STATE OF INDIANA

Negotiated Bid #ASA-23-74580

INDIANA DEPARTMENT OF ADMINISTRATION

On Behalf Of
All State Agencies
Specifically, the Department of Natural Resources

Solicitation For:
Fish Feed

Response Part One, Submission Form Due Date and Time:
April 3, 2023 @ 3:00 PM ET

Response Part Two, Submission of Proposals by Flash Drive Due Date and Time:
April 6, 2023 @ 3:00 PM ET

Stephanie Nelson, Procurement Consultant
SteNelson@idoa.in.gov
Indiana Department of Administration
Procurement Division
402 W. Washington St., Room W468
Indianapolis, Indiana 46204

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Section One
General Information and Requested Products/Services

1.1 Introduction

In accordance with applicable Indiana Code provisions, Rules and Policies, the Indiana Department of Administration (IDOA), acting on behalf of All State Agencies requires Fish Feed for All State Agencies, specifically the Department of Natural Resources. It is the intent of IDOA to solicit responses to this solicitation in accordance with the statement of work, proposal preparation section, and specifications contained in this document. This solicitation is being posted to the IDOA Bidding Opportunities website, at https://www.in.gov/idoa/procurement/current-business-opportunities/ for downloading. Neither this solicitation nor any response (proposal) submitted hereto are to be construed as a legal offer.

1.2 Definitions and Abbreviations

Following are explanations of terms and abbreviations appearing throughout this solicitation. Other special terms may be used in the document, but they are more localized and defined where they appear, rather than in the following list.

Award Recommendation	IDOA's summary, typically in letter format, of the solicitation and suggestion on respondent selection for the purposes of beginning contract negotiations
Award Amount	Proposed amount or the BAFO amount that will result in a Contract.
BAFO	Best and Final Offer is an opportunity for respondents to propose an improved cost for final score consideration.
Bid Response	An offer as defined in IC 5-22-2-17
Evaluated Amount	If preferences are selected, this is the amount after the preference is applied. Awardee is based on the evaluation amount.
Full Time Equivalent (FTE)	The State defines FTE as a measurement of an employee's productivity when executing the scope of work in this Negotiated Bid for a specific project or contract. An FTE of 1 would mean that there is one worker fully engaged on a project.

	If there are two employees each spending 1/2 of their working time on a project that would also equal 1 FTE
IAC	Indiana Administrative Code
IC	Indiana Code
Installation	The delivery and physical setup of products or services requested in this Negotiated Bid
Other Governmental Body	An agency, a board, a branch, a bureau, a commission, a council, a department, an institution, an office, or another establishment of any of the following: 1) The judicial branch 2) The legislative branch 3) A political subdivision as defined in IC 5-22-2-22 and IC 36-1-2-13 (includes school corporations, municipal corporations, Legislative body, Taxing district, Town, Township and Unit) 4) A State educational institution
PO (Purchase Order)	Contractual mechanism for a one-time purchase
Prime Contractor	Refers to the entity responding to the solicitation.
Products	Tangible goods or manufactured items as specified in this Negotiated Bid
Proposal	An offer as defined in IC 5-22-2-17
Respondent	An offeror as defined in IC 5-22-2-18; and any entity or person who does business with the State and is registered as same. The State will not consider a bid response responsive if two or more offerors submit a joint or combined proposal. One entity or individual must be clearly identified as the company who will be ultimately responsible for performance of the contract
Services	Work to be performed as specified in this solicitation

State	The State of Indiana
State Agency	As defined in IC 4-13-1, "State Agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of State government
Subcontractor	Refers to the entity entering into a contract with the Prime Contractor for a portion of the scope of the solicitation
Total Bid Amount	The amount that the respondent proposes on **Attachment D** that represents their total, all-inclusive price
VSC (Valuable Scope Contribution)	The benefit the proposed certified subcontractors(s) must provide to the project set forth in the solicitation

1.3 Purpose of the Negotiated Bid

The purpose of this solicitation is to select a respondent that can satisfy the State's need for Fish Feed. It is the intent of the State of Indiana to contract with a respondent that provides quality Fish Feed for All State Agencies, specifically the Department of Natural Resources.

1.4 Summary Scope of Work

The State intends to establish a statewide Quantity Purchase Agreement (QPA) for Fish Feed for All State Agencies. A Quantity Purchase Agreement is a contract between the State and contractor, in which commodities are supplied to Indiana state agencies on an ongoing, as-needed basis.

The contractor will be responsible for supplying fish feed for State agency customers, specifically the Department of Natural Resources. The fish feed will provide nourishment to the fish promoting a healthy and viable animal to stock within the State waters of Indiana.

It is important to note that State agency customers are located throughout the State of Indiana. As such, the contractor must have capacity to supply the requested items to all parts of the State.

Please see Attachment H for additional Specification Requirements.

Current State of Indiana contract information, including the incumbent name and current

contract pricing for fish feed may be viewed at the following web address: https://www.in.gov/idoa/proc/QPA/31796.pdf.

Since May 2019, the State has spent **approximately $327,827.000** on fish feed.

