurred, the Supplier must complete and submit the Quarterly Sales Report, indicating that no sales have occurred, and submit the file through Supplier Portal of Team Georgia Marketplace. No later than the date identified above as the "Supplier's Payment Due Date" for each fiscal quarter, the Supplier shall remit a payment of fees to DOAS in response to a DOAS generated invoice, through Electronic Funds Transfer (EFT).

By submission of these reports and corresponding Supplier payments, Supplier is certifying their correctness. DOAS, at its sole discretion, may also accept payment of Fees from the Supplier via electronic funds transfer (EFT).

- b. Auditing and Contract Close Out. All sales reports and Fee payments shall be subject to audit by the State. Supplier shall maintain books, records and documents which sufficiently and properly document and calculate all charges billed to the State and all Fees throughout the term of the statewide contract for a period of at least five (5) years following the date of final payment or completion of any required audit, whichever is later. Supplier shall permit the Auditor of the State of Georgia or any authorized representative of the State, and where federal funds are involved, the Comptroller General of the United States, or any other authorized representative of the United States government, to access and examine, audit, excerpt and transcribe any directly pertinent books, documents, papers, electronic or optically stored and created records or other records of the Supplier relating to orders, invoices or payments or any other documentation or materials pertaining to the statewide contract, wherever such records may be located during normal business hours. Supplier shall not impose a charge for audit or examination of the Supplier's books and records. If an audit discloses incorrect billings or improprieties, the State reserves the right to charge the Supplier for the

cost of the audit and appropriate reimbursement. Evidence of criminal conduct will be turned over to the proper authorities.

In no event shall Supplier retain any amount of money in excess of the compensation to which Supplier is entitled and all Fees owed DOAS shall be paid within thirty (30) calendar days of termination of the statewide contract for any reason.

- c. Modifying or Canceling the Fee. DOAS reserves the right to modify and/or cancel the Fee at any time. Supplier shall immediately amend the statewide contract pricing to reflect any modification or cancellation of the Fee by DOAS. In addition, DOAS reserves the right to revise collection and reporting requirements in conjunction with implementation of an on-line procurement system.
- d. Late Payment Fee. In the event DOAS does not receive the Supplier's payment of the Fees on or before the Supplier's Payment Due Date, the parties agree the Supplier must pay DOAS interest on the overdue Fees at a rate of eighteen percent (18%) per annum. Interest will be calculated as follows:

$$\begin{aligned} &(\text{Administrative Fee Amount Due}) \times (18\%) = X \\ &X / 365 \text{ (366 for leap years)} = Y \\ &Y \times (\text{Number of Days Payment is Late}) = \text{Interest Owed} \end{aligned}$$

For the purposes of this provision, payment of the Fees shall be considered received by DOAS on (1) the date of DOAS' receipt of the EFT confirmation or (2) the date DOAS receives the envelope containing a check for the correct amount of the administrative fee. In the event the Supplier does not submit full payment of the Fees owed, interest shall only be applicable to the portion of the Fees which is outstanding. In the event the Supplier makes an error and overpays, the Supplier is responsible for alerting DOAS in writing of the Supplier's discovery of the overpayment. DOAS will confirm whether an overpayment has occurred and refund or credit the overpayment amount to the Supplier no later than thirty (30) days' following DOAS' receipt of written notice of the overpayment. DOAS will have no responsibility for interest or any other fees with respect to Supplier's overpayment of Fees.

- e. Default. **THE SUPPLIER'S RESPONSIBILITY TO COLLECT AND REMIT THE ADMINISTRATIVE FEE ON BEHALF OF DOAS IS A SERIOUS RESPONSIBILITY AS THE SUPPLIER IS HANDLING STATE FUNDS.** Accordingly, failure to comply with these contractual requirements shall constitute grounds for declaring Supplier in default and recovering re-procurement costs from Supplier in addition to all outstanding Fees and interest.

3.6. Standard Insurance Requirements

If awarded a contract, the supplier shall procure and maintain insurance which shall protect the supplier and the State of Georgia (as an additional insured) from any claims for bodily injury, property damage, or personal injury covered by the indemnification obligations set forth in the statewide contract attached to this solicitation throughout the duration of the statewide contract. The supplier shall procure and maintain the insurance policies described below at the supplier's own expense and shall furnish DOAS an insurance certificate listing the State of Georgia as certificate holder and as an additional insured. The insurance certificate must document that the Commercial General Liability insurance coverage purchased by the supplier includes contractual liability coverage applicable to the statewide contract. In addition, the insurance certificate must provide the following information: the name and address of the insured; name, address, telephone number and signature of the authorized agent; name of the insurance company (authorized to operate in Georgia); a description of coverage in detailed standard terminology (including policy period, policy number, limits of liability, exclusions and endorsements); and an acknowledgment of notice of cancellation to DOAS.

