

PROCUREMENT SOLICITATION DOCUMENT



The Interlocal Purchasing System (TIPS)

A Cooperative Purchasing Program available for membership by Government and Other Entities in all fifty states.

Lead Agency



Region 8 Education Service Center

4845 US Hwy. 271 North, Pittsburg, Texas 75686 - Toll-free (866) 839-8477
www.tips-usa.com E-mail: bids@tips-usa.com

NOTICE TO PROPOSERS

**DEADLINE DATE FOR ALL PROPOSALS TO BE RECEIVED ELECTRONICALLY or otherwise is:
June 14, 2019 at 3:00 P.M. Local Time**

The solicitation documents may be found at <https://tips.ionwave.net>

If a problem is encountered accessing the solicitation, please contact TIPS at the address or phone listed above for help.

This solicitation is a Request for Proposals as permitted in the Texas Education Code § 44.031 for the category:

RFP 190402 Fleet Leasing and Management

NOTICE: The use of the terms Solicitation, Bid, Request for Proposals, RFP, Request for Competitive Sealed Proposals, RCSP, or other specific terms may not be accurate in legal terminology and should be construed to mean the method of competitive procurement listed above with the legal citation of the source of the procurement method. Example: "This Solicitation is a Request for Proposals as permitted in the Texas Education Code Section 44.031". THIS IDIQ SOLICITATION IS INTENDED FOR THE USE OF ESC REGION 8, TIPS AND TIPS MEMBER ENTITIES OR FUTURE MEMBERS TO PIGGYBACK UPON AND UTILIZE AS THEIR OWN SOLICITATION FOR LEGAL PROCUREMENT. BECAUSE MEMBER ENTITIES PIGGYBACKING UPON AN AGREEMENT RESULTING FROM THIS SOLICITATION MAY DO SO AT THEIR DISCRETION AND TIMING, ANY SCOPE REQUIREMENTS OF THE SOLICITATION MAY CHANGE DURING THE LIFE OF THE RESULTING IDIQ AGREEMENTS AND NO SPECIFIC VOLUME OF PURCHASES IS GUARANTEED BY TIPS.

General Information

FINANCING OF TIPS

TIPS Vendor Paid Fee

The total cost of the TIPS program, in most cases, is primarily funded through an administration fee paid to TIPS by the awarded contractors. The fee is based on actual vendor project sales. TIPS establishes a fee for each solicitation for proposals that is in the best interest of TIPS and its members.

The fee schedule paid by the vendor for agreements awarded under solicitation \$125.00 per leased vehicle to TIPS Member entities in the first year of the contract and a \$5 per year escalation of the fee for each year the contract is in force. This fee is based on the number of vehicles leased and not related to the value of the vehicle and NO ADDITIONAL FEES ARE DUE on any added services or equipment purchased by TIPS members.

Example:

Year 1 = \$125 per vehicle

Year 2 = \$130 per vehicle

Year 3 = \$135 per vehicle

Year 4 = \$140 per vehicle

Year 5 = \$145 per vehicle

Term of Agreement and Renewals The initial term of the agreement is five (5) years. Awarded agreements may be extended for two (2) additional consecutive one-year terms or for a single two (2) year term if both parties agree. TIPS may or may not exercise the extension beyond the initial term and whether or not to offer the extension is at the sole discretion of TIPS. THIS CLAUSE CONTROLS OVER ANY OTHER TERM IN ANY OTHER PART OF THIS SOLICITATION. TIPS reserved the right to solicit proposals at any time it is in the best interest of TIPS and/or its members.

Termination TIPS or the awarded vendor may terminate an award under this solicitation at will for cause or no cause for convenience. TIPS must provide the vendor with 30 days written notice to the awarded vendor at the address provided in the response or as otherwise provided. The Awarded vendor shall provide TIPS with 90 days written notice in order to protect the interests of the TIPS member that may be in negotiation.

