

Request for Proposal 06-X-37559

For: Library Supplies, School Supplies & Teaching Aids

Event	Date	Time
Bidder's Electronic Question Due Date (Refer to RFP Section 1.3.1 for more information.)	10/19/05	5:00 PM
Mandatory Pre-bid Conference (Refer to RFP Section 1.3.3 for important details about the new electronic bid option.)	11/02/05	10:00 A.M.
Mandatory Site Visit (Refer to RFP Section 1.3.2 for more information.)	Not Applicable	Not Applicable
Bid Submission Due Date (Refer to RFP Section 1.3.5 for more information.)	11/30/05	02:00 PM

Dates are subject to change. All changes will be reflected in Addenda to the RFP posted on the Division of Purchase and Property website.

Set-Aside Small Business (Refer to RFP Section 4.4.1.8 for more information.)	Status <input checked="" type="checkbox"/> Not Applicable	Category <input type="checkbox"/> I
	<input type="checkbox"/> Entire Contract	<input type="checkbox"/> II
	<input type="checkbox"/> Sub Contracting Only	<input type="checkbox"/> III

RFP Issued By

Using Agencies

State of New Jersey
 Department of the Treasury
 Division of Purchase and Property
 Trenton, New Jersey 08625-0230

State of New Jersey
 Cooperative Purchasing Members

Date: 09/29/05

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1.0 INFORMATION FOR BIDDERS

1.1 PURPOSE AND INTENT

This Request for Proposal (RFP) is issued by the Purchase Bureau, Division of Purchase and Property, Department of the Treasury on behalf of Using Agencies. The purpose of this RFP is to solicit bid proposals for Library Supplies, School Supplies and Teaching Aids.

The intent of this RFP is to award contracts to those responsible bidders whose bid proposals, conforming to this RFP are most advantageous to the State, price and other factors considered.

The NJ Standard Terms & Conditions located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml> will apply to all contracts or purchase agreements made with the State of New Jersey. These terms are in addition to the terms and conditions set forth in this RFP and should be read in conjunction with same unless the RFP specifically indicates otherwise.

The State intends to extend the contracts awarded to the Purchase Bureau's cooperative purchasing partners. These partners include quasi-state agencies, counties, municipalities, school districts, volunteer fire departments, first aid squads, independent institutions of higher learning, County colleges and State colleges.

Although the State, with the assent of the vendor(s), is making the use of any contract resulting from this RFP available to non-State Agencies, the State makes no representation as to the acceptability of any State RFP terms and conditions under the Local Public Contracts Law or any other enabling statute or regulation.

1.2 BACKGROUND

This is a reprocurement of the Library Supplies, School Supplies & Teaching Aids term contract, presently due to expire on February 28, 2005. Vendors who are interested in the current contract specifications and pricing information are encouraged to visit the Purchase Bureau's website on the world wide web. The applicable "T" reference number for this lookup is T-0114. The exact WWW address is: <http://www.state.nj.us/treasury/purchase/contracts.htm>

1.3 KEY EVENTS

1.3.1 ELECTRONIC QUESTION AND ANSWER PERIOD

It is the policy of the Purchase Bureau to accept questions and inquiries from all potential bidders electronically via web form. To submit a question, please go to the Quicklinks Q&A button on the Advertised Solicitation, Current Bid Opportunities webpage or to <https://ebid.nj.gov/QA.aspx?solnumber=06-X-37559>.

After the submission of bid proposals, unless requested by the State, contact with the State is limited to status inquiries only and such inquiries are only to be directed to the web form. Any further contact or information about the proposal to the buyer or any other State official connected with the solicitation will be considered an impermissible supplementation of the bidder's bid proposal.

1.3.1.1 QUESTION PROTOCOL

Questions should be addressed in writing via the procedure set forth above. Questions should be directed to the RFP by the writer and questions should be asked in consecutive order, from beginning to end,

following the organization of the RFP. Each question should begin by referencing the RFP page number and section number to which it relates.

Answers to electronic questions will be posted to addenda on the Purchase Bureau website (see Section 1.4.1. of this RFP for further information). Bidders shall not contact the Using Agency directly, in person, by telephone or by email, concerning this RFP.

1.3.1.2 CUT-OFF DATE FOR QUESTIONS AND INQUIRIES

A Mandatory Pre-Bid Conference has been scheduled for this procurement. The cut-off date for submission of electronic questions will be October 19, 2005 at 5 pm. While all questions will be entertained at the Mandatory Pre-Bid Conference, it is strongly urged that questions be submitted electronically as set forth above. It is requested that vendors having long, complex or multiple part questions submit them as far in advance of the Mandatory Pre-Bid Conference as possible. This request is made so that answers can be prepared by the State by the time of the Mandatory Pre-Bid Conference.

1.3.2 MANDATORY SITE VISIT – NOT APPLICABLE

1.3.3 MANDATORY PRE-BID CONFERENCE

The date, time and location of the Mandatory Pre-Bid Conference are as follows:

November 2, 2005 (10:00 AM)
New Jersey State Museum
205 West State Street
Trenton, NJ 08625-0530

Directions to the New Jersey State Museum and parking information can be found at the website listed below:

<http://www.state.nj.us/state/museum/>

CAUTION: Bid proposals will be automatically rejected from any bidder that was not represented or failed to properly register at the Mandatory Pre-Bid Conference.

The purpose of the Mandatory Pre-Bid Conference is to provide a structured and formal opportunity for the State to accept questions from vendors regarding this RFP.

Any revisions to the RFP resulting from the Mandatory Pre-Bid Conference will be formalized by an addendum to this RFP. Answers to deferred questions will also be formalized by an addendum to this RFP. Addenda, if any, to this RFP will be posted to the Purchase Bureau website (see Section 1.4.1. of this RFP for further information.)

The State of New Jersey, Department of the Treasury, Division of Purchase and Property, Purchase Bureau is pleased to announce the first production phase of the division's electronic procurement modernization process. This RFP will allow bidders the opportunity to submit their bid proposal electronically.

The State would like to thank you in advance for your anticipated participation in this pilot. The new electronic bidding "eBid" application is being made available for vendors to promote an easier more efficient method to submit bid proposals.

Electronic bid submittal is optional but highly recommended. Therefore, even if a bidder decides to participate in the pilot by submitting a bid electronically, the firm must also submit the required sealed bids as described in Section 4.3 and 4.4.

PLEASE READ THE IMPORTANT INFORMATION BELOW REGARDING THE eBID PROCESS AND THE REQUIREMENTS FOR THE MANDATORY PRE-BID CONFERENCE.

The date, time and location of the Mandatory Pre-Bid Conference are as follows:

<u>DATE:</u>	11/02/05
<u>TIME:</u>	10:00 A.M.
<u>LOCATION:</u>	New Jersey State Museum 205 West State Street Trenton, NJ 08625-0530 Directions to the New Jersey State Museum can be found on the following website: http://www.state.nj.us/state/museum/

CAUTION: Bid proposals will be automatically rejected from any bidder that was not represented or failed to properly register at the Mandatory Pre-Bid Conference.

The purpose of the Mandatory Pre-Bid Conference is to provide a structured and formal opportunity for the State to accept questions from vendors regarding this RFP.

The pre-bid conference will be divided in two parts:

- 1) The first part will walk bidders through the electronic bid process. Purchase Bureau staff will be on hand to provide a step by step demonstration at the pre-bid conference on how to navigate in the new eBid website.**
- 2) The second part will be devoted to answering questions bidders may have regarding the technical specifications or any other aspect of the RFP.**

Bidders who wish to submit electronically must bring a copy of their Business Registration Certificate with the Department of Revenue to the conference. This certificate may be obtained by visiting the following website: <http://www.state.nj.us/treasury/revenue/busregcert.htm>

Again, electronic bid submittal is optional but highly encouraged and all bidders must submit bids in the traditional manner as sealed bids as instructed in the RFP.

The question and answer period may be extended if necessary after the pre-bid conference to allow ample time to field any additional questions generated at the pre-bid conference.

Any revisions to the RFP resulting from the Mandatory Pre-Bid Conference will be formalized by an addendum to this RFP. Answers to deferred questions will also be formalized by an addendum to this RFP. Addendum, if any, to this RFP will be posted to the Purchase Bureau website (see Section 1.4.1. of this RFP for further information).

1.3.4 OPTIONAL PRE-BID CONFERENCE NOT APPLICABLE

1.3.5 SUBMISSION OF BID PROPOSAL

In order to be considered for award, the bid proposal must be received by the Purchase Bureau of the Division of Purchase and Property at the appropriate location by the required time. You must submit a bid proposal in order to be considered for contract award. ANY BID PROPOSAL NOT RECEIVED ON TIME AT THE RIGHT PLACE WILL BE REJECTED. THE DATE, TIME AND LOCATION ARE:

DATE:	11/30/05
TIME:	2:00 P.M.
LOCATION:	<p>BID RECEIVING ROOM - 9TH FLOOR PURCHASE BUREAU DIVISION OF PURCHASE AND PROPERTY DEPARTMENT OF THE TREASURY 33 WEST STATE STREET, P.O. BOX 230 TRENTON, NJ 08625-0230</p> <p>Directions to the Purchase Bureau can be found on the following website: http://www.state.nj.us/treasury/purchase/directions.shtml</p>

1.3.6 DOCUMENT REVIEW

“Not applicable to this procurement.”