The supplier is required to maintain the following insurance coverage's during the term of the statewide contract:

- 1) Workers Compensation Insurance (Occurrence) in the amounts of the statutory limits established by the General Assembly of the State of Georgia (A self-insurer must submit a certificate from the Georgia Board of Workers Compensation stating that the supplier qualifies to pay its own workers compensation claims.) In addition, the supplier shall require all subcontractors occupying the premises or performing work under the statewide contract to obtain an insurance certificate showing proof of Workers Compensation Coverage with the following minimum coverage:

Bodily injury by accident - per employee	\$100,000;
Bodily injury by disease - per employee	\$100,000;
Bodily injury by disease – policy limit	\$500,000.
- 2) Commercial General Liability Policy with the following minimum coverage:

Each Occurrence Limit	\$1,000,000
Personal & Advertising Injury Limit	\$1,000,000
General Aggregate Limit	\$ 2,000,000
Products/Completed Ops. Aggregate Limit	\$ 2,000,000
- 3) Automobile Liability

Combined Single Limit	\$1,000,000
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The foregoing policies shall contain a provision that coverage afforded under the policies will not be canceled, or not renewed or allowed to lapse for any reason until at least thirty (30) days prior written notice has been given to DOAS. Certificates of Insurance showing such coverage to be in force shall be filed with DOAS prior to commencement of any work under the statewide contract. The foregoing policies shall be obtained from insurance companies licensed to do business in Georgia and shall be with companies acceptable to DOAS, which must have a minimum A.M. Best rating of A-. All such coverage shall remain in full force and effect during the term and any renewal or extension thereof.

Within ten (10) business days of award, the awarded supplier must procure the required insurance and provide DOAS with two (2) Certificates of Insurance. Certificates must reference the contract number. The supplier's submitted pricing must include the cost of the required insurance. No contract performance shall occur unless and until the required insurance certificates are provided.

3.7. Process for Post Award Adding or Deleting Vehicles and Options. To ensure continuity of vehicles available and to ensure open and fair competition, the process for adding new vehicles to the contract will be:

3.7.1. Adding Buses/Vans to the Contract

- 1) DOAS may solicit open and competitive quotes for the new buses and vans that come on the market after the solicitation closes. Vehicles that were available during the period of the solicitation will not qualify for addition.
- 2) The state will benchmark quoted prices to ensure competitive pricing and award based on the needs of the state at that time.
- 3) Ensuing contracts added as a result of the process above will be rolled into the existing Mass Transit contract. They will expire simultaneously as the original Mass Transit Vehicles contract expires.
- 4) The final decision to add new vehicles rest solely with DOAS.

3.7.2. Deleting Vehicles

To delete vehicles from the contract that have gone out of production, the awarded Supplier(s) must notify the State that the manufacturer has stopped production of the vehicle(s) by submitting a written notification from the Manufacturer(s) that the vehicle(s) are out of production.

3.7.3. Process for adding Manufacturer Vehicle Options to Contract:

Suppliers can submit manufacturer vehicle options annually, at contract renewal, for the State for inclusion in their options offering. The Supplier must include manufacturer data that shows the option price is competitive. The state will do a price analysis before approving or not approving the request for option addition.

3.8. Bonds and/or Letter of Credit

Not Applicable

Bid Bond

Not Applicable

Performance Bond/Letter of Credit

Not Applicable

Payment Bond

Not Applicable

3.9. Supplier Compliance

Suppliers responding to this eRFQ and currently holding one or more statewide contracts are required to be compliant with the terms and conditions of their current agreement(s) with the State. This includes all quarterly reporting and administrative fee submission requirements. DOAS will not award the resulting statewide contract to a Supplier that has failed to meet its current statewide contract obligations.

3.10. Marketing and Outreach

Suppliers engaging in Statewide Contracts are expected to incorporate marketing plans to grow their Statewide Contracts and presence in the marketplace. Responsive bidders to solicitations should identify their marketing plan and the tools they will utilize to accomplish these goals. The marketing plan must be designed to be used throughout the life of the Statewide Contract and should identify, when possible, how they will leverage government conferences to further promote their offerings. Awarded Suppliers must submit their Marketing Plan to the Issuing Officer within 30 days after the award date.