Vendor Questions

Questions about the specific SOLICITATION shall be submitted to bids@tips-usa.com with the following in the subject line: "SOLICITATION NAME #xxxxxx contractor question". Questions of a ministerial nature will be answered without an addendum, but questions of a substantive

nature that are not addressed in the SOLICITATION or deemed relevant to the process by TIPS will be addressed by properly posted addendum.

QUESTIONS WILL BE RECEIVED UNTIL June 3, 2019 AT NOON Local Time.

Pre-Bid Meeting (Not Mandatory)

A Pre-Bid Meeting may be requested by any proposer, if you wish to request a Pre-Bid Meeting, please email bids@tips-usa.com

By Noon, April 18, 2019.

If requested, a Pre-Bid meeting will be scheduled if agreed by TIPS, an addendum posted and a notification will be sent by the electronic bidding system to all known interested parties.

***If Requested, TIPS reserves the right to determine if a Pre-Bid Meeting is held.**

ANTICIPATED SCHEDULE OF AWARD OR RELATED EVENT:

Posting Date	April 4, 2019	8:00 AM Local Time
Proposal Deadline	June 14, 2019	3:00 PM Local Time
Proposal Opening	June 14, 2019	3:00 PM Local Time
Proposal Review Begins	June 14, 2019	3:01 PM Local Time
Proposal Review Ends	July 18, 2019	1 week prior to anticipated Award Date
Proposals Award**	July 25, 2019	8:30 AM Local Time
Award Notifications	July 25, 2019	12:00 PM Local Time
	July 25, 2019	TIPS will begin posting to TIPS Website
	July 25, 2019	Responders may call for results
	July 25, 2019	Award letters will be made available online

**** TIPS may award prior to the anticipated date.**

***Non-Award letters will be mailed to contractors with No Awards.**

TIPS agreements are available for use by all schools, colleges, universities, cities, counties and other government entities in all fifty states if permitted by the jurisdictions of the governmental entities.

Pricing

Pricing must be fixed, firm and calculable based on listed prices and/or as a coefficient of a list price and/or as a coefficient of a financial index and/or one or more industry standard unit price book(s), and/or a catalog price with a discount offered from the catalog price and/or any other method that makes it possible to arrive at the customer's prices at any time during the life of the contract.

Definition of "catalog"

"Catalog" means the available list of tangible personal property or services, in the most current listing, regardless of date, during the life of the contract, that takes the form of a catalog, price list, schedule, shelf price or other form that:

- A. is regularly maintained by the manufacturer or vendor of an item; and
- B. is either published or otherwise available for inspection by a customer during the purchase process;
- C. to which the minimum discount proposed by the proposing vendor may be applied.

Explanation:

Markup on cost

Use caution when using the Markup pricing method because many members are not allowed to use a bid with a markup pricing method, specifically when using Federal Grant Funds. Using this pricing method may limit the effectiveness of your award.

If you choose to use the markup pricing method:

When proposing a markup on cost model, the vendor shall be required to provide proof of actual cost to the vendor of the goods sold to verify pricing markup is properly and legally applied for the sale of the goods.

Shipping cost:

Propose any shipping formulas or calculations or terms for consideration.

SPECIFICATIONS

This solicitation is seeking providers for: Fleet Leasing and Management Services

Fleet Leasing and Management Services specifications and qualifications information is listed below. Bidder should submit all requested qualifications information in a separate document, save the document as a PDF, and uploaded to the "Response Attachments" section.

RISK MANAGEMENT / PHYSICAL DAMAGE REQUIREMENTS (Loss of, Theft, or Damage Coverage)

As TIPS deems necessary it may request this service to be included in select instances.

Does your company provide this program? YES _____ NO _____

If yes, please include the cost of this program in the pricing section and provide detail on your program including but not limited to:

- a) Deductibles
- b) Location(s) of service

DESCRIPTION/WORK STATEMENT - Project Organization and Management

The Successful Bidder shall establish and maintain an appropriate organizational structure to enable local management of any awarded contract. Documentation supporting the Successful Bidder's ability to service an awarded contract (including but not limited to office locations) should be included with the bid submission. All ordering will originate directly from the TIPS Member.