1.4 ADDITIONAL INFORMATION

1.4.1 REVISIONS TO THIS RFP

In the event that it becomes necessary to clarify or revise this RFP, such clarification or revision will be by addendum.

ALL RFP ADDENDA WILL BE ISSUED ON THE PURCHASE BUREAU WEB SITE. TO ACCESS ADDENDA THE BIDDER MUST SELECT THE BID NUMBER ON THE PURCHASE BUREAU BIDDING OPPORTUNITIES WEB PAGE AT THE FOLLOWING ADDRESS:

[HTTP://WWW.STATE.NJ.US/TREASURY/PURCHASE/BID/SUMMARY/BID.SHTML.](http://www.state.nj.us/treasury/purchase/bid/summary/bid.shtml)

There are no designated dates for release of addenda. Therefore interested bidders should check the Purchase Bureau "Bidding Opportunities" website on a daily basis from time of RFP issuance through bid opening.

It is the sole responsibility of the bidder to be knowledgeable of all addenda related to this procurement.

1.4.2 ADDENDUM AS A PART OF THIS RFP

Any addendum to this RFP shall become part of this RFP and part of any contract awarded as a result of this RFP.

1.4.3 ISSUING OFFICE

This RFP is issued by the Purchase Bureau, Division of Purchase and Property.

1.4.4 BIDDER RESPONSIBILITY

The bidder assumes sole responsibility for the complete effort required in submitting a bid proposal in response to this RFP. No special consideration will be given after bid proposals are opened because of a bidder's failure to be knowledgeable as to all of the requirements of this RFP. By submitting a bid proposal in response to this RFP, the bidder represents that it has satisfied itself, from its own investigation, as to all of the requirements of this RFP.

1.4.5 COST LIABILITY

The State assumes no responsibility and bears no liability for costs incurred by a bidder in the preparation and submittal of a bid proposal in response to this RFP.

1.4.6 CONTENTS OF BID PROPOSAL

Subsequent to bid opening, all information submitted by bidders in response to the bid solicitation is considered public information, except as may be exempted from public disclosure by the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law. A bidder may designate specific information as not subject to disclosure when the bidder has a good faith legal/factual basis for such assertion. The State reserves the right to make the determination and shall so advise the bidder. The location in the bid proposal of any such designation should be clearly stated in a cover letter. **The State will not honor attempts by bidders either to designate their entire bid proposal as proprietary and/or to claim copyright protection for their entire proposal.**

All bid proposals, with the exception of information determined by the State to be proprietary, are available for public inspection.

Interested parties can make an appointment with the Purchase Bureau to inspect bid proposals received in response to this RFP.

1.4.7 PRICE ALTERATION

Bid prices must be typed or written in ink. Any price change (including "white-outs") must be initialed. Failure to initial price changes shall preclude a contract award being made to the bidder.

1.4.8 JOINT VENTURE

If a joint venture is submitting a bid proposal, the agreement between the parties relating to such joint venture should be submitted with the joint venture's bid proposal. Authorized signatories from each party comprising the joint venture must sign the bid proposal. A separate Ownership Disclosure Form, Affirmative Action Employee Information Report, MacBride Principles Certification, and Business Registration or Interim Registration must be supplied for each party to a joint venture.

1.5 BIDDER'S SIGNATURE

The bidder's signature guarantees that prices set forth within the manufacturer's preprinted price lists and/or catalogs will govern for the period of the contract. The bidder also acknowledges that, notwithstanding any reference to price escalation clauses, fob shipping point, and shipping charges contained in the preprinted price lists, catalogs, and/or literature, such references shall not be part of any State contract awarded as a result of this RFP.

2.0 DEFINITIONS

2.1 GENERAL DEFINITIONS

The following definitions shall be part of any contract awarded or order placed as result of this RFP.

Addendum - Written clarification or revision to this RFP issued by the Purchase Bureau.

Amendment - A change in the scope of work to be performed by the contractor. An amendment is not effective until signed by the Director, Division of Purchase and Property.

Bidder – A vendor submitting a bid proposal in response to this RFP.

Contract - This RFP, any addendum to this RFP, the bidder's bid proposal submitted in response to this RFP and the Division's Notice of Acceptance.

Contractor - The contractor is the bidder awarded a contract.

Director - Director, Division of Purchase and Property, Department of the Treasury. By statutory authority, the Director is the chief contracting officer for the State of New Jersey.

Division - The Division of Purchase and Property.

Joint Venture - An agreement where two firms partner to respond to an RFP as a prime contractor, neither is a subcontractor of the other, and both agree to be responsible for performance.

May - Denotes that which is permissible, but not mandatory.

Request for Proposal (RFP) - This document, which establishes the bidding and contract requirements and solicits bid proposals to meet the purchase needs of Using Agencies, as identified herein.

Shall or Must - Denotes that which is a mandatory requirement.

Should - Denotes that which is recommended, but not mandatory.

State - State of New Jersey

Using Agency[ies]- The entity[ies] for which the Division has issued this RFP.

3.0 COMMODITY DESCRIPTION/SCOPE OF WORK

The purpose of this bid proposal is to establish a contract for the provision of library supplies, school supplies and teaching aids to all agencies of the State of New Jersey and cooperative purchasing partners. These partners include quasi-state agencies, counties, municipalities, school districts, volunteer fire departments, first aid squads, independent institutions of higher learning, County colleges and State colleges. This is a two (2) year term contract. It is the intention of the Purchase Bureau to award multiple source contracts against this proposal. When purchasing items from the awarded contractors, Using Agencies will be instructed to review all awarded catalogs and/or price lists to determine the lowest net cost.

3.1 CATEGORIES OF LIBRARY SUPPLIES, SCHOOL SUPPLIES & TEACHING AIDS ELIGIBLE FOR AWARD

The following are the only categories included in this RFP and its corresponding price lines.

CATEGORY	PRICE LINES
• Arts /Crafts Supplies & Kits	1 - 4
• Boards, Display, Bulletin, Chalkboards, etc	5 -8
• Elem/Pre School Program Supplies & Teaching Aids	9-12
• Secondary Ed Program Supplies & Teaching Aids	13-16
• Atlases, Charts, Globes & Maps	17-20
• Audio/Visual Supplies such as projector bulbs & pre-recorded tapes are included.	21-24
• Agendas/Planners, Student	25-26
• Books, Class Register Record & Plan	27-28
• Test & Test Scoring Devices	29-30
• Library Supplies (Storage Materials)	31
• Library Supplies (General)	32

3.2 CATEGORIES OF COMMODITIES NOT ELIGIBLE FOR AWARD

The following is a representative list of categories that are not included in this RFP. Only the categories listed in Section 3.1 shall be eligible for award. An item not listed in either Section 3.1 or 3.2 will not be considered for award.

- All equipment
- All sporting goods
- All furniture & shelving
- All carpeting
- All stoves and kitchen equipment
- All calculators, audio visual equipment or duplicating products
- All kilns and pottery wheels
- All microscopes, etc.
- All office and stationery supplies
- All language labs, computer hardware and software
- All services
- All musical instruments

3.3 VOLUME DISCOUNTS

- Discounts are expected for orders placed according to the total dollar amount per order. Each category requires a discount offer contingent upon the total cost of the order placed by the agency.

Discounts for library supplies, school supplies & teaching aids are to be offered from individual catalogs and/or price lists. All applicable pricing information catalogs and/or price lists must be submitted with the bid in order to receive consideration for an award.

The discount offered by the bidder must reflect on the total list price dollar value of any order placed and must apply to the catalog(s) and/or price list(s) submitted for each category for the entire contract period.

Bidders are required to offer only one discount for each price line. No multiple or varying discounts will be accepted. The same discount must apply to all items listed in the catalog and/or price list.

In cases where both the catalog and a price list submitted contains duplicate items, the lower of the prices submitted for those items will prevail.

3.4 PRICE LIST(S) AND/OR CATALOG(S)

In the second year of the contract, the contractors must provide its updated catalogs and or price lists to both the Purchase Bureau, and the users of this contract. The updated items will be subject to the original discount as stated in the NOA and any extensions thereof.

3.5 CONTRACTOR WEBSITE

It is anticipated that during the term of the contract resulting from this RFP, the State will be implementing an Electronic Catalog (eCatalog) application. eCatalog will permit authorized State contract users to create electronic purchase orders. eCatalog will also enable, upon contractor compliance with technical specifications to be determined during the term of this contract, authorized contract users to "Punchout" to a contractor's website and purchase directly approved contract line items from the contractor's existing e-commerce website. With eCatalog, both Punchout and non-Punchout-enabled vendors will be notified of orders via email and will be capable of retrieving electronic purchase orders. Contractors should be able to accommodate this application. Upon implementing of eCatalog, Contractors will be required to accept a major credit card, not necessarily the card specified in Section 5.18.1. Inasmuch as the eCatalog application is expected to improve cycle time in the processing of purchase orders, the State anticipates reassessing contract delivery requirements.

3.6 DELIVERY

Delivery must be made within ten working days ARO. Invoices will be processed once the order is complete.