The DOAS State Purchasing Division (SPD) hosts marketing and training trade conferences throughout the year to educate public procurement professionals on the commodities and services available on statewide contracts. SPD also offers educational platforms to learn new techniques and best practices from state and national industry experts and provides marketing, networking, and training opportunities to Statewide Contract Suppliers. The Georgia Procurement Conference is geared towards purchasing professionals. The attendees at these events have included public procurement professionals from all state agencies, the colleges and universities of the Board of Regents and the Technical College System of Georgia, local cities and municipalities across the state, and many independent authorities. When possible, we have included Exhibitor Expos with booth space that offer significant marketing value and provides exceptional opportunities for statewide Suppliers to market directly to hundreds of attendees. Small Business Symposiums are also offered to small businesses to assist them in networking and learning about the statewide contract experience and opportunities for partnerships.

Additional outreach opportunities could include webinars, product or service spotlights, and participation in periodic business reviews throughout the life of the contract.

3.11. Bid/Proposal Certification

By responding to this solicitation, the bidder understands and agrees to the following:

1. That the electronically submitted response constitutes an offer, which when accepted in writing by DOAS, and subject to the terms and conditions of such acceptance, will constitute a valid and binding contract between the undersigned and DOAS; and
2. That the bidder guarantees and certifies that all items included in the bidder's response meet or exceed any and all of the solicitation's identified specifications and requirements except as expressly stated otherwise in the bidder's response; and

3. That the response submitted by the bidder shall be valid and held open for a period of **ninety days** from the final solicitation closing date and that the bidder's response may be held open for a lengthier period of time subject to the bidder's consent; and
4. That this response is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a bid for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. Bidder understands and agrees that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards; and
5. That the provisions of the Official Code of Georgia Annotated, Sections 45-10-20 et seq. have not been violated and will not be violated in any respect.

3.13. Things to Remember when Responding to Bids

This document provides information that the Bidder(s) may find helpful when preparing their bid submission.
Attachment T.

4. eRFQ Bid Factors

DOAS has determined that it is best to define its own needs, desired operating objectives, and desired operating environment. DOAS will not tailor these needs to fit a particular solution bidders may have available; rather, bidders shall propose to meet the State's needs as defined in this eRFQ. All claims shall be subject to a demonstration if requested by DOAS. Bidders are cautioned that conditional responses/bids, based upon assumptions, may be deemed non-responsive.

4.1. Introduction

All of the items described in this section are requirements and/or terms and conditions that the State expects to be satisfied by the selected suppliers. By submitting a response to this eRFQ, the bidder confirms its willingness and ability to satisfy these requirements.

Unless otherwise specified, references to brand name or trade name/mark products are intended to be descriptive, but not restrictive, and are used to indicate the quality and characteristics of products that may be offered. Other products may be considered for award if such products are clearly identified and are determined by DOAS/the State's Evaluation Team to meet its needs in all respects. Each bidder's response must indicate the brand name and model or series number of the product offered and include such specifications, catalog pages, or other data that will provide information to the Authorized User/Recipient of the functional capabilities of the product offered.

4.2. Supplier General Information

Each supplier must complete all of the requested information in the electronic purchasing system entitled **Supplier's General Information Worksheet** for inclusion with their bid response.

4.3. Mandatory Requirements

As noted in the preceding section, this eRFQ contains mandatory requirements (e.g. product specifications, service or quality levels, staff requirements, experience or license requirements, etc.) which must be met by the supplier in order for the bidder to be considered "responsive" and, therefore, eligible for contract award. These mandatory requirements will be defined in one or more of the following ways:

1. Requirements in this eRFQ document, (Attachment A)
2. REQUIREMENTS in the Mandatory Requirements Document (Attachment D)
3. Requirements in the Mass Transit Program Requirements Document (Attachment B)
4. Requirements contained in any attachment to the Sourcing Event, such as a Mandatory Requirements Worksheet.

A Pass/Fail evaluation will be utilized for all mandatory requirements. Please review the Sourcing Event and its attachments carefully and respond as directed. Information regarding accessing attachments is

provided in Section 2.2.2 “eRFQ Review” of this document. Information regarding uploading attachments is provided in Section 2.2.4 “Uploading Forms”.

Some requirements may require a “Yes” or “No” response. Ordinarily, to be considered responsive, responsible and eligible for award, all requirements identified as mandatory must be marked “YES” to pass. There may be rare instances in which a response of “NO” is the correct and logical response in order to meet the mandatory requirement (e.g. responding “NO” that the bidder does not possess any conflicts of interest). Otherwise, any mandatory questions marked “NO” will fail the technical requirements and will result in disqualification of the bidder’s response, except as otherwise provided in Section 6 “Evaluation and Award” of this eRFQ. Please note some requirements may require the bidder to provide product sheets or other technical materials.

4.4. Warranty

The Warranty for this solicitation and resulting contracts shall be the standard manufacturer’s warranty. See additional warranty information in Attachment B: Public Mass Transit Program Requirements Document.