Vehicle Quantities and Locations

THIS SHALL BE A NONGUARANTEED VOLUME CONTRACT.

The TIPS Member reserves the right to order any amount of leased vehicles and additional services it deems in the best interest of the TIPS Member.

Vehicle Mileage and Term

The Successful Bidder shall be able to support vehicle return and replacement as specified in the awarded contract. The Successful Bidder may propose, and the TIPS Member may consent to, a desired timeframe or mileage interval different than levels requested by the TIPS Member, if such intervals provide advantages to the Successful Bidder, the TIPS Member, or both, such as lower lease prices due to better vehicle resale potential. TIPS leaves it to the parties to determine the actual terms and conditions of the lease that meets the TIPS Member's need so long as the pricing is consistent with the awarded contract.

Vehicle Inspection

All vehicles leased under the awarded contract shall be inspected, at which point vehicle inspection documentation will be provided indicating the general condition of the vehicle.

Condition of Leased Vehicles

Each vehicle furnished under the awarded contract shall be of good quality and in safe operating condition. The TIPS Member shall accept or reject the vehicles

promptly after receipt. If the TIPS Member determines that any vehicle is defective or unsafe at delivery, the TIPS Member shall promptly inform the TIPS Vendor in writing.

For evaluation purposes, TIPS is requiring all Proposers to provide pricing parameters for the following lease factors:

1) Pricing

a) Factory Ordered Vehicles:

- i) Interest Rate: Specify index being used and basis points in relation to index
- ii) Management Fee: Include any management fee percentage based off delivered cost of vehicle
- iii) Pricing in relation to Vehicle Invoice: Include any mark-ups/mark downs imposed by Lessor
- iv) Service Charge/ Resale Fee: List any end of lease service charge and or resale percentage
- v) List all other applicable fees and charges.

2) Dealership Stock Vehicles:

- i) Interest Rate: Specify index being used and basis points in relation to index
- ii) Management Fee: Include any management fee percentage based off delivered cost of vehicle
- iii) Pricing in relation to base purchase price: Include any mark-ups/mark downs imposed by the lessor.
- iv) List all other applicable fees and charges.

3) Service Charge/ Resale Fee:

- a) List any end of lease service charge and or resale percentage
- b) Service to sell customer owned vehicles
 - i) Please provide options on how you would price the service to sell customer owned vehicles. Example: Fee is % of sale but not less than a designated minimum flat rate and/or a not to exceed flat rate per vehicle and/or “not to exceed” rate for selling up to X number of vehicles at one time.

4) Service and Maintenance

- a) Does your company provide a program in which the maintenance costs are fixed and guaranteed during the life of the lease?
 - i) If yes, provide the Monthly charge based on a cents per mile or other calculable pricing model for all proposed vehicle categories (specify vehicle categories):
- b) Does your company provide a program in which the maintenance costs are billed back to the end user as they occur?

- i) If yes, provide the monthly charge for the maintenance program per vehicle and any out of network mark-up percentage.
 - c) If yes to either of these questions, please include the cost of program(s) in the pricing section and provide detail on program(s) including but not limited to:
 - i) Number of facilities that will perform services
 - ii) Monitoring, tracking, and service needed notification capabilities / procedures
 - iii) Included and excluded items / coverage
 - iv) Compatibility with manufacturer's warranty
 - v) Qualification requirements for those performing work on leased vehicles
- 5) Accident Management/ Physical Damage and Liability Coverage**
- a) Does your company provide this program?
 - b) Provide pricing or formulas for pricing
- 6) Fuel Card**
- a) Does your company provide a fuel card program
 - b) If yes, provide the following:
 - i) Fuel Card Provider
 - ii) Monthly Cost per fuel card
 - iii) Any applicable discounts
 - iv)
- 7) Telematics**
- a) Does your company provide a telematics product?
 - i) If yes, provide the following:
 - ii) GPS Provider/ Contractor(s)
 - iii) Up front Cost
 - iv) Monthly Rate
 - v) Optional services/ rates
- 8) After market /Upfitter add on equipment for leased vehicles**
- a) Do you offer Aftermarket / upfitter accessories, such as lights, decals, wraps, tool boxes, flat beds, etc. and installations on lease vehicles?
 - b) If yes, please provide pricing.
 - i) Example: Pricing could be offered as a discount off manufacturer's list price of the goods and/or
 - ii) markup on documented cost of goods
 - iii) and/or labor rates on a unit price book and a coefficient of the unit price book prices
 - iv) and/or as a "not to exceed" percentage of the sale/lease price of the goods installed.
- 9) Other offerings the proposer may have available to TIPS Member entities should be proposed and priced.**