4.0 PROPOSAL PREPARATION AND SUBMISSION

4.1 GENERAL

The bidder must follow instructions contained in this RFP and on the signatory page (<http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>) in preparing and submitting its bid proposal. The bidder is advised to thoroughly read and follow all instructions.

The signatory page of this RFP shall be signed by an authorized representative of the bidder. However, if the bidder is a limited partnership, the signatory page of this RFP must be signed by a general partner. If the bidder is a joint venture, the signatory page of this RFP must be signed by a principal of each party to the joint venture. Failure to comply will result in rejection of the bid proposal.

Pricing and information sheets must be completed in their entirety. Failure to comply with this requirement may result in rejection of the bid proposal.

No changes or white outs will be permitted on the specification sheets, unless each change is initialed and dated in ink by the bidder.

4.2 PROPOSAL DELIVERY AND IDENTIFICATION

In order to be considered, a bid proposal must arrive at the Purchase Bureau in accordance with the instructions on the RFP signatory page <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>. Bidders are cautioned to allow adequate delivery time to ensure timely delivery of bid proposals. State regulation mandates that late bid proposals are ineligible for consideration. **THE EXTERIOR OF ALL BID PROPOSAL PACKAGES MUST BE LABELED WITH THE BID IDENTIFICATION NUMBER, AND FINAL BID OPENING DATE.** (See RFP signatory page <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.)

4.3 NUMBER OF BID PROPOSAL COPIES

Each bidder must submit **one (1) complete ORIGINAL bid proposal**, clearly marked as the “ORIGINAL” bid proposal. Each bidder should submit **two (2) full, complete and exact copies** of the original. The copies requested are necessary in the evaluation of the bid proposal. Bidders failing to provide the requested number of copies will be charged the cost incurred by the State in producing the requested number of copies. It is suggested that the bidder make and retain a copy of its bid proposal.

4.4 PROPOSAL CONTENT

The bid proposal should be submitted as follows:

- Forms (Section 4.4.1)

CONTENTS	RFP SECTION REFERENCE	DESCRIPTION
Forms	4.4.1.1	Signatory page, signed and completed. http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml
	4.4.1.2	Ownership Disclosure Form http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml
	4.4.1.3	Disclosure of Investigations and Actions Involving Bidder http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml
	4.4.1.4	MacBride Principles Certification http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml
	4.4.1.5	Affirmative Action Employee Information Report or New Jersey Affirmative Action Certificate http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml
	4.4.1.6	Business Registration from Division of Revenue NJ Standard Terms & Conditions: Section 1.1 http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml
	4.4.1.8	Set-Aside Contracts Not Applicable
	4.4.1.9	Notice of Intent to Subcontract Form and Subcontractor Utilization Plan http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml
	4.4.1.10	Source Disclosure Certification Form http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml
	4.4.1.11	Bid Bond Not Applicable

4.4.1 FORMS

4.4.1.1 SIGNATORY PAGE

The bidder shall complete and submit the Signatory page provided on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.

4.4.1.2 OWNERSHIP DISCLOSURE FORM

In the event the bidder is a corporation or partnership, the bidder must complete the attached Ownership Disclosure Form. A completed Ownership Disclosure Form must be received prior to or accompany the bid proposal. Failure to do so will preclude the award of a contract.

The Ownership Disclosure Form is located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.

4.4.1.3 DISCLOSURE OF INVESTIGATIONS/ACTIONS INVOLVING BIDDER

The bidder shall provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public sector clients during the past five years including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and, if applicable, disposition. The bidder shall use the Disclosure of Investigations and Actions Involving Bidder form located on the Advertised Solicitation, Current Bid Opportunities webpage, <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.

4.4.1.4 MACBRIDE PRINCIPLES CERTIFICATION

The bidder must complete the attached MacBride Principles Certification evidencing compliance with the MacBride Principles. Failure to do so may result in the award of the contract to another vendor.

The MacBride Principles Certification Form is located on the Advertised Solicitation, Current Bid Opportunities webpage, <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.

4.4.1.5 AFFIRMATIVE ACTION

The bidder must complete the attached Affirmative Action Employee Information Report, or, in the alternative, supply either a New Jersey Affirmative Action Certificate or evidence that the bidder is operating under a Federally approved or sanctioned affirmative action program. The requirement is a precondition to entering into a State contract.

The Affirmative Action Forms are located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.

4.4.1.6 BUSINESS REGISTRATION CERTIFICATE FROM THE DIVISION OF REVENUE

FAILURE TO SUBMIT A COPY OF THE BIDDER'S BUSINESS REGISTRATION CERTIFICATE (OR INTERIM REGISTRATION) FROM THE DIVISION OF REVENUE WITH THE BID PROPOSAL MAY BE CAUSE FOR REJECTION OF THE BID PROPOSAL.

The bidder may go to www.nj.gov/njbgs to register with the Division of Revenue or to obtain a copy of an existing Business Registration Certificate.

Refer to Section 1.1. of the NJ Standard Terms and Conditions located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>, and Section 5.3 of this RFP for additional information concerning this requirement.

4.4.1.7 EXECUTIVE ORDER 134

Refer to Section 5.19 of this RFP for more details concerning this requirement.

4.4.1.8 SET-ASIDE CONTRACTS – NOT APPLICABLE

4.4.1.9 SUBCONTRACTOR(S) NOT APPLICABLE

4.4.1.10 N.J.S.A. 52:34-13.2 SOURCE DISCLOSURE

THE BIDDER SHOULD SUBMIT WITH ITS BID PROPOSAL A COMPLETED SOURCE DISCLOSURE FORM.

Refer to [Section 5.20](#) and Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml> for more information concerning this new requirement.

4.4.1.11 BID BOND – NOT APPLICABLE

4.4.2 SUBMITTALS

Bidders are required to furnish their catalog(s) and/or price list(s) with their proposals. Price list(s) for specific catalog(s) should include the item description as well as price. Page numbers referencing the item location in the catalog should also be included. An identification number and date should appear on each price list submitted with the catalog(s) for clarification. Envelopes or packages containing catalogs and/or price list(s) are to be identified on the outside with the bid identification number. Price list(s) should have an identification number and date. Only those items offered in the catalog(s) and/or price list(s) submitted will be considered for a contract award.

In addition to the above requirements, all bidders are encouraged to submit their price list(s) in the form of a CD in PDF or text format. However, the preprinted hard copy paper price list must be included with the bid proposal.

NOTE: The State may upload the CD to the internet in order to facilitate user ordering from the contract. If the CD is uploaded, the contractor will NOT have to provide the Using Agency with a hard copy of the preprinted price list(s), and the contractor will not have to verify pricing and/or products.

4.4.2.1 DISCLOSURE OF PRODUCT COMPOSITION- NOT APPLICABLE

4.4.2.2 BIDDER DATA SHEETS

The bidder must provide all of the information requested in the Bidder's Data Packet located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.

4.4.2.3 REFERENCE DATA SHEETS - SATISFACTORY CUSTOMER SERVICE

The bidder must provide all of the information requested in the Bidder's Data Packet located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.

4.4.2.4 MANDATORY CONTRACTOR DATA SHEET - TERMINATED CONTRACTS

The bidder must provide all of the information requested in the Bidder's Data Packet located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.

4.4.2.5 SAMPLES/SAMPLE TESTING – NOT APPLICABLE

4.4.2.6 FINANCIAL CAPABILITY OF THE BIDDER

In order to provide the State with the ability to judge the bidder's financial capacity and capabilities to undertake and successfully complete the contract, if requested the bidder must submit certified financial statements to include a balance sheet, income statement and statement of cash flow, and all applicable notes for the most recent calendar year or the bidder's most recent fiscal year. If certified financial statements are not available, the bidder should provide either a reviewed or compiled statement from an independent accountant setting forth the same information required for the certified financial statements, together with a certification from the Chief Executive Officer and the Chief Financial Officer, that the financial statements and other information included in the statements fairly present in all material respects

the financial condition, results of operations and cash flows of the bidder as of, and for, the periods presented in the statements. In addition, the bidder should submit a bank reference.

A bidder may designate specific financial information as not subject to disclosure when the bidder has a good faith legal/factual basis for such assertion. Bidder may submit specific financial documents in a separate, sealed package clearly marked "Confidential-Financial Information" along with the Bid Proposal.

The State reserves the right to make the determination to accept the assertion and shall so advise the bidder.

4.4.3 COST PROPOSAL

The bidder must submit its pricing using the State supplied price sheet(s) attached to this RFP. Failure to submit all information required will result in the bid being considered non-responsive. Each bidder is required to hold its prices firm through issuance of contract.

4.4.4 PRICE SHEET INSTRUCTION

Bidders shall bid a discount off the most current catalogs and/or price lists on the corresponding price lines. Bidders shall also indicate the catalog name and date and/or the price list date on the corresponding price line. The catalogs and/or /price lists must include all of the items that fall within the item descriptions identified on the pricing lines. Contract users will be instructed to compare all comparable products for pricing and compatibility.

Volume discounts are expected for lines 1 through 24 for the quantities listed below:

Up to \$1,000.00
\$1,000.01 – \$5,000.00
\$5,000.01 - \$10,000.00
Over \$10,000.00

Volume discounts are expected for the items on lines 25 through 30 for the quantities listed below:

Up to \$1,000.00
\$1,000.01+

A discount off the catalog or price list is expected for Lines 31 and 32.