NOTE: *Bidders should include extended warranties in the additional options section of the cost worksheets.*

4.5. Specifications

4.5.1. Location The technical specifications for each category can be downloaded at the hyper link in Attachment B: Mass Transit Program Requirements Document

4.5.2 Specification Deviations Suppliers have the opportunity to submit deviations to the vehicle specifications. The State’s Cross-Functional Team will review all deviations for “Cardinal Changes” as defined by FTA Circular 4220.1F, Third Party Contracting Guidance. Deviations that are deemed a “Cardinal Change” will be rejected.

4.5.3. Specification Deviations Minimum Requirements: In order for Bidders to submit deviations to the specifications they must meet the Minimum Requirements for Specification Deviations located in Attachment B: Mass Transit Program Requirements Document.

5. Cost/Pricing

Each Bidder is required to submit cost/pricing in the Cost Workbooks (**Attachment E-1 through E-7**) for the category(s)/line item(s) being proposed as part of their response to this eRFQ based on two purchase types: FTA Compliant & FTA Non-Compliant. DOAS has classified eighty-six (86) different public transit vehicle types as line items into Seven (7) distinct categories as follows: (1) Coach, (2) Transit, (3) Trolley, (4) Light Duty Cutaway Shuttle Buses, (5) Medium Duty Cutaway Shuttle Buses, (6) EOM ADA Mobility Vans, and (7) Other ADA Mobility Vans. The Cost Workbook (**Attachment E-8**) is also provided for Additional Options Listings. These specific vehicle line items were identified based on the types of vehicles purchased from the existing Statewide contract, a local entity contract, or other similar contracts.

Each Cost Workbook contains an Instructions tab, a Glossary tab, and a Summary Tab that contains the Line-Item listings for that specific category; each Tab is described below:

- The Instructions Tab provides a step-by-step guide for completing the cost worksheet.
- The Glossary Tab provides a narrative description of column headings listed on the pricing sheet and other definitions for critical terms.
- The Summary Tab includes the line-item list for each vehicle requested within that category. The list is in the form of hyperlinks that will take you to the cost worksheet for that vehicle. Each Cost Worksheet within each Cost Workbook also contains a hyperlink to the vehicle specifications document(s) for each vehicle type the State intends to make available for purchase pursuant to this eRFQ. Additionally, the Summary Tab provides a summary listing of all vehicle line items proposed, with the completion/noncompletion status.

NOTE: *Cost Sheet Tabs are activated when selecting each line-item listing on the Summary Tab*

To be eligible for an award, Bidder(s) must, AT A MINIMUM, submit proposed pricing for ALL REQUIRED pricing elements for at least one vehicle line item within at least one (1) category. The REQUIRED sections of the cost worksheets are:

- Company Name
- Selections for FTA/Non-FTA,
- Selection for Fuel Source,
- Selection for Floor type
- Price for Delivery Charge per Mile,
- Price for Early Pay Discount
- Price for Warranty Labor Rate Per Hour,
- Vehicle Price
- Price for **ALL** Mandatory Priced Options
- Prices for Other Additional Options

Specific instructions associated with proposed pricing for ALL individual price elements for vehicle line items are provided in [Section 5.2, “Cost Structure and Additional Instructions,”](#) and [Section 5.3, “Mass Transit Vehicles with Related Options, Equipment, and Accessories Cost Workbooks.”](#)

The cost proposals will be evaluated and scored in accordance with [Section 6, “Proposal Evaluation, Negotiations and Award.”](#)

5.1. General Pricing Rules

By submitting a response, the bidder agrees that it has read, understood, and will abide by the following instructions/rules:

1. The submitted pricing must include all costs of performing pursuant to the resulting statewide contract; and
2. Bids containing a minimum order/ship quantity or dollar value, unless otherwise called for in the eRFQ, will be treated as non-responsive and may not be considered for award; and
3. The bidder is required to provide net prices. In the event there is discrepancy between a bidder's unit price and extended price, the unit price shall govern;
4. In the event there is a discrepancy between (1) the bidder's pricing as quoted on an uploaded, detailed cost sheet such as an Excel Worksheet (if any) and (2) the bidder's pricing as quoted by the bidder in one or more single line entries directly into the Sourcing Event screen (for example, “Your Total Line Pricing” and/or “Your Unit Bid Price”), the former shall govern; and
5. The prices quoted and listed in the response shall be firm throughout the term of the resulting statewide contract, unless otherwise noted in the eRFQ or statewide contract; and
6. Any cash discount offered to the State must be clearly identified in the bidder's response. In the event the State is entitled to a cash discount, the period of computation will commence on the date of delivery, or receipt of a correctly computed invoice indicating the discount, whichever occurs later; and
7. Unless otherwise specified in any terms and conditions attached to the eRFQ, all product deliveries will be F.O.B. destination and all shipping charges must be included in the quoted cost; and
8. Unless expressly permitted by the eRFQ, responses containing provisions for late or interest charges cannot be awarded a contract. Bidders must “strike through” any such provisions in printed forms and initial such revisions prior to submitting a response; and
9. Responses containing prepayment and/or progress payment requirements may be determined non-responsive unless otherwise permitted by the eRFQ; and
10. Unless permitted by the eRFQ, responses requiring payment from the Authorized User in less than thirty (30) days will be considered non-responsive; and
11. The State of Georgia is exempt from certain taxes and no provision for such taxes should be included in the bidder's response.