- a) IF TIPS has not identified a good or service you would like to offer, you may do so as a value added offering.

10) There may be services or options that your company or the industry develops or adds to your offerings during the life of the contract. These may be added to the contract based on the “Minimum Discount Offered” in the Attribute questions # 35. In that question, proposers are asked the following:

- a) *“Remember this is a MINIMUM discount percentage so, be sure the discount percentage inserted here can be applied to ANY NEW OFFERING OF GOODS OR SERVICES THROUGHOUT THE LIFE OF THE CONTRACT
CAUTION: BE CERTAIN YOU CAN HONOR THIS MINIMUM DISCOUNT PERCENTAGE ON ANY OFFERED SERVICE OR GOOD.
What is the MINIMUM percentage discount off of any item or service you offer to TIPS Members that is in your regular catalog (as defined in the RFP document), website, store or shelf pricing? The resulting price of any goods or services Catalog list prices after this discount is applied is a ceiling on your pricing and not a floor because, in order to be more competitive in the individual circumstance, you may offer a larger discount depending on the items or services purchased and the quantity at time of sale. Must answer with a number between 0% and 100%.”*
- b) By providing an answer here, if during the life of the contract, you add something to your offering to your customers, whether or not they are TIPS Members, you may provide TISP with the “catalog you develop for those goods or services and TIPS will apply this minimum discount to determine the pricing for the TIPS Member.

11) Qualifications and Background

- a) Provide detailed company information including:
- b) Ownership, history and current organization.
- c) Current capitalization and gross sales for each of the past three years.
- d) Number of units leased, broken down by private/government.
- e) References, at least ten (10) local type government and to include:
- f) Full organization name and complete address.
- g) Contact name with telephone number and email address.
- h) How long have they been a customer and types of equipment they lease?

12) Service Capabilities

- a) Describe in detail and as applicable:
 - i) Your technical support services/levels available, including a 24/7 capability and toll free phone number.
 - ii) Customer service structure and organizational chart, maintenance staff and locations.

- iii) Geographic presence, number of employees and office locations (maps and graphics are useful).
- iv) Services being provided to private customers/government.
- v) Website presence and functionality available to End Users on your website including any automated order entry process and/or billing and payment capability.
- vi) Response to local governments during 'Emergencies' (e.g. how involved is your company during natural disasters such as Hurricane Ike or Katrina).
- vii) Describe the normal policy and process End Users will follow to replace equipment due to damage theft or repair.

13) End User Service Agreements

Provide a copy of any standard 'Customer Service Agreement' (by whatever name your company refers to such document) which may be executed for End Users who would obtain services from you thru a potential contract. Particulars of any Customer Service Agreement are negotiable by the parties at the time of actual order placement. If you do not use a 'Customer Service Agreement', provide a description of your standard order process.

PROPOSAL SCORING AND EVALUATION

TIPS staff evaluates and scores all responsive proposals. Recommendations for award will be made to the Region 8 Education Service Center Board of Directors. Awards will be granted or denied at the monthly stated meeting of the Region 8 ESC Board of Directors or as delegated by the Board of Directors. TIPS will base a recommendation for award on several factors mandated by the Texas Education Code section 44.031. The factors which will be considered and assigned points in each area as follows (100 total points possible).