These figures are only an estimate and are not to be construed as an amount to be offered under this Negotiated Bid. **However, when completing Minority and Women's Business Enterprises Participation Plan Form (Attachment A), Indiana Veterans' Participation Plan Form (Attachment A1), and the Indiana Economic Impact Form (Attachment C) please use the total bid amount from the Bid Cost (Attachment D).**

1.5 Negotiated Bid Outline

The outline of this Negotiated Bid document is described below:

Section	Description
Section One – General Information and Requested Products or Services	This section provides an overview of the solicitation, general timelines for the process, and a summary of the products/services being solicited by the State/Agency via this Negotiated Bid.
Section Two – Bid Response Preparation Instruction	This section provides instructions on the format and content of the Bid including an Executive Summary and a Bid Cost.
Section Three – Negotiated Bid Evaluation Criteria	This section discusses the evaluation criteria to be used to evaluate Respondents' bid responses
Attachment A	M/WBE Subcontractor Form
Attachment A1	IVOSB Participation Plan Form
Attachment B	Sample Contract
Attachment C	Indiana Economic Impact (IEI) Form
Attachment D	Bid Cost

Attachment E	Q&A Template
Attachment F	Attestation Form
Attachment G	Preferences
Attachment H	Specification Requirements

1.6 Question/Inquiry Process

All questions/inquiries regarding this Negotiated Bid must be submitted in writing by the date and time outlined in Section 1.22. Questions/Inquiries may be submitted in **Attachment E**, Q&A Template, via email to rfp@idoa.IN.gov and must be received by the time and date indicated in Section 1.22.

The subject line of the email submissions must clearly state the following:
"**BID ASA-23-74580 Questions/Inquiries – [*INSERT COMPANY NAME*]**".

Following the question/inquiry due date, the State will compile a list of the questions/inquiries submitted by all Respondents. The responses will be posted to the IDOA website according to the timetable established in Section 1.22. Only answers posted on the IDOA website will be considered binding and valid by the State. No Respondent shall rely upon, take any action, or make any decision based upon any verbal communication with any State employee.
If it becomes necessary to revise any part of this solicitation, or if additional information is necessary for a clearer interpretation of provisions of this solicitation prior to the due date for bid responses, an Addendum will be posted on the IDOA website. If such Addenda issuance is necessary, the State may extend the due date and time of bids to accommodate such additional information requirements, if required.

1.7 Due Date for Bid Responses

All bid responses must be submitted through a two-part process. Both deadlines must be met for a response to be complete. Part one, the Submission Form is due as set forth in Section 1.22.[1] Proposals will be disqualified if the Submission Form is received after the expiration of the first deadline. Part two, the receipt date for Proposals on Flash Drives, is as set forth in Section 1.22. Proposals will be disqualified if Flash Drives are received after their deadline. The

[1] The date and time stamp generated by the State system indicating receipt of the Submission Form shall be considered the official time stamp for this Solicitation. See 1.22 Summary of Milestones for the due date and time.

awarded proposal **will be posted on the IDOA Award Recommendations website, at** https://www.in.gov/idoa/2462.htm**.**

The Submission Form is available at https://www.in.gov/idoa/procurement/current-business-opportunities. Complete the form in its entirety. The sourcing number and State Lead information is available on the title page of this document. The Executive Summary and Attestation Form are to be attached to the Submission Form.

The Flash Drive(s) should be sent using the address information below:

Stephanie Nelson – Negotiated Bid #ASA-23-74580
Indiana Department of Administration
Procurement Division
402 West Washington Street, Room W468
Indianapolis, IN 46204

- Each Respondent must submit at least one original Flash Drive but if more are needed, that is acceptable.
- The proposal must follow the format indicated in Section Two of this document. No other method of submission will be accepted.
- Unnecessarily elaborate brochures or other presentations, beyond those necessary to present a complete and effective proposal, are not desired.
- No more than one proposal per Respondent may be submitted.
- Responses not submitted by the deadlines will not be evaluated
  Sending the response via email or hand delivery ARE NOT viable alternatives.
- The State will not provide confirmation of receipt of Flash Drives. If that is desired, the Respondent should select a shipping method that will offer confirmation of receipt.
- The State accepts no obligations for costs incurred by Respondents in anticipation of being awarded.
- All communication, unless stated otherwise in this document, should be directed to the State Lead on the title page of this solicitation. If communication is had with any other staff member, the **Respondent may disqualify themselves from further consideration.**

Initial Bid Reponses will be opened on or after the Due Date and Time per IC 5-22-7.3-6. If clarifications are conducted with Respondents, and Respondents submit revised bids, the procedure for opening of these revised bids will be similar.

1.8 Modification or Withdrawal of Offers

Responses may be modified by Respondents until the time and date the response is due. The Respondent's authorized representative may withdraw the proposal prior to the due date by sending notice to the address listed above in Section 1.7.

1.9 **Pricing**

Pricing on this solicitation must be firm and remain open for a period of not less than one hundred eighty (180) days from the date of award issuance.

Any attempt to manipulate the format of the document, attach caveats to pricing, or submit pricing that deviates from the current format will put your bid response at risk of being removed from consideration.

Respondents should refer to the Bid Cost sub-section under Section Two for a detailed discussion of the bid response pricing format and requirements.

1.10 **Proposal Clarifications and Discussions**

The State may request clarifications, in writing, on bid responses submitted. These clarifications could include, but are not limited to, request for additional information, or request for Bid Cost. If clarifications are conducted, they will involve all responsive Respondents and will be conducted in writing. As a result of these clarifications, Respondents may be asked to submit revised bid responses. Respondents may respond to this request by submitting their initial bid response unchanged; however, prices cannot be increased, they must remain the same or lower. The State will provide equivalent information to all Respondents which have been chosen for clarifications.

A sample contract is provided in **Attachment B**. Any requested changes to the sample contract must be submitted with your response. The State may reject any of these requested changes. It is the State's expectation that all material elements of the contract will be substantially finalized prior to contract award.