5.2. Cost Structure and Additional Instructions

DOAS' intent is to structure the cost format to facilitate comparison among all Bidders and foster competition to obtain the best market pricing. Consequently, DOAS requires each Bidder's cost to be structured as directed in the eRFQ. Additional alternative cost structures will not be considered. Each Bidder is hereby advised that failure to comply with the eRFQ instructions, submission of an incomplete offer, or submission of an offer in a different format than the one requested may result in the rejection of the Bidder's response.

Team Georgia Marketplace™ permits DOAS to Structure the Sourcing Event to allow the Bidder to enter pricing directly into the "Cost Worksheets" within each Cost Workbook, DOAS has attached eight (8) Cost Workbooks (Attachments E-1 through E-8) for the Bidder to download, complete and then upload as part of the Bidder's response. There is a cost workbook for each of the seven (7) categories (E1 through E-7) and a "Cost Workbook for Additional Options (E-8).

The primary cost structure for this eRFQ is based on a firm fixed unit price per line item for each vehicle being offered.

Download the Cost Workbooks, complete the Cost Worksheet for each vehicle being proposed, and then upload the workbook by following the instructions in Section 2.2.4 "Uploading Forms" of this eRFQ. Enter all information directly into the Cost Worksheet(s). Enter numbers on each tab (Cost Worksheet) of the Cost Workbook(s) in "number" (two-place decimal), not "currency" or another format unless otherwise stated. That is, omit dollar signs, commas, and any other non-essential symbols (e.g., \$7.90 should be entered as 7.90). A value of zero (0) entered will be interpreted as "no cost". Prices must be in US Dollars. All pricing cells in the Cost Worksheet(s) should be completed by entering a pricing value for each cell. **Cells left blank may disqualify you from any further award consideration.**

5.3 Cost Workbooks: Mass Transit Vehicles with Related Options, Equipment, and Accessories

5.3.1 Mass Transit Vehicles with Related Options, Equipment, and Accessories Cost Workbooks, (Attachment E-1 Through E-7) and Additional Options (Attachment E-8) are provided to submit pricing for Buses/Vans in their associated categories as follows:

Cost Workbook E-1: Coach Buses

Cost Workbook E-2: Transit Buses

Cost Workbook E-3: Trolley Buses

Cost Workbook E-4: Light Duty Cutaway Shuttle Buses

Cost Workbook E-5: Medium-Duty Cutaway Shuttle Buses

Cost Workbook E-6: OEM/ADA Mobility Vans

Cost Workbook E-7: Other Mobility Vans

Cost Workbook E-8 Additional Options

5.3.2. Bidders may offer more than one brand per line item or two versions of the same brand, up to two buses per line item; however, the Bidder must be an Authorized Dealer for all brands they offer. **Bidder should complete all pricing elements** for each vehicle offered in the Cost Worksheets for each category/line item for each vehicle model that a Bidder desires to make available for sale pursuant to this eRFQ.

5.3.2.1. The Bidder is Required to:

- (1) Review each "Instructions Tab" for each Cost Workbook the Bidder wishes to submit; and

- (2) Review each "Glossary Tab" for each Cost Workbook the Bidder wishes to submit; and
- (3) *When ready to submit pricing for a line item*, Bidders click on the "Summary Tab"; and
- (4) On the Summary Tab, the Bidder clicks on the Hyperlink for the Line-Item Bidders want to submit pricing for. *(The hyperlink takes Bidder to the Pricing Tab for the Line-Item selected); and*
- (5) On the Summary Tab, the Bidder clicks on the "Specifications Hyperlink" to review or download the associated specifications. *(Note: Bidder documents and submits deviations to the specification, if needed, on Attachment N and associated Certification of Deviation Compliance on Attachment O.*