TIPS utilizes a value approach for awarding agreements under this solicitation and applies the mandated evaluation criteria under Texas Education Code §44.031. TIPS reserves the right to assign any number of point awards or penalties it considers warranted if an offeror stipulates exceptions, exclusions, or limitations of liabilities. TIPS shall reserve the right to reject any or all proposals or any part of any proposal. TIPS is the sole arbiter of scoring.

The following evaluation criteria are mandated for consideration by Texas Education Code § 44.031 (b).

1. **Purchase Price:** (22) point weight. Per prices quoted as related to information within the request for proposals and/or the discount off MSRP or other published list pricing or stated prices of goods. Points are awarded based on the prices and or discount, and the

reasonableness in the market of the pricing offered. TIPS is the sole arbiter of what constitutes price criterion scoring.

- 2. The reputation of the vendor and of the vendor's goods or services;** (3) point weight. References or TIPS staff knowledge and any other available information known to TIPS may be used to score this criterion.
- 3. The quality of the vendor's goods or services;** (21.5) point weight. References or TIPS staff knowledge or any other available information known or available through the RFP or otherwise to TIPS may be used to score this criterion.
- 4. The total long-term cost to TIPS and its members to acquire the vendor's goods or services;** (10) point weight. Points will be assigned to this criterion based on your answer to Attribute 83 of this solicitation in the ION Wave bidding system. Points are awarded if you agree not increase your catalog prices (as defined herein) more than X% annually over the previous year for years 2 through 5 or 6 or 7, unless an exigent circumstance exists in the marketplace and the excess price increase which exceeds X% annually is supported by documentation provided by you and your suppliers and shared with TIPS, if requested. If you agree NOT to increase prices more than 5%, except when justified by supporting documentation, you are awarded 10 points; if 6% to 14%, except when justified by supporting documentation, you receive 1 to 9 points incrementally. Price increases 14% or greater, except when justified by supporting documentation, receive 0 points. TIPS is the sole arbiter of what constitutes “justified by supporting documentation”.
- 5. Extent to which the Goods or Services meet the Needs:** (21.5) point weight. TIPS evaluators will determine if the proposal provides value to TIPS members and if the goods and/or services offered by the proposer meets the needs outlined in the solicitation. In the judgment of TIPS points are awarded incrementally 0-21.5 points depending if the proposal meets the needs outlined in the solicitation.
- 6. Vendor’s Past Relationship:** (10) point weight – No past relationship scores 5 points and a good relationship scores 6 to 10 points and a poor relationship scores 0 to 4 points
- 7. Impact on the Ability of the District to Comply with Laws and Rules Relating to Historically Underutilized Businesses:** (2) point weight –Points are assigned if the vendor agrees to abide by the federal regulations in the Attribute 61 and OR 62 if applicable, of this solicitation in the ION Wave bidding system. related to underutilized businesses in its subcontracting practices, when applicable. NOTE: Failure to agree to comply with the federal regulations herein shall make use of federal funds to purchase the goods or services proposed unallowable.
- 8. Experience:** 10 point weight - <1 year = 0 points; 1 -3 years = 5 points; 4-5 years = 8 points; >5 years = 10 points

9. **Residency: for a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner:**
- (A) has its principal place of business in this state; or
 - (B) employs at least 500 persons in this state; and
- (0) point weight- federal funds may be utilized by ESC Region 8 or TIPS member entities during the life of this contract, and residency is a prohibited criterion under federal regulation, it has been considered and assigned a weight of **0 points**.

PROPOSERS FALLING BELOW AN 70-POINT THRESHOLD WILL NOT BE CONSIDERED FOR AN AWARD. TIPS reserves the right to determine if they will award to multiple proposers or to the highest scoring proposer only. The clause controls over any other clause in the entire request for proposals, both in the electronic portion and other included or incorporated document language that conflicts.