5.0 SPECIAL CONTRACTUAL TERMS AND CONDITIONS

5.1 PRECEDENCE OF SPECIAL CONTRACTUAL TERMS AND CONDITIONS

The contract awarded as a result of this RFP shall consist of this RFP, addendum to this RFP, the contractor's bid proposal and the Division's Notice of Award.

Unless specifically stated within this RFP, the Special Contractual Terms and Conditions of the RFP take precedence over the NJ Standard Terms and Conditions located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.

In the event of a conflict between the provisions of this RFP, including the Special Contractual Terms and Conditions and the NJ Standard Terms and Conditions, and any Addendum to this RFP, the Addendum shall govern.

In the event of a conflict between the provisions of this RFP, including any Addendum to this RFP, and the bidder's bid proposal, the RFP and/or the Addendum shall govern.

5.2 STATE CONTRACT MANAGER

The State Contract Manager is the State employee responsible for the overall management and administration of the contract.

The State Contract Manager for this project will be identified at the time of execution of contract. At that time, the contractor will be provided with the State Contract Manger name, department, division, agency, address, telephone number, fax phone number, and email address.

5.2.1 STATE CONTRACT MANAGER RESPONSIBILITIES

For an agency contract where only one State office uses the contract, the State Contract Manager will be responsible for engaging the contractor, assuring that Purchase Orders are issued to the contractor, directing the contractor to perform the work of the contract, approving the deliverables and approving payment vouchers. The State Contract Manager is the person that the contractor will contact **after the contract is executed** for answers to any questions and concerns about any aspect of the contract. The State Contract Manager is responsible for coordinating the use and resolving minor disputes between the contractor and any component part of the State Contract Manager's Department.

If the contract has multiple users, then the State Contract Manager shall be the central coordinator of the use of the contract for all Using Agencies, while other State employees engage and pay the contractor. All persons and agencies that use the contract must notify and coordinate the use of the contract with the State Contract Manager.

5.2.2 OTHER DUTIES OF THE STATE CONTRACT MANAGER

The State Contract Manager shall have the following additional duties:

- a) If the State Contract Manager determines that the Contractor has failed to perform the work of the contract and is unable to resolve that failure to perform directly with the contractor, the State Contract Manager shall file a formal complaint with the Contract Compliance Unit in the Division of Purchase and Property and request that office to assist in the resolution the contract performance problem with the contractor.
- b) The State Contract Manager is responsible for arranging for contract extensions and preparing any reprourement of the contract with the Purchase Bureau.

- c) The State Contract Manager is responsible for obtaining permission from the Director to reduce the scope of work, amend the contract or add work or special projects to the contract after contract award.
- d) The State Contract Manager is responsible for completion of the Project Performance Assessment Form for submission to the CCAU Unit of the Division, with a copy to the Associate Director of OMB; the Project Performance Assessment Form shall be submitted annually for multi-year contracts and at their completion. For contracts of one (1) year or less, the Project Performance Assessment Form shall be submitted within six (6) months of signing and at project completion.
- e) The State Contract Manager is responsible for submitting the Contractor final deliverables to the Associate Director of OMB.
- f) The State Contract Manager is also responsible to formally report, to the Division of Purchase and Property's Assistant Director, CCAU, using the PB-36 Formal Complaint form, all instances when deliverables, i.e. commodities and/or services, are not in accordance with the contract specifications or scope of work. Variances from contract pricing shall be reported in this same manner to ensure that State and other using agencies receive the goods and/or services at the pricing established at the time of contract award or amendment(s) to the contract.

5.2.3 COORDINATION WITH THE STATE CONTRACT MANAGER

Any contract user that is unable to resolve disputes with a contractor shall refer those disputes to the State Contract Manager for resolution. Any questions related to performance of the work of the contract by contract users shall be directed to the State Contract Manager. The contractor may contact the State Contract Manager if the contractor can not resolve a dispute with contract users.

5.3 BUSINESS REGISTRATION

The following shall supplement the Section 1.1, NJ Standard Terms and Conditions pertaining to Business Registration set forth in the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>.

“Affiliate” means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. An entity controls another entity if it owns, directly or individually, more than 50% of the ownership in that entity.

“Business organization” means an individual, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof;

“Business registration” means a business registration certificate issued by the Department of the Treasury or such other form or verification that a contractor or subcontractor is registered with the Department of Treasury;

“Contractor” means a business organization that seeks to enter, or has entered into, a contract to provide goods or services with a contracting agency;

“Contracting agency” means the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, or any independent State authority, commission, instrumentality or agency, or any State college or university, any county college, or any local unit; with respect to this Contract, the contracting agency shall mean the Division;

“Subcontractor” means any business organization that is not a contractor that knowingly provides goods or performs services for a contractor or another subcontractor in the fulfillment of a contract.

A bidder shall submit a copy of its business registration at the time of submission of its bid proposal in response to this RFP.

A subcontractor shall provide a copy of its business registration to any contractor who shall forward it to the contracting agency. No contract with a subcontractor shall be entered into by any contractor unless the subcontractor first provides proof of valid business registrations.

The contractor shall provide written notice to all subcontractors that they are required to submit a copy of their business registration to the contractor. The contractor shall maintain a list of the names of any subcontractors and their current addresses, updated as necessary during the course of the contract performance. The contractor shall submit to the contracting agency a copy of the list of subcontractors, updated as necessary during the course of performance of the contract. The contractor shall submit a complete and accurate list of the subcontractors to the contracting agency before a request for final payment is made to the using agency.

The contractor and any subcontractor providing goods or performing services under the contract, and each of their affiliates, shall, during the term of the contract, collect and remit to the Director of the Division of Taxation in the Department of the Treasury the use tax due pursuant to the "Sales and Use Tax Act, P.L. 1966, c. 30 (N.J.S.A. 54:32B-1 et seq.) on all their sales of tangible personal property delivered into the State.

This paragraph shall apply to all contracts awarded on and after September 1, 2004

5.4 CONTRACT TERM AND EXTENSION OPTION

The term of the contract shall be for a period of two (2) years. The anticipated "Contract Effective Date" is provided on the signatory page of this RFP <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>. If delays in the procurement process result in a change to the anticipated Contract Effective Date, the bidder agrees to accept a contract for the full term of the contract. The contract may be extended for all or part of, **two (2)**, one-year periods, by the mutual written consent of the contractor and the Director. **Purchase orders may be placed against the contract up to and including the end of business on the last day of the contract, for delivery no more than 45 days after contract expiration.**

5.5 CONTRACT TRANSITION

In the event that a new contract has not been awarded prior to the contract expiration date, as may be extended herein, it shall be incumbent upon the contractor to continue the contract under the same terms and conditions until a new contract can be completely operational. At no time shall this transition period extend more than ninety (90) days beyond the expiration date of the contract.

5.6 AVAILABILITY OF FUNDS

The State's obligation to pay the contractor is contingent upon the availability of appropriated funds from which payment for contract purposes is made. No legal liability on the part of the State for payment of any money shall arise unless funds are made available each fiscal year to the Using Agency by the Legislature.

5.7 CONTRACT AMENDMENT

Any changes or modifications to the terms of the contract shall only be valid when they have been reduced to writing and signed by the contractor and the Director.

5.8 CONTRACT ACTIVITY REPORT

In conjunction with the standard record keeping requirements of this contract, as required by in paragraph 3.19 of the NJ Standard Terms and Conditions, located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>, contractor(s) must provide, on a calendar quarter basis, to the Purchase Bureau buyer assigned, a record of all purchases made under their contract award resulting for this Request for Proposal. This includes purchases made by all using agencies including the State and political sub-divisions thereof. This reporting requirement includes sales to State using agencies and, if permitted under the terms of the contract, sales

to counties, municipalities, school districts, volunteer fire departments, first aid squads and rescue squads, and independent institutions of higher education. The requirement also includes sales to State and County Colleges and Quasi-State Agencies. Quasi-State Agencies include any agency, commission, board, authority or other such governmental entity which is established and is allocated to a State department or any bi-state governmental entity of which the State of New Jersey is a member.

This information must be provided in a tabular format such that an analysis can be made to determine the following:

- Contractor's total sales volume to each purchaser under the contract, subtotaled by product, including, if applicable, catalog number and description, price list with appropriate page reference and/or contract discount applied

Submission of purchase orders, confirmations, and/or invoices do not fulfill this contract requirement for information.

Contractors are strongly encouraged to submit the required information in electronic spreadsheet format. The Purchase Bureau uses Microsoft Excel.

Failure to report this mandated information will be a factor in future award decisions.

5.9 PROCEDURAL REQUIREMENTS AND AMENDMENTS

5.9.1 The contractor shall comply with procedural instructions that may be issued from time to time by the Director.

5.9.2 During the period of the contract, no contractual changes are permitted, unless approved in writing by the Director.

5.9.3 The State reserves the right to separately procure individual requirements that are the subject of the contract during the contract term, when deemed by the Director to be in the State's best interest.