5.3.2.2. Bidder is Required to Complete Pricing Tab(s) as follows:

- (1) Bidder enters full Company Name as it appears on the Company W-9 form
- (2) Bidder selects "Fuel Propulsion Source" from the dropdown menu
- (3) Bidder selects "Floor Type" from the dropdown menu
- (4) Bidder enters a fixed unit price inclusive of all costs (i.e., profit, overhead, operating & administrative expenses, commissions, administrative fees, etc....) for the **delivery charge per mile**, and
- (5) Bidder enters a percentage for any **early or "prompt" payment discount** offered for payments received within 20 days (standard payment terms are Net 30); Specifically, if the Bidder decides not to offer an Early Pay Discount, Bidder should enter a zero "0" in that pricing cell. and
- (6) Bidder enters a fixed unit price inclusive of all costs (i.e., profit, overhead, operating & administrative expenses, commissions, administrative fees, etc....) for the **base model vehicle**; and
- (7) Bidder enters a fixed unit price inclusive of all costs (i.e., profit, overhead, operating & administrative expenses, commissions, administrative fees, etc....) for **ALL Options identified in the "Mandatory Options Pricing" (Market Basket) section of the Cost Worksheet**; and
- (8) Bidder enters a fixed unit price inclusive of all costs (i.e., profit, overhead, operating & administrative expenses, commissions, administrative fees, etc....) for Options identified in the **"Other Available Options" pricing section of the Cost Worksheet**; Cost entered in this section can be selected, via the drop-down menu, to identify the amount entered as an Upcharge, a Credit, or as a Straight Charge; and
- (9) Cost Worksheet E-8 is provided as a convenience that allows bidders to expand the list of options offered for each line item. (See Item (8) above).

5.4. Price Escalations/De-escalation and Product Offering

Supplier pricing must remain firm for 1 year from the date of the award. Price increase requests will be reviewed on an annual basis after the twelfth (12) month of the contract renewal. Suppliers are limited to one (1) price increase request per year. If price increase requests are submitted, the below-mentioned price increase methodology will be used to determine any price adjustments. Increase(s) will not exceed the average percentage increase as shown for the previous twelve (12) month period for the US Department of Labor Producer Price Index (PPI), series ID Number: WPU1413 for Truck and Bus Bodies WPU141106 for Cutaways over 14,000 lbs. Gross Vehicle Weight Ratio (GVWR) WPU141105 for Minivans located at the PPI, Federal Reserve Economic Data (FRED) website at <https://data.bls.gov/> Temporary data will not be used in the evaluation. In the event, the increase request exceeds the increase amount allowed by the PPI, the Supplier(s) must provide strong justification and invoices from the manufacturer to substantiate. The State must be notified at least ninety (90) days in advance prior to any price change, and the Supplier must have the State's approval before any such change may be implemented.

DOAS expects any market reductions to be passed along to the State. If the PPI Series ID reflects a decrease of two percent (2%) or greater for the previous 12 months of activity, prices may be reduced to the State

accordingly on an annual basis, and the Bidder(s) will be notified no less than 30 days in advance. Bidder agrees and will comply with this section.

6.0. Evaluation and Award

All timely responses will be evaluated in accordance with the following steps. The objective of the evaluation process is to identify the most competitive bid(s) for each line item in each category. DOAS may elect to request Best and Final Offers (BAFO) during the evaluation process. Once the evaluation process has been completed, the apparent successful supplier(s) will be required to enter into discussions with DOAS to resolve any exceptions to DOAS' statewide contract. DOAS will announce the results of the eRFQ as described further in Section 6.7 "Public Award Announcement."

6.1. Administrative/Preliminary Review

First, the responses will be reviewed by the Issuing Officer to determine compliance with the following requirements:

1. Response was submitted by deadline via Team Georgia Marketplace™
2. Response is complete and contains all required documents

6.2. Evaluating Bid Factors (Section 4)

If the bidder's response passes the Administrative/Preliminary Review, the bidder's responses to Section 4 "eRFQ Bid Factors" will be submitted to the Evaluation Team for evaluation. The Evaluation Team will review each response in detail to determine its compliance with mandatory eRFQ requirements. Responses to mandatory requirements will be evaluated on a pass/fail basis. If a response fails to meet a mandatory requirement, DOAS/the State's Evaluation Team will determine if the deviation is material. A material deviation will be cause for rejection of the response. An immaterial deviation will be processed as if no deviation had occurred.

6.3. Evaluating Cost

6.3.1. Submitted pricing will be evaluated at the line-item level within each category relative to other responses/bids.

6.3.2. To expedite the evaluation process, DOAS reserves the right to analyze pricing independently, but at the same time, the Evaluation Team is analyzing Bidders' compliance with the mandatory requirements. DOAS will utilize a weighted "Total Evaluated Cost" to determine the most competitive pricing at each line-item. Although the evaluated factors in the Weighted Total Evaluated Cost are Vehicle Bid Price, Delivery Price Per Mile, the summation of the Mandatory Priced Options, and the Early Pay Discount, DOAS will not disclose the weighted percentages of each.