1.11 **Best and Final Offer (BAFO)**

The State may request best and final offers from those Respondents determined by the State to be reasonably viable. The State reserves the right to award a contract based on initial bid responses received. Therefore, each bid response should contain the Respondent's best terms from a price and technical standpoint.

Following evaluation of the best and final offers, the State may select for final contract negotiations/execution the offer(s) that are most advantageous to the State.

1.12 Type and Term of Contract

The State intends to sign a contract with one or more Respondent(s) to fulfill the requirements in this solicitation.

The term of the contract shall be for a period of two (2) years from the date of contract execution. There may be two (2) one-year renewals for a total of four (4) years, at the State's option.

1.13 Confidential Information

Respondents are advised that materials contained in bid responses are subject to the Access to Public Records Act (APRA), IC 5-14-3 *et seq*., and, after the contract award, the entire solicitation file will be posted on the IDOA website and may be viewed and copied by any member of the public, including news agencies and competitors. The responses are deemed to be "public records" unless a specific provision of IC 5-14-3 protects it from disclosure. Respondents claiming a statutory exception to the APRA **must indicate so per Attachment F** which specific provision applies to which specific part of the response.

Please note citing "Confidential" on an entire section is not sufficient or acceptable.

The Public Access Counselor (PAC) provides guidance on APRA. Respondents are encouraged to read guidance from the PAC on this topic as this is the guidance IDOA follows:

- 18-INF-06; Redaction of Public Procurement Documents Informal Inquiry

If the Respondent does not identify the statutory exception, the State will not consider the submission confidential. The State also reserves the right to seek the opinion of the PAC for guidance.

1.14 Taxes

Bid responses should not include any tax from which the State is exempt.

1.15 Procurement Division Registration

In order to submit a proposal per Section 1.7, Respondents must be registered as a bidder with the Department of Administration, Procurement Division.

At Bidder Profile Registration, https://www.in.gov/idoa/procurement/supplier-resource-center/requirements-to-do-business-with-the-state/bidder-profile-registration/ the following may be completed.

- To register, follow instructions provided in Section 2.2.7.
- If registered, a Bidder ID # list is available to complete the Submission Form per Section 2.1.

1.16 Secretary of State Registration

If awarded, the Respondent will be required to register, and be in good standing, with the Secretary of State. The registration requirement is applicable to all limited liability partnerships, limited partnerships, corporations, S-corporations, nonprofit corporations, and limited liability companies. Information concerning registration with the Secretary of State may be obtained by contacting:

Secretary of State of Indiana
Corporation Division
402 West Washington Street, E018
Indianapolis, IN 46204
(317) 232-6576
www.in.gov/sos

1.17 Compliance Certification

Responses to this Negotiated Bid serve as a representation that the Respondent has no current or outstanding criminal, civil, or enforcement actions initiated by the State, and it agrees that it will immediately notify the State of any such actions. The Respondent also certifies that neither it nor its principals are presently in arrears in payment of its taxes, permit fees or other statutory, regulatory, or judicially required payments to the State. The Respondent agrees that the State may confirm, at any time, that no such liabilities exist, and, if such liabilities are discovered, that State may bar the Respondent from contracting with the State, cancel existing contracts, withhold payments to setoff such obligations, and withhold further payments or purchases until the entity is current in its payments on its liability to the State and has submitted proof of such payment to the State.

1.18 Equal Opportunity Commitment[2]

It has been determined that there is a reasonable expectation of minority, woman, and Indiana veteran business enterprises subcontracting opportunities on an award under this solicitation.

[2] Points do not apply in a Negotiated Bid

Therefore, a contract goal of 8% for Minority Business Enterprises, 11% for Woman Business Enterprises, and 3% for Indiana Veteran Owned Small Businesses have been established.

Failure to address these requirements will not impact the evaluation of your bid response. Evaluation points are not associated with Minority Enterprises, Women Enterprises and Indiana Veteran Owned Small Businesses.

1.19 Minority & Women's Business Enterprises Subcontractor Commitment (MWBE)

Indiana Code 4-13-16.5 and 25 IAC 5 governs the Division of Supplier Diversity program as it relates to the certification, oversight, and responsibilities around the certified Indiana Minority and/or Women Business Enterprises (MWBE). As stated in Section 1.18, a commitment expectation for this solicitation. The MWBE Subcontractor Commitment form is **Attachment A.** If opting to propose a commitment, the MWBE Subcontractor Commitment Form is to be submitted as a part of the Respondent's proposal. The entity must be on the State of Indiana Certified M/W/IVOSB list at https://www.in.gov/idoa/mwbe. **The State will not follow up with the Respondent if the required documents are not submitted.**

If participation is proposed through the use of Subcontractors, the Respondent must provide the scope of work of the products and/or services to be provided by the Subcontractor(s). This must include explanation of whether the products and/or services are to be utilized directly by the Respondent and/or directly by the State, a description of the process through which the products/services will be received and applied to the benefit of the contract, the deliverable requirements as agreed upon between the Contractor and Subcontractor, the certified UNSPSC codes that apply to the contract, and the cost of supplies being utilized by the Respondent for this proposal. Respondents must complete the Subcontractor Commitment Form in its entirety. The amount entered in "**TOTAL BID AMOUNT**" should match the amount entered in the **Attachment D**, Bid Cost Template (Bid Cost tab, Cell G13).