5.10 ITEMS ORDERED AND DELIVERED

The Using Agencies are authorized to order and the contractors are authorized to ship only those items covered by the contracts resulting from this RFP. If a review of orders placed by the Using Agencies reveal that material other than that covered by the contract has been ordered and delivered, such delivery shall be a violation of the terms of the contract and may be considered by the Director in the termination of the contract or in the award of any subsequent contract. The Director may take such steps as are necessary to have the items returned by the Agency, regardless of the time between the date of delivery and discovery of the violation. In such event, the contractor shall reimburse the State the full purchase price.

The contract involves items which are necessary for the continuation of ongoing critical State services. Any delay in delivery of these items would disrupt State services and would force the State to immediately seek alternative sources of supply on an emergency basis. Timely delivery is critical to meeting the State's ongoing needs.

5.11 DISCLOSURE OF PRODUCT COMPOSITION

The contractor must furnish MSDS or manufacturer's equivalent information sheets on the products and/or chemicals used in performing the services specified in the contract to the Using Agency. These sheets must list complete chemical ingredients including the percentage composition of each ingredient in the mixture down to 0.1%, and the chemical abstract services numbers for those substances listing any potentially hazardous products, which may produce gas during or following application.

5.12 REMEDIES FOR NON-PERFORMANCE

In the event that the contractor fails to comply with any material contract requirements, the Director may take steps to terminate the contract in accordance with the State administrative code. In this event, the Director may authorize the delivery of contract items by any available means, with the difference between the price paid and the defaulting contractor's price either being deducted from any monies due the defaulting contractor or being an obligation owed the State by the defaulting contractor.

5.13 MANUFACTURING/PACKAGING REQUIREMENTS

5.13.1 All products must conform in every respect to the standards and regulations established by Federal and New Jersey State laws.

5.13.2 All products shall be manufactured and packaged under modern sanitary conditions in accordance with good commercial practice.

5.13.3 All products are to be packaged in sizes as specified in this RFP and shall be packaged in such a manner as to insure delivery in first class condition and properly marked for identification. All shipments must be comprised of original cartons associated with the commercial industry represented by the actual product contained within each carton. Deliveries containing re-used, re-labeled, re-worked or alternate cartons are subject to rejection by the Using Agency at the contractor's expense.

5.14 PERFORMANCE BOND – NOT APPLICABLE

5.15 CLAIMS

All claims asserted against the State by the contractor shall be subject to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1.1, et seq., and/or the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1, et seq.

5.16 CONTRACTOR RESPONSIBILITIES

The contractor shall have sole responsibility for the complete effort specified in the contract. Payment will be made only to the contractor. The contractor shall have sole responsibility for all payments due any subcontractor.

The contractor is responsible for the professional quality, technical accuracy and timely completion and submission of all deliverables, services or commodities required to be provided under the contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in its deliverables and other services. The approval of deliverables furnished under this contract shall not in any way relieve the contractor of responsibility for the technical adequacy of its work. The review, approval, acceptance or payment for any of the services shall not be construed as a waiver of any rights that the State may have arising out of the contractor's performance of this contract.

5.17 SUBSTITUTION OR ADDITION OF SUBCONTRACTOR(S)

This Subsection serves to supplement but not to supersede Section 3.11 of the NJ Standard Terms and Conditions of this RFP.

If it becomes necessary for the contractor to substitute a subcontractor, add a subcontractor or substitute its own staff for a subcontractor, the contractor will identify the proposed new subcontractor or staff member(s) and the work to be performed. The contractor must provide detailed justification documenting the necessity for the substitution or addition.

The contractor must provide detailed resumes of its proposed replacement staff or of the proposed subcontractor's management, supervisory and other key personnel that demonstrate knowledge, ability and experience relevant to that part of the work which the subcontractor is to undertake.

The qualifications and experience of the replacement(s) must equal or exceed those of similar personnel proposed by the contractor in its bid proposal.

The contractor shall forward a written request to substitute or add a subcontractor or to substitute its own staff for a subcontractor to the State Contract Manager for consideration. If the State Contract Manager approves the request, the State Contract Manager will forward the request to the Director for final approval.

No substituted or additional subcontractors are authorized to begin work until the contractor has received written approval from the Director.

5.18 FORM OF COMPENSATION AND PAYMENT

This Section supplements Section 4.5 of the New Jersey Standard Terms and Conditions located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>. The contractor must submit official State invoice forms to the Using Agency with supporting documentation evidencing that work for which payment is sought has been satisfactorily completed. Invoices must reference the tasks or subtasks detailed in the Scope of Work section of the RFP and must be in strict accordance with the firm, fixed prices submitted for each task or subtask on the RFP pricing sheets. When applicable, invoices should reference the appropriate RFP price sheet line number from the contractor's bid proposal. All invoices must be approved by the State Contract Manager before payment will be authorized.

In addition, primary contractors must provide, on a monthly and cumulative basis, a breakdown in accordance with the budget submitted, of all monies paid to any small business subcontractor(s). This breakdown shall be sent to the Purchase Bureau Business Unit, Set-Aside Coordinator.

Invoices must also be submitted for any special projects, additional work or other items properly authorized and satisfactorily completed under the contract. Invoices shall be submitted according to the payment schedule agreed upon when the work was authorized and approved. Payment can only be made for work when it has received all required written approvals and has been satisfactorily completed.

5.18.1 PAYMENT TO CONTRACTOR - OPTIONAL METHOD

The State of New Jersey now offers State contractors the opportunity to be paid through the MasterCard procurement card (p-card). A contractor's acceptance and a State agency's use of the p-card, however, is optional.

P-card transactions do not require the submission of either a contractor invoice or a State payment voucher. Purchasing transactions using the p-card will usually result in payment to a contractor in three days.

A contractor should take note that there will be a transaction-processing fee for each p-card transaction. To participate, a contractor must be capable of accepting the MasterCard. Additional information can be obtained from banks or merchant service companies.

5.19 REQUIREMENTS OF EXECUTIVE ORDER 134

In order to safeguard the integrity of State government procurement by imposing restrictions to insulate the award of State contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof, Executive Order 134 was signed on September 22, 2004 ("EO 134"). Pursuant to the requirements of EO 134, the terms and conditions set forth in this section are material terms of any contract resulting from this RFP:

5.19.1 DEFINITIONS

For the purpose of this section, the following shall be defined as follows:

a) Contribution – means a contribution reportable as a recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act." P.L. 1973, c. 83 (C.19:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-7 and N.J.A.C. 19:25-10.1 et seq. Through December 31, 2004,

contributions in excess of \$400 during a reporting period were deemed "reportable" under these laws. As of January 1, 2005, that threshold was reduced to contributions in excess of \$300.

b) Business Entity – means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. It also includes (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under 26 U.S.C.A. 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person's spouse or child, residing in the same household.

5.19.2 BREACH OF TERMS OF EXECUTIVE ORDER 134

It shall be a breach of the terms of the contract for the Business Entity to (i) make or solicit a contribution in violation of this Order, (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate or holder of the public office of Governor, or to any State or county party committee; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of EO 134; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of EO 134; or (viii) directly or indirectly through or by any other person or means, do any act which would subject that entity to the restrictions of EO 134.

5.19.3 CERTIFICATION AND DISCLOSURE REQUIREMENTS

a) The State shall not enter into a contract to procure from any Business Entity services or any material, supplies or equipment, or to acquire, sell or lease any land or building, where the value of the transaction exceeds \$17,500, if that Business Entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate for or holder of the public office of Governor, or to any State or county political party committee during certain specified time periods

b) Prior to awarding any contract or agreement to any Business Entity, the Business Entity proposed as the intended awardee of the contract shall submit the Certification and Disclosure form, certifying that no contributions prohibited by Executive Order 134 have been made by the Business Entity and reporting all contributions the Business Entity made during the preceding four years to any political organization organized under 26 U.S.C.527 of the Internal Revenue Code that also meets the definition of a "continuing political committee" within the mean of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7. The required form and instructions, available for review on the Purchase Bureau website at <http://www.state.nj.us/treasury/purchase/forms.htm#eo134> , shall be provided to the intended awardee for completion and submission to the Purchase Bureau with the Notice of Intent to Award. Upon receipt of a Notice of Intent to Award a Contract, the intended awardee shall submit to the Division, in care of the Purchase Bureau Buyer, the Certification and Disclosure(s) within five (5) business days of the State's request. Failure to submit the required forms will preclude award of a contract under this RFP, as well as future contract opportunities.

c) Further, the Contractor is required, on a continuing basis, to report any contributions it makes during the term of the contract, and any extension(s) thereof, at the time any such contribution is made. The required form and instructions, available for review on the Purchase Bureau website at <http://www.state.nj.us/treasury/purchase/forms.htm#eo134> , shall be provided to the intended awardee with the Notice of Intent to Award.

5.19.4 STATE TREASURER REVIEW

The State Treasurer or his designee shall review the Disclosures submitted pursuant to this section, as well as any other pertinent information concerning the contributions or reports thereof by the intended awardee, prior to award, or during the term of the contract, by the contractor. If the State Treasurer determines that any contribution or action by the contractor constitutes a breach of contract that poses a conflict of interest in the awarding of the contract under this solicitation, the State Treasurer shall disqualify the Business Entity from award of such contract.