6.3.3 In the event DOAS elects to consider awarding to more than one Bidder per line item, DOAS will identify Bidder's pricing with the next lowest weighted "Total Evaluated Cost(s)", which will be utilized to determine possible multiple awards per line item to get the variety of and types of buses needed for Authorized Users in Georgia and across all states. As stated in paragraph 1.1 these contracts will be available to other state's entities and their political subdivisions. Specifically, DOAS may elect to award to the two (2) or more lowest bids per line item as determined by their weighted "Total Evaluated Cost(s)" when it is determined to be in the best interest of the State.

6.3.3.1 Georgia Enterprises for Products and Services (GEPS)

The preference provided by State Use Law set forth at O.C.G.A. 50-5-135 et seq. is not applicable as GETS does not manufacture transit vehicles.

6.3.3.2. Georgia Based Business/Reciprocal Preference Law O.C.G.A. §50-5-60(b)

As stated in Section 1, the sale of public transit vehicles to Authorized Users that are funded in whole or in part by grants from the FTA are subject to unique requirements, certifications, and terms/conditions for third-party contracts as detailed in the FTA Master Agreement (Attachment J), FTA Requirements and Clauses (Attachment K), FTA Required Certification Forms (Attachment L), FTA Circular 4220.1, Third Party Contracting Guidance (Attachment S), and the FTA Form CER 10 (Attachment M). The FTA Master Agreement, Attachment J, section 16, paragraph (e) **prohibits geographic preferences** on FTA-funded projects, with no special dispensation based on economic circumstances. FTA requirements take precedence over state or local laws on this issue.

6.4. Selection and Award

DOAS reserves the right to: (a) waive minor irregularities, variances or non-material defects in a response; (b) reject any and all responses, in whole or in part; (c) request clarifications from bidders; (d) request resubmissions from all bidders; and (e) take any other action as permitted by law.

Any contract award(s) resulting from the eRFQ will be made to the lowest priced weighted "Total Evaluated Cost" responsive and responsible Suppliers meeting all specifications and with whom DOAS has reached agreement on all contract terms and conditions. DOAS reserves the right to select one or more Supplier(s) for award and to award all items to one or more Suppliers per line item when to do so is in the best interests of the State of Georgia.

6.5. Site Visits and Oral Presentations

DOAS reserves the right to conduct site visits, request product/work samples, or to invite bidders to present their product/service solution to the Evaluation Team.

6.6. Public Award Announcement

The preliminary results of the evaluation will be announced through the public posting of a Notice of Intent to Award (in the event the value of the contract(s) is estimated to be \$100,000 or more in the first year) to the Georgia Procurement Registry. The Notice of Intent to Award ("NOIA") is not notice of an actual contract award; instead, the NOIA is the notice of DOAS' expected contract award(s) pending resolution of the protest process. The NOIA (if any) will identify the apparent successful supplier(s), unsuccessful bidder(s), and the reasons why any unsuccessful bidders were not selected for contract award. NO BIDDER SHOULD ASSUME PERSONAL NOTICE OF THE NOTICE OF INTENT TO AWARD ("NOIA") WILL BE PROVIDED BY DOAS. INSTEAD, ALL BIDDERS SHOULD FREQUENTLY CHECK THE GEORGIA PROCUREMENT REGISTRY FOR NOTICE OF THE NOIA.

The Notice of Award ("NOA") is DOAS' public notice of actual contract award(s). The NOA will be publicly posted to the Georgia Procurement Registry.

Suppliers that currently maintain one or more statewide contracts with the Georgia Department of Administrative Services are required to be compliant with the terms and conditions of their current agreement(s) with the State. This includes meeting all quarterly reporting and administrative fee submission requirements. DOAS will not award the resulting statewide contract to a supplier that is failing to meet its current statewide contract obligations.

7. Contract Terms and Conditions

The statewide contract that DOAS expects to award as a result of this eRFQ will be based upon the eRFQ, the successful bidder's final response as accepted by DOAS and the contract terms and conditions, which terms and conditions can be downloaded from the Sourcing Event. The "successful bidder's final response as accepted by DOAS" shall mean: the response submitted by the bidder, written clarifications, and any other terms deemed necessary by DOAS, except that no objection or amendment by the bidder to the eRFQ requirements or the contract terms and conditions shall be incorporated by reference into the statewide contract unless DOAS has explicitly accepted the bidder's objection or amendment in writing.