Failure to meet these goals will not impact the evaluation of your Proposal. The Department will verify certification information included on the MWBE Subcontractor Commitment Form.

Prime Contractors must ensure that the proposed Subcontractors meet the following criteria:

- Must be on the State of Indiana Certified M/W/IVOSB list at https://www.in.gov/idoa/mwbe, **on or before** the bid response due date.
- Each firm may only serve as one classification – MBE, WBE, or IVOSB (see section 1.18).
- IVOSB must have a Bidder ID

- IVOSB must provide goods or service only in the industry area for which it is certified. Specify the certified code that applies to the contract from https://www.in.gov/idoa/mwbe
- Must be used to provide the goods or services specific to the contract.
- National Diversity Plans are generally not acceptable

MINORITY & WOMEN'S BUSINESS ENTERPRISES RFP SUBCONTRACTOR LETTER OF COMMITMENT (MWBE)

A signed letter(s), on company letterhead, from the MBE and/or WBE must accompany the MWBE Subcontractor Commitment Form. Each letter shall state and will serve as acknowledgement from the MBE and/or WBE of its Subcontract amount, a description of products and/or services to be provided on this project, and approximate date the Subcontractor will perform work on this contract. The Subcontractor commitment shall apply to the life of the contract including any time after the initial term.

By submission of the proposal, the Respondent acknowledges and agrees to be bound by the rules and requirements of the State's Division of Supplier Diversity. Questions about those rules and requirements should be directed to: Division of Supplier Diversity at (317) 232-3061 or the Supplier Diversity website at https://www.in.gov/idoa/mwbe.

MINORITY & WOMEN'S BUSINESS COMPLIANCE (MWBE)

If awarded the contract with MWBE Subcontractor participation, the Respondent will be required to report payments made to Division of Supplier Diversity certified Subcontractors under the Contract monthly using the online audit tool, commonly referred to as "Pay Audit." The Contractor should also notify Subcontractors that they must confirm payments received from Contractor in Pay Audit. The Pay Audit system can be accessed on the IDOA Pay Audit System webpage at www.in.gov/idoa/mwbe/payaudit.htm.

Further, a copy of each Subcontractor agreement must be submitted to IDOA's Division of Supplier Diversity within thirty (30) days of the effective date of this contract. The contracts may be uploaded into Pay Audit, emailed to MWBECompliance@idoa.IN.gov; or mailed to Division of Supplier Diversity Compliance 402 W. Washington Street, Indianapolis IN 46204. Failure to provide a copy of any Subcontractor agreement or failure to meet these commitments could be considered a material breach of this contract and result in sanctions per 25 IAC 5.

Any changes to this information during the term of the contract must be approved by Division of Supplier Diversity Compliance at MWBECompliance@idoa.IN.gov.

1.20 Indiana Veteran Owned Small Business Subcontractor Commitment (IVOSB)

In accordance with IC 5-22-14 and 25 IAC 9, it has been determined that there is a reasonable expectation of Indiana Veteran Owned Small Business subcontracting opportunities on a contract awarded under this solicitation. **The IVOSB Subcontractor Commitment form is Attachment A1.** The IVOSB Subcontractor Commitment Form is to be submitted alongside the Respondent's proposal. The entity must be on the State of Indiana Certified M/W/IVOSB list at https://www.in.gov/idoa/mwbe.

If participation is proposed through the use of Subcontractors, the Respondent must provide the scope of work of the products and/or services to be provided by the Subcontractor(s). This must include explanation of whether the products and/or services are to be utilized directly by the Respondent and/or directly by the State, a description of the process through which the products/services will be received and applied to the benefit of the contract, the deliverable requirements as agreed upon between the Contractor and Subcontractor, the certified UNSPSC that applies to award, and the cost of supplies being utilized by the Respondent for this proposal. Respondents must complete the Subcontractor Commitment Form in its entirety. The amount entered in "**TOTAL BID AMOUNT**" should match the amount entered in the **Attachment D**, Bid Cost Template (Bid Cost tab, Cell G13).

If the Respondent to the solicitation is an IVOSB certified entity, the Respondent may indicate this on Attachment F, Attestation Form.

The IVOSB Respondent must list their **company contact information only** on the IVOSB Subcontractor Commitment Form.

Failure to address these goals will not impact the evaluation of you Proposal. The Department may verify all information included on the IVOSB Subcontractor Commitment Form.

Prime Contractors must ensure that the proposed IVOSB subcontractors meet the following criteria:

- Must be listed on Federal Center for Veterans Business Enterprise VETBIZ at https://www.vetbiz/va/gov/vip/ under INDIANA, or listed at State of Indiana Certified M/W/IVOSB list at https://www.in.gov/idoa/mwbe, **on or before** the proposal due date
- Prime Contractor must include with their proposal the Subcontractor's veteran business's current certification status from VETBIZ at https://www.vetbiz/va/gov/vip/.
- Each firm may only serve as one classification – MBE, WBE (see Section 1.18) or IVOSB
- IVOSB must have a Bidder ID
- Must provide goods or services only in the industry area for which it is certified as

listed in the VETBIZ federal registry, at https://www.vetbiz/va/gov/vip/ under INDIANA or at State of Indiana Certified M/W/IVOSB list at https://www.in.gov/idoa/mwbe. Specify the certified code that applies to the contract.

- Must be used to provide the goods or services specific to the contract. Must be used to provide the goods or services specific to the contract.