5.20 REQUIREMENTS OF N.J.S.A. 52:34-13.2

Under the referenced statute, effective August 5, 2005, all contracts primarily for services awarded by the Director shall be performed within the United States, except when the Director certifies in writing a finding that a required service cannot be provided by a contractor or subcontractor within the United States and the certification is approved by the State Treasurer.

5.20.1 SOURCE DISCLOSURE REQUIREMENTS

Pursuant to the statutory requirements, all bidders seeking a contract primarily for services with the State of New Jersey must disclose the location by country where services under the contract, including subcontracted services, will be performed.

If any of the services cannot be performed within the United States, the bidder shall state with specificity the reasons why the services cannot be so performed. The Director shall determine whether sufficient justification has been provided by the bidder to form the basis of his certification that the services cannot be performed in the United States and whether to seek the approval of the Treasurer.

Accordingly, the bidder should submit with its bid proposal the Source Disclosure Certification form located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml>. If the information is not submitted with the bid proposal, it shall be submitted within five (5) business days of the State's request for the information.

FAILURE TO SUBMIT SOURCING INFORMATION WHEN REQUESTED BY THE STATE SHALL PRECLUDE AWARD OF A CONTRACT TO THE BIDDER.

5.20.2 BREACH OF CONTRACT FOR SHIFT OF SERVICES OUTSIDE THE UNITED STATES

A SHIFT TO PROVISION OF SERVICES OUTSIDE THE UNITED STATES DURING THE TERM OF THE CONTRACT SHALL BE DEEMED A BREACH OF CONTRACT.

If, during the term of the contract, the contractor or subcontractor, who had on contract award declared that services would be performed in the United States, proceeds to shift the performance of the services outside the United States, the contractor shall be deemed to be in breach of its contract, which contract shall be subject to termination for cause pursuant to Section 3.5b.1 of the Standard Terms and Conditions of the RFP, unless previously approved by the Director and the Treasurer.

6.0 PROPOSAL EVALUATION/CONTRACT AWARD

6.1 CONTRACT EVALUATION

For a product bid that has been determined to be in compliance with this RFP, the contract shall be awarded on the basis of the following criteria, not necessarily listed in the order of importance:

6.1.1 Price

6.1.2 Experience of the bidder

6.1.3 The bidder's past performance under similar contracts, including if applicable, the Division's vendor performance database.

6.1.4 The Purchase Bureau will compare the percentage of discount offered in this bid proposal against the percentage of discount offered to any collective such as EDS and under the current in-place New Jersey State Contract. The discount against list price will also be compared with the brand's Federal GSA contract's discount, the discount offered on other States' contracts, an average of all discounts offered by all brands bid on this contract, or any combination thereof. Brands that have discounts that are considered unacceptably low, may be deemed as NOT IN THE BEST INTEREST OF THE STATE OF NJ, and as such, may not be awarded a contract. Because of the revenue potential of this contract, the State expects appropriately large discounts off list price. THE COSTS OF ALL GOODS AND SERVICES PROVIDED UNDER AWARD OF THIS CONTRACT SHALL BE NO HIGHER THAN THOSE COSTS PAID BY ANY OTHER STATE OR GOVERNMENT ENTITY FOR THE IDENTICAL GOODS AND SERVICES THROUGHOUT THE STATE OF NEW JERSEY AND THE NATION, FOR ORDERS OF SIMILAR SIZE.

6.2 ORAL PRESENTATION AND/OR CLARIFICATION OF BID PROPOSAL

After the submission of bid proposals, unless requested by the State, contact with the State is limited to status inquiries only and such inquiries are only to be directed to the buyer. Any further contact or information about the proposal to the buyer or any other State official connected with the solicitation will be considered an impermissible supplementation of the bidder's bid proposal.

A bidder may be required to give an oral presentation to the Evaluation Committee concerning its bid proposal. The Evaluation Committee may also require a bidder to submit written responses to questions regarding its bid proposal.

The purpose of such communication with a bidder, either through an oral presentation or a letter of clarification, is to provide an opportunity for the bidder to clarify or elaborate on its bid proposal. Original bid proposals submitted, however, cannot be supplemented, changed, or corrected in any way. No comments regarding other bid proposals are permitted. Bidders may not attend presentations made by their competitors.

It is within the Evaluation Committee's discretion whether to require a bidder to give an oral presentation or require a bidder to submit written responses to questions regarding its bid proposal. Action by the Evaluation Committee in this regard should not be construed to imply acceptance or rejection of a bid proposal. The Purchase Bureau buyer will be the sole point of contact regarding any request for an oral presentation or clarification.

6.3 BID DISCREPANCIES

In evaluating bids:

- Discrepancies between words and figures will be resolved in favor of words.
- Discrepancies between unit prices and totals of unit prices will be resolved in favor of unit prices.
- Discrepancies in the multiplication of units of work and unit prices will be resolved in favor of the unit prices.
- Discrepancies between the indicated total of multiplied unit prices and units of work and the actual total will be resolved in favor of the actual total.

- Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the corrected sum of the column of figures.

6.4 NEGOTIATION AND BEST AND FINAL OFFER (BAFO)

Following the opening of bid proposals, the State reserves the right, pursuant to N.J.S.A. 52:34-12(f), to negotiate: the technical services offered, the terms and conditions and/or the price of a proposed contract award with any bidder. In addition, the State reserves the right to seek a Best and Final Offer (BAFO) from one or more bidders. In response to the State's request to negotiate, bidders must continue to satisfy all mandatory RFP requirements but may improve upon their original technical proposal in any revised technical proposal. However, any revised technical proposal that does not continue to satisfy all mandatory requirements will be rejected as non-responsive and the original technical proposal will be used for any further evaluation purposes, in accordance with the following procedure.

The Evaluation Committee will conduct an initial review and determine whether and with which bidder(s) it will negotiate, and will communicate its request to each such bidder. In response, the bidder will submit any required revisions to its proposal.

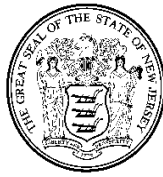
In response to the State's request for a BAFO, bidders may submit a revised price proposal that is equal to or lower in price than their original submission, but must continue to satisfy all mandatory requirements. Any revised price proposal that is higher in price than the original will be rejected as non-responsive and the original bid will be used for any further evaluation purposes.

After receipt of the results of the negotiation and/or the BAFO(s), the Evaluation Committee will complete its evaluation and recommend to the Director for award that responsible bidder(s) whose bid proposal, conforming to this RFP, is most advantageous to the State, price and other factors considered.

All contacts, records of initial evaluations, any correspondence with bidders related to any request for negotiation or BAFO, any revised technical and/or price proposals, the Evaluation Committee Report and the Award Recommendation, will remain confidential until a Notice of Intent to Award a contract is issued.

6.5 CONTRACT AWARD

Contract award[s] shall be made with reasonable promptness by written notice to that responsible bidder(s), whose bid proposal(s), conforming to this RFP, is(are) most advantageous to the State, price, and other factors considered. Any or all bid proposals may be rejected when the State Treasurer or the Director determines that it is in the public interest so to do.



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
Purchase Bureau
P.O. Box 230
TRENTON, NEW JERSEY 08625-0230

RICHARD J. CODEY
Acting Governor

JOHN E. MCCORMAC, CPA
State Treasurer

October 25, 2005

Ref: 06-X-37559 Library Supplies, School Supplies & Teaching Aids, var. State Agencies
Bid Opening Date: November 30, 2005

Addendum # 1 - Electronic Questions & Answers

<p>Question #1</p>	<p>On the price list page 9, item 29 and 30. Can you please let me know what test you are looking for? I'm not sure if there is anything on the RFP that we can bid on.</p> <p>Answer: Lines 29 and 30 are for all tests and scoring devices: Achievement , Aptitude, Intelligence, etc. Line 29 requires a discount off a price list or catalog for the purchase of tests up to \$1,000.00. Line 30 requires a discount off a price list or catalog for the purchase of tests over \$1,000.00.</p>
<p>Question #2</p>	<p>I am in the process of making travel arrangements to attend the Mandatory Pre-bid Conference for Solicitation 06-X-37559. Would you be able to provide an approximate ending time of the Conference? Also, is there a registration process prior to the actual conference?</p> <p>Answer: The Mandatory Pre-Bid Conference is scheduled to begin at 10:00 A.M. on November 2, 2005. A conference normally runs from 1 ½ to 2 ½ hours. However, as this conference will include instructions on how to do an E-Bid, the Purchase Bureau can make no guarantees. A best-guess estimate would be a total of 2 ½ hours, but as stated, there are no guarantees. All bidders represented at the conference must complete a Bidder's Conference Attendance Record card and the Mandatory Pre-Bid Conference sign in sheet that will be available at the conference.</p>
<p>Question #3</p>	<p>Is this the bid to encompass library furniture?</p> <p>Answer: No. Section 3.2 of the RFP includes a list of items that are not eligible for award for this solicitation. All furniture and shelving is identified in the list of ineligible items.</p>
<p>Question #4</p>	<p>On the price sheet, Line #s 9 through 12 refer to "reading programs." I take this to mean computer software that helps kids to read, or assist by improving comprehension. Yet in the RFP, on page 10, item # 3.2 it is stated that "Language Labs, computer hardware and software" is ineligible. Can you clarify this?</p>