About TIPS

It is the purpose of this SOLICITATION to establish awarded vendor agreements to satisfy the procurement needs of participating member entities in this particular commodity category. These awarded agreements will enable member entities to purchase on an “as needed” basis from competitively awarded agreements with high performance vendors. Proposers are requested to submit a proposal for offering their line of available products that are commonly purchased by government agencies, cities, counties and educational entities.

- Awards will be made to the successful proposer(s) for the products and/or services. (Unless proposer has submitted inappropriate items for the commodity category. Those items will not be awarded. Example: a software company may not propose to perform construction work)
- TIPS reserves the right to award multiple vendors for each solicitation.
- This proposal is requested for the benefit of the current list of members and other new members as they execute TIPS membership Agreements in the future. Member List: <https://www.tips-usa.com/assets/documents/docs/membership.pdf>
- TIPS reserves the right to extend the proposal deadline for any reason.

- TIPS reserves the right to make changes to this Solicitation by way of one or more posted addenda.

Benefits of TIPS

- Provide government entities opportunities for greater efficiency and economy in acquiring goods and services through competitively procured vendor agreements.
- Provide comprehensive purchasing practices according the Laws of the State of Texas and Federal Regulation 2 CFR part 200, when appropriate, and is designed to result in competitive agreements that meet a wide variety of needs.
- Provide competitively priced purchasing options for multiple government entities that yields economic benefits usually unobtainable by the individual entity.
- Provide quick and efficient delivery of goods and services by entering into pricing agreements with “high performance” vendors.
- Equalized purchasing power for smaller entities.
- Maintain credibility and confidence in business procedures by maintaining free, full and open competition for purchases and by complying with purchasing laws and ethical business practices.
- Provide document retention for competitive procurement process for all TIPS Awarded Agreements.

Customer Service

- TIPS staff is available to members for assistance in viewing/contacting awarded vendors for categories to make purchases and agreement decisions.
- TIPS provides a way for government entities to avoid the time and expense of seeking competition for purchases on an agency-by-agency basis.
- TIPS enables vendors to become more efficient and competitive by reducing the number of proposals that require responses to be made to individual entities.

Purchasing Procedures

- Agreements are established through free, full and open competition as described by the laws of the State of Texas and are available for piggy-back by other government entities anywhere in the United States, subject to each entities’ jurisdictional law and regulation. Purchase orders or equivalent are issued by participating governmental entities directly to the Vendor or vendor assigned dealer. Purchase orders or equivalent are usually sent to the TIPS office where they are reviewed by the TIPS staff and forwarded to the Vendor within one working day. In some instances, the entity may send the purchase orders or equivalent directly to the vendor and report the purchase to TIPS.
- NOTE: It is always the vendor’s responsibility under the TIPS agreement to report all sales under the agreement to TIPS.
- Vendors deliver goods/services directly to the participating member agency and then invoice the participating member agency. The Vendor receives payment directly from the participating member agency.

Notice of Confidentiality of Proposed Information

The proposal submitted and all information therein is available to TIPS members. Also, according to the Texas Public Information Act, any documents or information held by TIPS “may” be public information. In the documents for the proposer to complete is a declaration form entitled “CONFIDENTIAL INFORMATION SUBMITTED IN RESPONSE TO COMPETITIVE PROCUREMENT REQUESTS OF EDUCATION SERVICE CENTER REGION 8 AND TIPS IS GOVERNED BY TEXAS GOVERNMENT CODE, CHAPTER 552” that must be completed by the proposer that designates specified pages as confidential or waives confidentiality of the entire proposal.