INDIANA VETERAN OWNED SMALL BUSINESS
SUBCONTRACTOR LETTER OF COMMITMENT

A signed letter(s), on company letterhead, from the IVOSB must accompany the IVOSB Subcontractor Commitment Form. Each letter shall state and will serve as acknowledgement from the IVOSB of its subcontract amount, a description of products and/or services to be provided on this project, and approximate date the Subcontractor will perform work on this contract.

By submission of the Bid Response, the Respondent acknowledges and agrees to be bound by the rules and requirements of the State's IVOSB Program. Questions about those rules and requirements should be directed to: Division of Supplier Diversity at indianaveteranspreference@idoa.in.gov, (317) 232-3061 or the Supplier Diversity website at https://www.in.gov/idoa/mwbe.

INDIANA VETERAN OWNED SMALL BUSINESS COMPLIANCE (IVOSB)

If awarded the contract with IVOSB Subcontractor participation, the Respondent will be required to report payments made to Division of Supplier Diversity certified Subcontractors under the Contract monthly using the online audit tool, commonly referred to as "Pay Audit." The Contractor should also notify Subcontractors that they must confirm payments received from Contractor in Pay Audit. The Pay Audit system can be accessed on the IDOA Pay Audit System webpage at www.in.gov/idoa/mwbe/payaudit.htm.

Further, a copy of each Subcontractor agreement must be submitted to IDOA's Division of Supplier Diversity within thirty (30) days of the effective date of this Contract. The contracts may be uploaded into Pay Audit, emailed to MWBECompliance@idoa.IN.gov; or mailed to Division of Supplier Diversity Compliance 402 W. Washington Street, Indianapolis IN 46204. Failure to provide a copy of any Subcontractor agreement or failure to meet these commitments could be considered a material breach of this Contract and result in sanctions.

Any changes to this information during the term of the contract must be approved by Division of Supplier Diversity Compliance at MWBECompliance@idoa.IN.gov.

1.21 Americans with Disabilities Act

The Respondent specifically agrees to comply with the provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq*. and 47 U.S.C. 225).

1.22 Summary of Milestones

The following timeline is only an illustration of the solicitation process. Not all the dates below are binding.[3] Due to the unpredictable nature of the evaluation period, these dates are commonly subject to change. At the conclusion of the evaluation process, all Respondents will be informed of the evaluation team's findings.

Key Dates

Activity	Date
Issue of solicitation	February 27, 2023
Deadline to Submit Written Questions	March 6, 2023 by 3:00 PM Eastern Time
Response to Written Questions/Amendments	March 13, 2023
Submission process Part one: Submission Form and Required Attachments (See footnote 3.)	April 3, 2023 by 3:00 PM Eastern Time
Submission process Part two: Submission of Proposals on Flash Drive(s) (See footnote 3.)	April 6, 2023 by 3:00 PM Eastern Time
Target Award Recommendation	April 2023

1.23 Evidence of Financial Responsibility (25 IAC 1.1-1-5)

Removed at the request of the agency.

1.24 Conflict of Interest

Any person, firm or entity that assisted with and/or participated in the preparation of this solicitation document is prohibited from submitting a bid response to this specific solicitation.

[3] Submission of the Submission Form and proposals on Flash Drives to State ARE binding and not subject to change.

For the purposes of this solicitation, a "person" means a State officer, employee, special State appointee, or any individual or entity working with or advising the State or involved in the preparation of this solicitation. This prohibition would also apply to an entity who hires, within a one-year period prior to the publication of this solicitation, a person that assisted with and/or participated in the preparation of this solicitation.

1.25 **Ethics Obligations**

The Respondent and its agents shall abide by all ethical requirements that apply to persons who have a business relationship with the State, as set forth in Indiana Code § 4-2-6 et seq. and Indiana Code 4.2.7, the regulations promulgated thereunder, and Executive Order 04-08, dated April 27, 2004. If the Respondent is not familiar with these ethical requirements, the Respondent should refer any questions to the Indiana State Ethics Commission or visit the Indiana State Ethics Commission website at http://www.in.gov/ig/2335.htm. If the Respondent or its agents violate any applicable ethical standards, the State may, in its sole discretion, terminate this or contract immediately upon notice to the contractor. In addition, the Respondent may be subject to penalties under Indiana Code § 4-2-6-12 and 4.2.7.

1.26 **Procurement Protest Policy**

The State's procurement protest policy can be found at https://www.in.gov/idoa/files/ProcurementProtestPolicy.pdf. Per the policy, there are two periods of protest allowable for the solicitation:

- Specifications Protest - written letter of protest regarding inadequate, unduly restrictive, or ambiguous requirements or specifications must be received by IDOA by the close of business not less than ten (10) business days (as defined by the State work calendar) prior to the bid response due date.
- Award Recommendation Letter Protest - written letter of protest regarding the procurement methods and/or procedures used during the procurement process must be received by IDOA by the close of business within five (5) business days (as defined by the State work calendar) after the date of the Award Recommendation Letter.

Additional details as to the required content in the letter and the steps involved in a protest can be found in the State's Procurement Protest Policy at https://www.in.gov/idoa/files/ProcurementProtestPolicy.pdf.

1.27 **F.O.B. (Free on Board) Destination**

The State requires all bids to be submitted based on F.O.B. destination.
Refusal to do so may lead to disqualification.

1.28 **Open Competition**

The specifications are intended to be nonrestrictive. Brand names and model numbers may be used but they are merely intended to be guidelines to establish criteria and quality for competitive bidding. Unless otherwise stated, alternate bids will be evaluated and may be acceptable if they can be verified as equal or better than specified as determined by the State. All Respondents with alternate products shall submit detailed specifications with their bid.