	<p>Answer: Reading programs and similar types of software, that are intended for teaching purposes are permitted in this RFP. However, language labs, computers and computer software are excluded from this contract.</p>
<p>Question #5</p>	<p>I see the new language relative to requiring vendors to provide the best possible price, paragraph 6.1.4. Can you say if this was developed as part of the Strategic Sourcing initiative?</p> <p>Answer: This language has been included in assorted multiple vendor RFP's for over two years.</p>
<p>Question #6</p>	<p>XYZ is a catalog distributor for electronic components that would be used in the classroom for electronics courses and for repair of computers and other electronic equipment for the state. I would not be able to attend the mandatory pre-bid conference. Does this mean I should not bid the solicitations 06-X-37559?</p> <p>Answer: Section 1.3.3 of the RFP states, "Bid proposals will be automatically rejected from any bidder that was not represented or failed to properly register at the Mandatory Pre-Bid Conference." Bidders who are unable to attend the conference, may send a representative to the conference, who can attend and register its company. If any bidder believes that their product meets the specifications that are included within the specific categories stating what is required for this RFP, and that bidder believes it will give value to the State, that bidder should seriously consider placing a bid.</p>
<p>Question #7</p>	<p>The last contract for Library Supplies, School Supplies and Teaching Aids was awarded to Cascade and School Specialty, both general school suppliers. As an art supply company, we carry more of what art teachers require than general companies but do not carry any of the other categories listed on the RFP. Is it the intent of your organization to award to only suppliers able to provide a range of materials but not depth in one particular area? Your answer to this question will determine whether or not my company chooses to outlay the expense of attending the pre-bid conference. Please respond prior to October 24th so that I will have time to make airline and accommodation reservations as needed to attend.</p> <p>Answer: It is the intention of the Purchase Bureau to award multiple source contracts against this proposal. Section 4.4.4 "Price Sheetting Instruction," instructs bidders to bid a discount off the most current catalogs and/or price lists on the corresponding price lines for the specific brands they are selling.</p>
<p>Question #8</p>	<p>We have received a mailed solicitation from the State of NJ to bid on 06-X-37559. We are looking at Line no. 31 & 32. We are unsure as to how to determine Quantities, Lot, Unit, Discount% and such. We are unsure as to how to proceed with the solicitation.</p> <p>Answer: Lines 31 and 32 are for library supplies as described on the pricing lines. The discount off the price list or catalog submitted with the RFP should be listed in the discount column of the pricing lines.</p>
<p>Question #9</p>	<p>Has the format changed to a discount off a specified category from a combination of priced items & discount and done on the last bid? If so, why?</p>

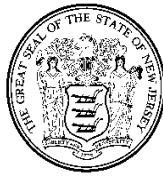
	<p>Answer: Yes, the format has changed from a market basket to a multiple source award. Responses from contract users indicated the previous contracts did not meet the needs of the users.</p>
Question #10	<p>Under Standard terms/conditions page 2-2.2. Is it possible to put in a limitation to this term excluding situations of gross negligence, such as willful misconduct on the part of New Jersey employees?</p> <p>Answer: No.</p>
Question #11	<p>Page 6-4.2 Is it allowable to have a order value minimum in place that schools would need to meet in order to receive free shipping?</p> <p>Answer: A minimum order of \$50.00 list will be required for free shipping.</p>
Question #12	<p>Page 14 4.4.2 Does the State want to receive their discounted pricing on a CD or is the list price wanted?</p> <p>Answer: Section 3.3 of the RFP states, "All applicable pricing information catalogs and/or price lists must be submitted with the bid in order to receive consideration for an award." The bidder must submit a discount off list price – consequently a dated paper list pricelist is needed in order to receive an award. Bidders are also encouraged to submit a CD. The prices on the CD must be the same as the prices on the paper pricelist.</p>
Question #13	<p>Page 18 5.4 For vendors who offer a discount off catalog list prices, what is the procedure and time frame for submitting price increases when new annual catalogs are published? Pricing on the bid will be submitted off of the current 2005 catalog. When will 2006 catalog pricing be allowed to go into effect?</p> <p>Answer: Section 3.4 of the RFP states, "In the second year of the contract, the contractors must provide its updated catalogs and or price lists to both the Purchase Bureau, and the users of this contract. The updated items will be subject to the original discount as stated in the NOA and any extension thereof."</p>
Question #14	<p>Page 21 5.18.1 If Mastercard is being used, what is the transaction fee?</p> <p>Answer: The fee varies and is charged by the bank. Information regarding the use of the p-card can be found in section 4.5 of the Standard Terms and Conditions.</p>
Question #15	<p>Please describe the technology behind the ecatalog and describe the actual administrative and purchasing flow through the system. This information is critical to assessing the resources and time required to complete the EDI linking.</p> <p>Answer: Ecatalog is currently in the first stages of development and consequently no details of its final methods, procedures or technology are available. Its final implementation into the procurement system of the State of NJ is tentatively scheduled for some time in the summer of 2006, but the operative words are "tentatively scheduled". It will not be mandatory for any awarded contractor to join in the Ecatalog method of procurement.</p>
Question #16	<p>What systems does/will NJ utilize to process the electronic purchase orders. What data standards, sets and formats will be used? Will the PO's be sent in cXML, or other format? What are</p>

	<p>the EDI specifications, if EDI will be used?</p> <p>Answer: See question #15.</p>
Question #17	<p>Will the State be awarding a primary and secondary for categories, ie. Library, arts/crafts, atlases/globes/maps?</p> <p>Answer: No. Multiple source contracts will be made as described in Section 3.0 of the specifications.</p>
Question #18	<p>Should general school science supplies of various types be offered under this proposal or is another proposal for science supplies scheduled for later?</p> <p>Answer: Yes general school science supplies are being requested under this contract.</p>
Question #19	<p>Section 3.0 – Commodity Description/Scope of Work. This section states that it is the intention of the Purchase Bureau to award multiple source contracts against this proposal. Is it known how many vendors will be awarded per commodity? Is it known if more vendors will be awarded per commodity than were awarded with the last state contract?</p> <p>Answer: The number of awardees will not be decided until the evaluation is completed.</p>
Question #20	<p>Section 5.10 – Items Ordered & Delivered. If an awarded vendor received an order with contracted and non-contracted items, would the vendor need to contact the purchasing agency and have the purchase order split out?</p> <p>Answer: Yes, contract and non-contract items must be procured on separate purchase orders.</p>
Question #21	<p>Is the awarded vendor restricted to only selling items that were awarded?</p> <p>Answer: Section 5.10 of the RFP states, "the Using Agencies are authorized to order and the contractors are authorized to ship only those items covered by the contracts resulting from this RFP."</p>
Question #22	<p>Section 5.17 – Substitution or Addition of Subcontractor(s). Does using a freight service (like UPS) constitute as a subcontractor for delivery of purchased materials?</p> <p>Answer: No.</p>
Question #23	<p>Section 6.1 Contract Evaluation 6.1.1 Price. We know that comparing percentage discounts by vendor can often be misleading. Some companies will raise their list price so that larger percentage discounts are offered in competitive bidding opportunities. Our goal is to offer a competitive price up front for all of our customers. We know that in reality it is the bottom line price of an item that is the fairest comparison. How will the final price of items be factored in when comparing flat percentage discounts?</p> <p>Answer: The Purchase Bureau will use a method of evaluation that will take into account the different variables specific to this contract. Bidders should</p>

	all be aware of the statements in the first paragraph of Section 3.0.
Question #24	Section 6.1 Contract Evaluation 6.1.2 Experience of the bidder. Are letters of recommendation accepted as part of our proposal? Answer: References should be listed on the Bidders Data Packet.
Question #25	Section 6.1 – Contract Evaluation 6.1.4. What is the collective referenced as “EDS”? Answer: Educational Data Services
Question #26	Are there areas of performance that are of concern with previously awarded vendors? Answer: No.
Question #27	How is the quality of vendors products evaluated? Answer: The Purchase Bureau will make comparisons based on information provided by the contract users.
Question #28	Will sample items from vendors be requested for comparison and review? Answer: No.
Question #29	Drop shipping can be common with some vendors, which may result in multiple invoicing and receiving of goods. Will vendors be evaluated on complete shipments and easy invoicing? Answer: The Purchase Bureau cannot evaluate based on this information until the contracts have been awarded. Short shipments are not acceptable. Delivery must be made in accordance with Section 3.6 of the Terms and Conditions. If continuous backorders occur, using agencies can file a formal complaint through the Contract Compliance Unit.
Question #30	Is there funding available for school districts to order from non-awarded vendors? Answer: This question does not refer to the RFP.
Question #31	Section 3.5 Contractor Website 1. Is the State planning on hosting and managing the eCatalog application? If so, which application will be used and what is the timeframe for implementation? Answer: See question #15.
Question #32	Who will determine the State contract authorized users and what will be the process for setting up their system access? Answer: See question #15.
Question #33	Will contractors be required to provide both eCatalog information as well as “Punch-out” capability? Answer: See question #15.
Question #34	Will purchase orders be delivered electronically (other than email) so that the State and the contractors can create an integrated, system-to-system transaction? Answer: See question #15.