Proposal Instructions

1. Electronically sealed proposals are the preferred and most accurate method and is highly encouraged through our online procurement software, ION Wave.
2. Proposals may be amended by the proposer on the electronic site at any time prior to the due date and time. ION wave permits you to withdraw and resubmit your proposal.
3. If an addendum is posted, you are required to login to the ION Wave bidding software and address the addendum. No addendum will be issued within five calendar days of the opening unless it is to extend the opening or address a non-substantive issue. Legal holidays not counted as calendar days are New Year’s Day, Martin Luther King Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas.
4. Proposals may be submitted on any or all sections, related to the category, unless stated otherwise. TIPS reserves the right to reject any or all proposals and to accept any proposal(s) deemed advantageous to the TIPS members and to waive any informality in the proposal process.
5. Deviations to any Terms, Conditions and/or Specifications shall be clearly noted in writing by the contractor and shall be included with the proposal. There are attributes that you must respond to in order to submit a proposal that address deviations.
6. Withdrawal of proposals will not be allowed for a period of 90 days following the opening unless approved by TIPS.
7. Addenda, if required, will be issued by TIPS by email to the proposer’s designated contact to all those vendors known to have reviewed the SOLICITATION documents through our electronic bidding software, ION Wave.

PROPOSAL FORMAT - PROPOSERS PAY CLOSE ATTENTION TO DETAILS LISTED.

TIPS reserves the right to waive any informality and/or reject any or all proposals.

All responses should be direct, concise, complete, and unambiguous. With regard to those items that cannot be answered in the affirmative, clearly explain the precise portion to which you disagree and why you disagree. Proposers must propose pricing that is calculable based on the prices presented or discounts proposed as they relate to a published price of the goods or services. Published prices are prices that are provided by a catalog, website, shelf, price list

accessible to TIPS and its members at any time during the term of an awarded agreement with the vendor or specifically proposed. Other methods of publishing prices will be considered if proposed but must be calculable.

Felony Conviction Notice (Required in Texas) -Notification of Criminal History “A person or business entity that enters into an agreement with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony. A school district may terminate an agreement with a person or business entity if the district determines that the person or business entity failed to give notice as required or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the agreement.” This notice is not required of a publicly held corporation. Texas Education Code § 44.034. See FELONY CONVICTION NOTICE document on the “Attachments” tab. Felony conviction notice document must be uploaded to the “Response Attachments” FELONY CONVICTION NOTICE section.

References

The proposal response should contain a minimum of Three (3) references of customers you have served that would be considered eligible for membership in TIPS (i.e. K-12 School Districts, College/Universities, and/or City/County Government Entities, Water or Fire Districts, etc.). In addition to the name of the entity, a contact name, email and phone number shall be included. The references document must be downloaded from the “Attachments” section, completed and uploaded to the “Response Attachments” REFERENCES section.

Resellers/Dealers

Vendors with Resellers/Dealers must provide the Resellers/Dealers document from the “Attachments” section, complete and uploaded to the “Response Attachments” RESELLERS/DEALERS section.

Vendor Certifications

Vendor certifications should include applicable D/M/WBE, HUB and manufacturer certifications for sales and service (if applicable). Certificates must be scanned and uploaded to the “Response Attachments” D/M/WBE, HUB and/or ALL OTHER CERTIFICATES section. Whether or not you are a D/M/WBE, HUB or similar business will have no bearing on the evaluation score, but provides our members the information if it is part of their entities’ policies.

There is a form that relates to all vendors that is required by Federal Regulation when federal funds are expended by a member. Vendors should complete all requested forms agreeing to comply with regulations.

Vendor Agreement

Vendor Agreement must be downloaded from the “Attachments” section, completed and uploaded to the “Response Attachments” VENDOR AGREEMENT section. If proposer has deviations to the agreement language to negotiate with TIPS, there are attributes in the electronic process that address this possibility and you may insert your deviations there.

Agreement Signature Form

Agreement Signature Form must be downloaded from the “Attachments” section, completed, signed, scanned and uploaded to the “Response Attachments” AGREEMENT SIGNATURE FORM section. If proposer has deviations to the agreement language to negotiate with TIPS, the agreement signature page may be submitted unsigned until all terms and conditions are agreed.

Warranty (If applicable)

Warranty documentation should be scanned and uploaded to the “Response Attachments” WARRANTY section.