1.29 **Miscellaneous**

Patents: The Contractor agrees to defend, at its own expense, the State of Indiana and the Using Agency and to hold it harmless with respect to any claims that the equipment furnished by the Contractor under this agreement infringes or allegedly infringes any patents of the United States and with respect to any and all suits, controversies, demands, and liabilities arising out of such claim; provided that the foregoing shall not apply to infringement resulting from Contractor's use of a patented invention required to comply with the written instructions of the State, if such patented invention is not normally utilized by the Contractor , and provided that the State:

A. Gives the Contractor a prompt written notice of any claim; and
B. Allows the Contractor to control and fully cooperates with the Contractor in the defense and all related settlement negotiations.

Obligation: Contractor's obligation under the Patents Section is further conditioned on the State's agreement that if the operation of the equipment becomes or, in the Contractor's opinion, is likely to become the subject of such a claim, the State will permit Contractor, at its option and expense, either to procure the right for the State to continue using the equipment or to replace or modify it so that it becomes non-infringing. However, if neither of the foregoing alternatives is reasonably available, the State will return the equipment upon written request by the Contractor. The Contractor agrees to grant the State credit for returned equipment as depreciated. The depreciation shall be an equal amount per year over the life of the equipment established by mutual agreement of the State of Indiana and the Contractor.

SECTION TWO
PROPOSAL PREPARATION INSTRUCTIONS

2.1 General

To facilitate the timely evaluation of proposals, a standard format for proposal submission has been developed and is described in this section. All Respondents are required to format their proposals in a manner consistent with the guidelines described below:

- Proposals will be disqualified if the Submission Form is received after the expiration of the first deadline per Section 1.22.
- Proposals will be disqualified if the Submission Form is received without the Executive Summary and/or the required completed Attestation Form attached.
- The Executive Summary must be in the form of a letter and attached to the Submission Form.
- **Attachment F**, the Attestation Form, must be attached to the Submission Form.
- Proposals will be disqualified if Flash Drives are received after the expiration of the second deadline per Section 1.22.
- Each item, Executive Summary, and attachments must be separate standalone electronic files. Please do not submit your proposal as one large file.
- A Bidder ID is a required field on the Submission Form to submit a response. A Bidder ID list is available at https://www.in.gov/idoa/procurement/supplier-resource-center/requirements-to-do-business-with-the-state/bidder-profile-registration/
- Requests to extend the due date to accommodate delivery challenges will be denied. Submission Form and Flash Drive responses not submitted by the deadlines will not be considered; sending responses via email or hand delivery will not be a viable alternative.
- The State strongly encourages Respondents to allow plenty of time to ship their proposals on Flash Drives.
- Please submit all attachments in their original format. Any attempt to manipulate the format of the documents that deviates from the current format will put your proposal at risk of disqualification.
- Confidential Information must also be clearly marked per **Attachment F**.
- Confirmation of receipt of Flash Drives is the responsibility of the Respondents and reliant upon the shipping method chosen.

2.2 Executive Summary[4]

The Executive Summary must address the following topics except those specifically identified as "optional." The Executive Summary is to be attached to the Submission Form by the response due date and Eastern time.

[4] The Executive Summary may be included on the Flash Drive if desired.

2.2.1 Summary of Ability and Desire to Supply the Required Products or Services

The Executive Summary must briefly summarize the Respondent's ability to supply the requested products and/or services that meet the requirements defined in Section One of this solicitation.

2.2.2 Signature of Authorized Representative

A person authorized to commit the Respondent to its representations and who can certify that the information offered in the proposal meets all general conditions, must sign the Executive Summary. **In the Executive Summary, please indicate the principal contact for the proposal along with an address, telephone, and e-mail address, if that contact is different than the individual authorized for signature.**

2.2.3 Respondent Notification

Unless otherwise indicated in the Executive Summary, Respondents will be notified via e-mail.

It is the Respondent's obligation to notify the State of any changes in any address that may have occurred since the origination of this solicitation. The State will not be held responsible for incorrect vendor, contractor, or respondent addresses.

2.2.4 Secretary of State

The Respondent shall indicate their status with respect to the Office of the Indiana Secretary of State.

2.2.5 Other Information

This item is optional. Any other information the Respondent may wish to briefly summarize will be acceptable.

2.2.6 Contract Terms/Clauses

A sample contract that the State expects to execute with the successful Respondent(s) is provided in **Attachment B**. This contract contains mandatory

clauses. Mandatory clauses are listed below and are non-negotiable. Other clauses are substantively required. It is the State's expectation that the final contract will be substantially similar to the sample contract provided in **Attachment B**.

Please review the contract and indicate per **Attachment F,** your acceptance of mandatory contract clauses. If a non-mandatory clause is not acceptable as worded, suggest specific alternative wording to address issues raised by the specific clause in **Attachment F**. If you require additional contract terms, please include them in this section. To reiterate it's the State's strong desire to not deviate from the contract provided in the attachment and as such the State may reject all requested changes.

The mandatory contract terms are as follows:

- Authority to Bind Contractor
- Compliance with Laws
- Drug-Free Workplace Certification
- Employment Eligibility Verification (E-Verify)
- Funding Cancellation
- Governing Law
- Indemnification
- Information Technology Enterprise Architecture Requirements
- Nondiscrimination Clause
- Penalties/Interest/Attorney's Fees
- Termination for Convenience
- Non-Collusion and Acceptance

The substantively required terms are as follows:

- Duties of Contractor, Consideration, and Term of Contract
- Ownership of Documents and Materials
- Payments

This solicitation and all portions of the Respondent's response will be incorporated as part of the final contract.