<p>Question #35</p>	<p>Is there a requirement to provide invoices electronically as well as accepting major credit cards?</p> <p>Answer: The state does not have electronic invoicing, however, use of the p-card is encouraged.</p>
<p>Question #36</p>	<p>What reassessment of contract delivery requirements do you anticipate as a result of the electronic ordering process?</p> <p>Answer: See question #15.</p>
<p>Question #37</p>	<p>Reference Paragraph 3.4 – Price Lists and Catalogs 2 General question. The present wording of paragraph 3.4 indicates that the pricing offered in the bid must be held firm for a 12-month period before it can be replaced by a new catalog and/or price list. We request that you allow for catalog/price list replacements by the vendor, according to its schedule, with the proviso that such catalog/price list replacements shall not exceed one in any 12-month period. This will reduce any confusion and errors based on what happens when a new catalog is released by the vendor, and the normal confusion as to which catalog prevails for pricing an item. It further allows for an updated catalog and/or price list once every 12 months if the contract is extended. Thus, we propose that the first sentence of Section 3.4 be amended to read: “After the contract is awarded, and during the term of the contract or any extensions thereto, vendors may submit an updated catalog and/or price list to the Purchase Bureau and the users of this contract once at any time during any 12-month period.”</p> <p>Answer: The new updated catalog and/or price list may be submitted only after the first year of the contract is completed.</p>
<p>Question #38</p>	<p>We represent a firm that has two separate business operating units, each of which publishes separate and discrete catalogs for items within the scope of this RFP (one of the business units focuses on fine arts supplies). The two operating units have the same federal identification number. Is there any issue if the two operating units submit separate bids based on the pricing in their separate and discrete catalogs?</p> <p>Answer: No, but the mechanism for submitting two separate bids will be discussed at the conference..</p>
<p>Question #39</p>	<p>Section 3.0, p 10. Will the bid for agendas/student planners (Lines 00025 and 00026 on Price Sheet) be awarded to one vendor, or to multiple vendors?</p> <p>Answer: Same as question #7. All lines will be awarded to multiple vendors, if it is determined to be in the best interest of the State.</p>
<p>Question #40</p>	<p>Section 3.3, p. 10 Company XYZ offers different pricing for different agenda lines, formats, options, covers, and sizes. Will the discount % we bid simply be applied across the board on all of the various pricing?</p> <p>Answer: Yes. The discount offered must reflect the total list price dollar value of any order placed and must apply to the catalog(s) and/or price</p>

	list(s) submitted for each category for the entire contract period.
Question #41	<p>Section 3.6 P. 11. Does the bid require delivery in 10 days for student agendas/planners involving individual school customization options?</p> <p>Answer: With the exception of orders involving individual school customization options, delivery is to be made within ten working days ARO. Invoices will be processed once orders are complete.</p>
Question #42	<p>After attendance at the Pre-Bid Conference will we be given Formal Bid documents?</p> <p>Answer: No. Bidders are required to download the RFP. See General Instructions on the following website http://www.state.nj.us/treasury/purchase/bid/summary/06x37559.shtml</p>
Question #43	<p>Is there a market basket of products?</p> <p>Answer: No</p>
Question #44	<p>Do we have to respond to every item in the basket for the bid to be valid?</p> <p>Answer: No. See answer #43.</p>
Question #45	<p>3.6 Delivery must be made within 10 days ARO. How will backorders be addressed? Will they be allowed?</p> <p>Answer: Delivery must be made in accordance with Section 3.6 of the Terms and Conditions. If continuous backorders occur, using agencies can file a formal complaint through the Contract Compliance Unit.</p>



State of New Jersey
 DEPARTMENT OF THE TREASURY
 DIVISION OF PURCHASE AND PROPERTY
 Purchase Bureau
 P.O. BOX 230
 TRENTON, NEW JERSEY 08625-0230

RICHARD J. CODEY
Acting Governor

JOHN E. MCCORMAC, CPA
State Treasurer

Addendum #2
T-0114
RFP # 06-X-37559
Library Supplies, School Supplies & Teaching Aids

To: All Vendors and Prospective Bidders
Date: November 15, 2005
From: Beverly Speck
Subject: Revised Bid Opening Date
 Pre-Bid Conference Attendee List

Please be advised the bid opening date has been changed. The new bid opening date is scheduled for January 6, 2006.

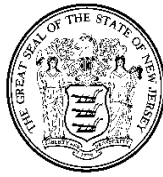
Attached is a list of conference attendees for the mandatory pre-bid conference that was held on November 2, 2005.

Any revisions, resulting from the Mandatory Pre-Bid Conference that was held on November 2, 2005 will be posted in Addendum #3 in the near future.

Bidders are required to return this addendum with the bid proposal.

Pre-Bid Conference Attendee List	
06-X-37559 Library Supplies, School Supplies & Teaching Aids	
1	Action Office Supplies
2	AGS Publishing
3	Allied Equipment Co Inc
4	Allied Office Supplies
5	Becker's School Supplies, C.J. Becker & Bros. Inc
6	Brodart Company
7	Buchanan Ingersoll PC
8	Cascade School Supplies
9	Child Craft Ed Corp - abc
10	Classroom Products
11	Demco Inc
12	Dick Blick Company
13	EAI Education
14	Ergospace Design Inc (EDI)

15	Eric Armin Inc
16	ETA/Cuisenaire, A Division of A. Daigger & Co., Inc
17	Executive Business Products
18	Fisher Science Education
19	Flaghouse Inc
20	Flinn Scientific Inc
21	Frey Scientific
22	Government Procurement Advisor
23	Harcourt Achieve Inc
24	Hertz Furniture Systems
25	H.S. Wolkins Co
26	Henry Savelli & Associates
27	The Highsmith Co. Inc.
28	Kaplan Early Learning Co.
29	Kurtz Bros.
30	Lakeshore Learning Materials
31	The Mail Center Plus Teacher's Supplies
32	MBI - Gluckshaw
33	Nasco
34	Nystrom Social Studies
35	Paxton/Patterson
36	Perma Bound
37	Premier Agendas Inc
38	Roberts Brothers LLC
39	Sax Arts & Crafts
40	S & S Worldwide
41	School Specialty
42	Steps To Literacy
43	The Student Planner
44	Super Duper Publications
45	Supplies Supplies Inc
46	Tanner North Jersey Inc
47	Tom Caine and Associates LLC
48	Village Office Supply
49	W B Mason



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RICHARD J. CODEY
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JOHN E. MCCORMAC, CPA
State Treasurer

Addendum #3
T-0114
RFP # 06-X-37559
Library Supplies, School Supplies & Teaching Aids

To: All Vendors and Prospective Bidders
Date: November 21, 2005
From: Beverly Speck
Subject: Additional Bidder Information/Instructions

Revisions and/or changes to the RFP 06-X-37559 are as follows:

A minimum order of \$50.00 list is required for free shipping. Contractors may charge a handling fee of up to \$10.00 for all orders under \$50.00. Contractors having facilities for pick-up available are to allow Using Agencies the option of picking up orders at no additional charge.

The following should be added as the second paragraph to Section 3.0 Commodity Description/Scope of Work: The State reserves the right to notify the contract users in the Notice of Award, if it is determined that identical or similar items are being sold by more than one contractor at differing prices.

3.3 No range of discounts or varying discounts will be permitted.

Section 3.4 Price List(s) and/or Catalog(s) is changed to read: New catalogs for the second year of the contract are to be submitted one year after the contract's beginning date. In the second year of the contract, the contractors must provide its updated catalog and/or price list to both the Purchase Bureau, and the users of this contract. The updated items will be subject to the original discount as stated in the NOA and any extensions thereof.

Digital planners are not permitted under this RFP.

Installation services are not be included in this RFP.

The Purchase Bureau reserves the right to compare the following at any time during the contract period.

Section 6.1.4 should be revised to read "The Purchase Bureau will compare the percentage of discount offered in this bid proposal against the percentage of discount offered to any collective such as EDS and under the current in-place New Jersey State Contract. The discount against list price will also be compared with the brand's Federal GSA contract's discount, the discount offered on other States'

contracts, an average of all discounts offered by all brands bid on this contract, or any combination thereof. Brands that have discounts that are considered unacceptably low (for identical goods and services with the same terms and conditions) may be deemed as NOT IN THE BEST INTEREST OF THE STATE, and as such may not be awarded a contract. Because of the revenue potential of this contract, the State expects appropriately large discounts off list price. THE COSTS OF ALL GOODS AND SERVICES PROVIDED UNDER AWARD OF THIS CONTRACT SHALL BE NO HIGHER THAN THOSE COSTS PAID BY ANY OTHER STATE OR GOVERNMENT ENTITY FOR THE IDENTICAL GOODS AND SERVICES (WITH THE SAME TERMS AND CONDITIONS), THROUGHOUT THE STATE OF NEW JERSEY AND THE NATION FOR ORDERS OF SIMILAR SIZE.”

Companies with the same ownership and/or FEIN # that bid within the same category will be considered non-responsive.

The DOE has been consulted and the State has been unable to determine if Abbot School Districts are required to purchase items from State contract. However, State contracts are made available to Abbot School Districts desiring to use them.

Sargent Welch is added to the conference attendee list.

Bidders are required to return this addendum with the bid proposal.