

## II. INSTRUCTIONS TO OFFERORS

### RFP 2022-06-001 - SCHOOL FURNITURE

1.0 GENERAL. The following instructions by the Boyd Independent School District are intended to afford Offerors an equal opportunity to participate in the proposal process.

1.1 Before submitting an offer to this solicitation, Offerors shall familiarize themselves with all parts of this solicitation because these parts become a part of any resulting contract.

1.2 Offerors shall familiarize themselves with existing conditions in the material and labor markets prior to submission of an offer. The fact that an offer (bid/proposal) is submitted will be construed by the BISD Board of Trustees to indicate that the Offeror agrees to carry out the furnishing of products/services in full accordance with the specifications and other contract documents notwithstanding existing material and labor markets' conditions.

1.3 Any explanation or request for clarification or additional information by an Offeror regarding the meaning or interpretation of these instructions or any other **RFP** documents must be requested via email by **3:00 PM on June 10, 2022** in order to provide sufficient time for a reply to reach all interested Offerors to consider and include the information in submission of their offers. Oral explanations or instructions will not be binding. Offerors are prohibited from contacting the technical/functional expert directly for information related to this **RFP**. All questions will be directed to the technical/functional expert for response and included in any addendum or update to be distributed to all interested Offerors. Questions submitted provide a written record of the question for documentation of the contact made between the Offeror and the District.

1.4 A functional area expert or a day-to-day contract administrator or manager for BISD may be identified elsewhere in this document. Functional area experts, day-to-day contract administrators/managers, teachers, principals, and/or other district employees are not authorized to substantially amend this solicitation document or to substantially modify the subsequent contract. Substantially includes, but is not limited to, changes to delivery dates, place of delivery, and/or specifications that significantly alter the form, fit, and function of a product or the scope of work of a service. Amendments to solicitation documents will be made by the assigned Buyer and approved by the Director of Purchasing. Modifications to contracts/agreements will be made by the Director of Purchasing, the Associate Superintendent for Business, and/or the Superintendent in accordance with the BISD Board's guidance, policies, and/or procedures. If a vendor acts on the guidance of a district employee that is not authorized to make changes, the vendor does so at his or her own risk or peril. Also, if a vendor attempts, or gains, a modification/amendment from a district employee that is not authorized to make changes, the vendor does this at his or her own risk or peril and risks the termination of his or her contract/agreement.

1.5 The terms Offeror, contractor, proposer, vendor, and/or bidder refer to the person/firm that submits the offer to this solicitation document. The terms BISD, owner, district, and/or government entity refer to Boyd Independent School District.

## 2.0 RESTRICTED CONTACT PERIOD.

2.1 The Restricted Contact Period shall mean a prohibition on any communication regarding any request for proposal (RFP), bid, request for Qualification Statement (RFQ) or other competitive solicitation (as defined in the procurement methods above) between:

2.1.2. Any person who seeks an award from the District or its affiliated entities including a potential vendor or vendor's representative; and

2.1.3. Any Board member, Superintendent, senior staff member, principal, department head, director, manager, or other District employee who has influence in the evaluation or selection process.

2.2 Furthermore, campaign contributions, gifts, donations, and any other items of value are prohibited between the parties defined above for any known contract under consideration during the restricted contact period. The District shall review historical campaign finance reports to identify campaign contributions for the applicable period and hold newly elected Board members to the same accountability standard as existing Board members during the restricted contact period.

2.3 The restricted contact shall not apply to communication with the District's Procurement Services staff. Such communications shall be limited to the purpose of obtaining clarification or information concerning the subject solicitation or conducting contract according to guidance in 1.3 in Section II labeled Instruction To Offerors above.

2.4 The restricted contact period shall begin upon the issuance of an RFP, bid, or other competitive solicitation (as defined under procurement methods above) and will officially end upon execution of an award by the Board and/or the execution of a negotiated contract, whichever represents the final act in the procurement process. A weekly e-mail notification shall be sent to the Board, Superintendent, and cabinet-level staff members of open competitive solicitations, and the notification shall remain in effect until the execution of the awarded contract by all required parties. The Procurement Services Department shall also provide public notice on our website at [boydisd.net/department/finance](http://boydisd.net/department/finance).