2.2.7 **Registration to do Business**

<u>Secretary of State</u>
Respondents providing the products and/or services required by this solicitation

must be registered to do business within the State by the Indiana Secretary of State. This process must be concluded prior to contract negotiations with the State. It is the successful Respondent's responsibility to complete the required registration with the Secretary of State at www.in.gov/sos. The Respondent must indicate the status of registration, in the Executive Summary.

Department of Administration, Procurement Division
To complete the on-line Bidder registration, go to the Bidder Profile Registration website at https://www.in.gov/idoa/procurement/supplier-resource-center/requirements-to-do-business-with-the-state/bidder-profile-registration/. The Bidder registration offers email notification of upcoming solicitation opportunities, corresponding to the Bidder's area(s) of interest, selected during the registration process. Respondents need to be registered to submit a proposal. Completion of the Bidder registration will result in your name being added to the Bidder's Database, for email notification. The Bidder registration requires some general business information, an indication of the types of goods and services you can offer the State of Indiana, and locations(s) within the state that you can supply or service. There is no fee to be placed in Procurement Division's Bidder Database.

2.2.8 **Authorizing Document**

A person authorized to commit the Respondent to its representations and who can certify that the information offered in the bid response meets all general conditions must sign the Executive Summary, please indicate the principal contact for the proposal along with an address, telephone number, and e-mail address, if that contact is different than the individual authorized for signature. Additionally, the Company's Bidder ID #, FEIN, Type of Business (i.e., Corporation, Sole Proprietor, LLC), and North American Industry Classification System (NAICS) Code should all be included in the Executive Summary.

2.2.9 **Diversity Subcontractor Agreements**

a. Per Section 1.19, Minority & Women's Business Enterprises (MBE/WBE), and 1.20 Indiana Veteran Owned Small Business Subcontractor (IVOSB), explain process followed to engage with potential MBE, WBE and IVOSB owned, Indiana certified businesses listed on Division of Supplier Diversity site. List the businesses invited to discuss the opportunity for potential partnership.
b. If not proposing each MBE, WBE or IVOSB subcontractor partnership, explain the rationale for declining to do so. Complete this for each category not proposed.

2.2.10 **Evidence of Financial Responsibility**

Removed at the request of the agency.

2.2.11 **General Information**

Each Respondent must enter your company's general information including contact information.

a. Does your Company have a formal disaster recovery plan? Please provide a yes/no response. If no, please provide an explanation of any alternative solution your company has to offer. If yes, please note and include as an attachment.

b. What is your company's technology and process for securing any State information that is maintained within your company?

2.2.12 **Experience Serving State Governments**

Each Respondent is asked to please provide a brief description of your company's experience in serving state governments and/or other governmental bodies.

2.2.13 **Experience Serving Similar Clients**

Each Respondent is asked to please describe your company's experience in serving clients of a similar size to the State that also had a similar scope. Please provide specific clients and detailed examples.

2.2.14 **Payment**

Respondent should be able to accept payment by credit card as an optional form of payment but should be able to accept other forms of payment from the State as well. In the Respondent's proposal, the Respondent should agree to accept any credit card-user handling fees associated with acceptance of the State's Purchasing Card. Please demonstrate how your company will meet this requirement of accepting payment by credit card as the only form of payment if the State chooses to implement this policy.

2.3 **Bid Cost**

The Bid Cost Template is Attachment D.

Please use the Bid Cost Template (an Excel document) to enter prices and use the Specification Requirements document (Attachment H) to confirm your proposed products meet the required specifications.

The proposed unit prices shall be the purchase price of the product(s) offered to the State. Pricing must be all inclusive, which includes all shipping, packaging, delivery, and all administrative costs. **Additional costs will not be accepted.**

Unit price must be entered and extended, and the total price of the bid must be shown. Unit prices are to be bid based on the unit specified. If there is an error between the unit price and total price, the unit price shall prevail**.** ***Awarded Prices: Prices listed for each item are firm and cannot be changed.***

The Bid Cost must be submitted in the original format. Any attempt to manipulate the format of the Bid Cost document, attach caveats to pricing, or submit pricing that deviates from the current format will put your bid response at risk.

2.4 Attestation Form[5]

The Attestation Form is **Attachment F**. This is the formal declaration of responses to the following as well as to the additional areas cited within **Attachment F** as it relates to this solicitation. **Attachment F**, Attestation Form is to be attached to the Submission Form due on the Submission Form due date and Eastern time.

2.4.1 Indiana Economic Impact

All companies desiring to do business with State Agencies must complete an "Indiana Economic Impact" form (**Attachment C**). This is not a separate evaluation item scored as set forth in Section 3.2 but still a required form. The collection and recognition of the information collected with the Indiana Economic Impact form places a strong emphasis on the economic impact a project will have on Indiana and its residents regardless of where a business is located. The collection of this information does not restrict any company or firm from doing business with the State. The amount entered in Line 16 "Total amount of this proposal, bid, or current contract" should match the amount entered in **Attachment D (Bid Cost tab, Cell G13)**.

[5] The Attachment F, Attestation Form, may be included on the Flash Drive if desired.