Please review DOAS' statewide contract terms and conditions prior to submitting a response to this eRFQ. Suppliers should plan on the contract terms and conditions contained in this eRFQ being included in any award as a result of this eRFQ. Therefore, all costs associated with complying with these requirements should be included in any pricing quoted by the suppliers. The contract terms and conditions may be supplemented or revised before contract execution and are provided to enable suppliers to better evaluate the costs associated with the eRFQ and the potential resulting statewide contract.

Exception to Contract

By submitting a response, each bidder acknowledges its acceptance of the eRFQ specifications and the contract terms and conditions without change except as otherwise expressly stated in the bidder's submitted response. If the bidder takes exception to a contract provision, the bidder must state the reason for the exception and state the specific contract language it proposes to include in place of the provision. Any exceptions to the statewide contract must be redlined with comments explaining the rationale for the proposed revision, uploaded and submitted as part of the bidder's response. Proposed exceptions must not conflict with or attempt to preempt mandatory requirements specified in the eRFQ. Proposed exceptions should be in compliance with Georgia law. For further information regarding contracting with entities subject to DOAS purview, please see SPD-SP060 "Contracting with State Entities" provided as Attachment Q in this solicitation and located at <http://doas.ga.gov/state-purchasing/seven-stages-of-procurement/stage-3-solicitation-preparation#>.

In the event the bidder is selected for a potential award, the bidder will be required to enter into discussions with DOAS to resolve any contractual differences before an award is made. These discussions are to be finalized and all exceptions resolved within the period identified in the schedule of events. Failure to resolve any contractual issues will lead to the rejection of the bidder. DOAS reserves the right to proceed to discussions with the next best-ranked bidder.

DOAS reserves the right to modify the statewide contract to be consistent with the apparent successful offer, and to negotiate other modifications with the apparent successful supplier. Exceptions that materially change the terms or the requirements of the eRFQ may be deemed non-responsive by DOAS, in its sole discretion, and rejected. Contract exceptions which grant the bidder an impermissible competitive advantage, as determined by DOAS, in its sole discretion, will be rejected. If there is any question whether a particular contract exception would be permissible, the bidder is strongly encouraged to inquire via written question submitted to the Issuing Officer prior to the deadline for submitting written questions as defined by the Schedule of Events.

8. List of eRFQ Attachments

The following documents make up this eRFQ. Please see Section 2.2.2 "eRFQ Review" for instructions about how to access the following documents. Any difficulty locating or accessing the following documents should be immediately reported to the Issuing Officer.

- A. Attachment A: eRFQ (this document)
- B. Attachment B: Public Mass Transit Program Requirements Document
- C. Attachment C: Additional Federal Terms and Conditions Related to FTA Vehicles
- D. Attachment D: Mandatory Response Worksheet (Reference Section 4)
- E. Attachment E: Cost Workbook with Links to Technical Specifications (Reference Section 5)
 - Attachment E-1: Cost Workbook for Coach Buses
 - Attachment E-2: Cost Workbook for Transit Buses
 - Attachment E-3: Cost Worksheet for Trolleys
 - Attachment E-4: Cost Workbook for Light Duty Cut-Away Buses
 - Attachment E-5: Cost Workbook for Medium Duty Cut-Away Buses
 - Attachment E-6: Cost Workbook for OEM ADA Mobility Vans
 - Attachment E-7: Cost Workbook for Other ADA Mobility Vans
 - Attachment E-8: Additional Options Cost Workbook
- F. Attachment F: Statewide Contract Terms and Conditions (Reference Section 7)
- G. Attachment G: Contract Exceptions Form (Reference Section 7)
- H. Attachment H: Bidder Questions and Answers Form

- I. Attachment I: Supplier Quarterly Sales Report Template (Reference Section 3)
- J. Attachment J: FTA Master Agreement (For FTA vehicles only)
- K. Attachment K: FTA Requirements and Clauses (For FTA vehicles only)
- L. Attachment L: FTA Required Certification Forms (For FTA Vehicles only)
- M. Attachment M: FTA Form CER 10 (For All Vehicles)
- N. Attachment N: Supplier Specification Deviations Document
- O. Attachment O: Certification of Specification Deviation Compliance
- P. Attachment P: Certificate of Non-Collusion
- Q. Attachment Q: SPD-SP060 "Contracting with State Entities"
- R. Attachment R: SPD-SP044 Sample Trade Secret Affidavit
- S. Attachment S: FTA Circular 4220.1F Third Party Contracting Guidance
- T. Attachment T: Things to Remember when Responding to Bids
- U.** Attachment U: Document Upload Checklist
- V.** Attachment V: Mass Transit Data Security Terms and Conditions