2.5 Regardless of the above time period, it is not acceptable for a potential vendor to participate in determining the scope of work, strategic direction, technical specifications, or evaluation criteria of such projects. Nothing contained in this policy shall prohibit any potential vendor or vendor's representative from:

2.5.1. Making public representations at scheduled pre-bid conferences or scheduled selection and negotiation committee meetings;

2.5.2. Engaging in contract negotiations during any scheduled meeting;

2.5.3. Making a public presentation to the Board during any duly noticed public meeting; or

2.5.4. Conducting business on contracts previously executed and currently in force.

2.6 The potential vendor or vendor's representative shall send all written communication directly to the designated procurement staff.

2.7 Nothing in this policy shall prohibit the procurement staff from initiating a contact with a potential vendor or vendor's representative and subsequent communication for the purpose of obtaining clarifying information regarding a response to an RFP, bid, or competitive solicitation. Such contact shall be in writing and shall be provided to the members of the applicable procurement staff, including any response thereto.

3.0 SPECIFICATIONS. Offerors are expected to examine the specifications, standard provisions, Scope/Statement of Work and all instructions contained in this **Proposal** document. Failure to do so will be at the Offeror's risk. Offers submitted on other than the authorized forms provided in this solicitation document or with different terms or provisions may be considered to be non-responsive.

4.0 INFORMATION REQUIRED. Each Offeror shall furnish the information required by the **RFP** documents.

5.0 SUBMISSION OF PROPOSALS The Offeror should propose his/her lowest and best price on each item. Shipments will be made FOB Destination. Faxed proposals will not be accepted.

5.1 Proposed price should be firm (fixed). If the Offeror, however, believes it necessary to include in his/her price an economic price adjustment, such a proposal may be considered, but only as an alternate proposal. The economic price adjustment should give the maximum price increase (either % or \$) and the date and/or event at which the increase would be effective.

5.2 BISD is exempt from federal excise taxes, state and local sales and use taxes.

5.3 Failure to sign/acknowledge the offer will disqualify it.

6.0 DISCUSSIONS/NEGOTIATIONS. Discussions/Negotiations may be conducted with Offerors who are deemed to be within the final competitive range; however, BISD reserves the right to award a contract without discussions/negotiations. The competitive range will be determined by BISD's Director of Purchasing and will include only those initial offers that the Director of Purchasing determines have a reasonable chance of being awarded a contract.

7.0 BEST AND FINAL OFFERS. If discussions/negotiations are conducted, Offerors will be required to submit a best and final offer if price/delivery or factors agreed to during negotiations have changed from the originally submitted **proposal**. Best and final offers must be received by the date/time provided during discussions/negotiations or the originally submitted **proposal** will be used for further evaluation and award recommendation. Best and final offers may be required as early as 24 hours after completion of negotiations/discussions.

**9.0 OPENING PROPOSALS.** A formal "opening" will not be held and prices will not be read. Trade secrets and confidential information contained in proposals shall not generally be open for public inspection, but BISS's records are a matter of public record.

**10.0 PROCUREMENT SCHEDULE.** This following procurement schedule will be utilized for this process:

Release of RFP:	<b>June 3, 2022</b>		
Deadline to Submit Questions:	<b>3:00 PM</b>	on	<b>June 10, 2022</b>
Answers to Questions (if needed):	End of Business	on	<b>June 13, 2022</b>
Responses Due:	<b>3:00 PM</b>	on	<b>June 20, 2022</b>
Evaluation Period:	_____	-	_____
Interview Period (if necessary):	_____	-	_____
Board Meeting:	<b>July 2022</b>		
Effective Date of Resulting Agreement:	<b>July 2022</b>		

(Dates and times subject to change and will be notified by Addendum)

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