2.4.2 **Buy Indiana Initiative (Indiana Business Preference)/Indiana Company**

It is the Respondent's responsibility to confirm its Buy Indiana status for this portion of the process Go to the Buy Indiana website at https://www.in.gov/idoa/2467.htm

Respondents not previously registered with IDOA must go to the Buy Indiana website at https://www.in.gov/idoa/2467.htm and follow the steps outlined in the paragraph above to certify your business' status. The Respondent's Buy Indiana status must be finalized when the solicitation response is submitted to the State.

Respondent must clearly indicate whether they intend to claim in **Attachment F**.

When applying to Buy IN status, be sure to allow sufficient time to complete this process, at least twenty (20) business days.

Buy Indiana must be affirmatively claimed in the Attestation Form, Attachment F.

2.4.3 **Indiana Preferences**

Pursuant to IC 5-22-15-7, Respondent may claim only one (1) preference. **Respondent must clearly indicate which preference(s) they intend to claim in Attachment G**

2.4.4 **Subcontractors**

The Respondent is responsible for the performance of any obligations that may result from this solicitation and shall not be relieved by the non-performance of any subcontractor. Respondent's proposal must identify all subcontractors including those not submitted in **Attachment A and/or Attachment A1** and describe the contractual relationship between the Respondent and each subcontractor. Either a copy of the **executed subcontract** or a **letter of agreement** over the official signature of the firms involved must accompany each proposal.

Any subcontracts entered into by the Respondent must be in compliance with all State statutes and will be subject to the provisions thereof. For each portion of the proposed products or services to be provided by a subcontractor, **the Attestation Form must include the identification of the functions to be**

provided by the subcontractor and the subcontractor's related qualifications and experience.

The combined qualifications and experience of the Respondent and any or all subcontractors will be considered in the State's evaluation. The Respondent must furnish information to the State as to the amount of the subcontract, the qualifications of the subcontractor for guaranteeing performance, and any other data that may be required by the State. All subcontracts held by the Respondent must be made available upon request for inspection and examination by appropriate State officials, and such relationships must meet with the approval of the State.

The Respondent must list any subcontractor's name, address, and the state in which formed that are proposed to be used in providing the required products or services. The subcontractor's responsibilities under the proposal, anticipated dollar amount for subcontract, the subcontractor's form of organization, and an indication from the subcontractor of a willingness to carry out these responsibilities are to be included for each subcontractor. This assurance in no way relieves the Respondent of any responsibilities in responding to this solicitation or in completing the commitments documented in the proposal. The Respondent must indicate which, if any, subcontractors qualify as a Minority Business Enterprise, Women's Business Enterprise, or Veteran Owned Small Business under IC 4-13-16.5-1 and IC 5-22-14-3.5. See Section 1.19, Section 1.20 and **Attachments A/A1** for Minority, Women, and Veteran Business information.

IVOSB entities (whether a prime or subcontractor) must have a Bidder ID. If registered with IDOA, this should have already been provided (as with MWBEs). IVOSBs that are only registered with the Federal Center for Veterans Business Enterprise will need to ensure that they also have a Bidder ID provided by IDOA.

SECTION THREE
PROPOSAL EVALUATION

3.1 Bid Response Evaluation Procedure

The procedure for evaluating the bid responses against the evaluation criteria will be as follows:

3.1.1 Each bid response will be evaluated for adherence to mandatory requirements per Section 3.2, Step 1, on a pass/fail basis. Bids that are incomplete or otherwise do not conform to proposal submission requirements may be eliminated from consideration. Further, any proposals not meeting the Mandatory Requirements listed in Section 3.2 and Step 1 and noted in **Attachment F** may be disqualified.

3.1.2 The bid responses that meet all specifications and mandatory requirements, as provided in the solicitation, will then be evaluated based on the "unit price" for each line item in **Attachment D**. However, the State reserves the right to award based on the "Total Annual Estimated Cost" calculated in **Attachment D**, if it is determined that a single vendor would offer the best means of serving the State.

3.1.3 Awardee is based upon the lowest or most responsive bidder meeting all requirements.

3.1.4 Based on the results of this evaluation, the qualifying proposal determined to be the most advantageous to the State, may be selected. If, however, no proposal is sufficiently advantageous to the State, the State may take whatever further action is deemed necessary to fulfill its needs. If, for any reason, a proposal is selected and it is not possible to finalize a contract with the Respondent, the State may begin contract preparation with the next qualified Respondent or determine that no such alternate proposal exists.

3.2 Evaluation Criteria

Proposals will be evaluated based upon the proven ability of the Respondent to satisfy the requirements of the solicitation in a cost-effective manner. Each of the evaluation criteria categories is described below with a brief explanation of the basis for evaluation in that category.

All proposals will be evaluated using the following approach.

Step 1

In this step proposals will be evaluated to ensure that they adhere to Mandatory Requirements. The Mandatory Requirements are:

- Executive Summary and required content; submitted as Submission Form attachment via Part One submission requirements per 1.7 Due Date for Bid Responses.
- **Attachment C** Indiana Economic Impact Form, completed
- **Attachment D** Bid Cost
- **Attachment F** Attestation Form, complete with all requested supporting documents; submitted as Submission Form attachment via Part One submission requirements per 1.7 Due Date for Bid Responses.

Any bids not meeting the Mandatory Requirements will be disqualified.

Step 2

If the State conducts additional rounds of discussions and a BAFO, then scores will be recomputed.

As per 1.11, the State reserves the right to award based on initial bid responses received. Therefore, each bid response should contain the Respondent's best terms from a price and technical standpoint.