Protest Procedure

If a contractor/proposer (contractor) desires to protest a process or decision by TIPS, the contractor must follow the following process:

http://www.tips-usa.com/assets/documents/docs/letters/Protest_Procedures_for_Vendor.pdf

Supplementary Catalogs and Information (If applicable)

Supplementary Catalogs and Information documentation should be scanned and uploaded to the “Response Attachments” SUPPLEMENTARY section. You may provide a link to catalogs or pricing that is published for all customers to see when shopping for your goods or services.

Links to catalog pricing must be kept current during the term of the awarded agreement. It is the intent of TIPS to award a manufacturer’s complete line of products, when possible.

LIMITATIONS OF THE SOLICITATION AND THE USE OF AWARDED AGREEMENTS BY MEMBERS

Depending on different entities’ and jurisdictions’ laws and regulations, members may be prohibited from participating in one or more of the TIPS agreements. TIPS has no control over those legal restrictions and does not warrant that a member entity will be able to utilize a TIPS awarded agreement.

Terms and Conditions

1. **Exclusivity-** Any award under this solicitation is not exclusive and TIPS reserves the right to multi award or not award. TIPS reserves the right to solicit same or similar categories again for additional awards during the life of an existing agreement with one or more awarded vendors of another solicitation, if TIPS decides it is in the best interest of our members.

2. **Confidentiality of Proposal** - If you believe part of your proposal is confidential and not subject to sunshine laws such as the Public Information Act, there is a form to complete to make such a declaration. Read it carefully.
3. **Best and Final Offer** – There will be NO best and final offer, your proposal will be your final offer for solicitation competition purposes. Vendor may lower prices at any time during agreement period. See pricing section.
4. **Non-Responsive Proposals:** All proposals will be reviewed for responsiveness to the material requirements of the solicitation. A proposal that is not materially responsive shall not be eligible for further consideration for award of the agreement. There may be required specifications for this proposal and desired and other specifications. IF YOUR PROPOSAL FAILS TO MEET ANY OF THE DESIGNATED **REQUIRED** SPECIFICATIONS, YOUR PROPOSAL SHALL BE DEEMED NON-RESPONSIVE AND WILL NOT BE EVALUATED FURTHER OR CONSIDERED FOR AWARD.
5. **Deviations and Exceptions:** Deviations or exceptions stipulated as non-negotiable in the response by the proposer may result in disqualification if they are not acceptable to TIPS.
6. **Equal Pricing** – Pricing proposed shall be provided to any TIPS member and regardless of the quantity of product or service purchased from the awarded vendor. Pricing may always be lowered by the vendor if circumstances permit to provide better value to TIPS members and for the vendor to be more competitive in that particular circumstance of sales opportunity. If prices are lowered in a specific circumstance, the same lowered pricing must be offered to all TIPS members if the quantities, timing and all other circumstances are identical.
7. **Estimated Quantities:** Because TIPS cannot accurately anticipate which members will utilize the awarded agreements due to the thousands of members and the different government entity types, TIPS makes no guarantee or commitment of any kind concerning quantities or usage of agreements resulting from this solicitation. This information, if provided, is provided solely as an aid to vendors in preparing proposals only. The successful Vendor(s) discount and pricing schedule shall apply regardless of the total cumulative volume of business under the agreement.
8. **Conditions of Agreement** - The terms and conditions of this solicitation shall control in the order that best serves the TIPS members’ needs and deciding the controlling order is at the sole discretion of TIPS. The terms and conditions of this solicitation shall be incorporated by reference in a resulting agreement unless expressly agreed otherwise by the parties in writing.
9. **Name brands** – If name brands are required to be priced but other products of equal or similar type and quality may also be represented in the pricing and will be considered. TIPS want pricing either in a fixed price or a discount off published or available to TIPS Members catalog price or both if applicable to your proposal. A “catalog” is defined above and includes pricing of goods and /or services.

10. **Evaluation** – TIPS will evaluate the best value by rating the proposals submitted by the vendors. The point score received will be the weighted score which will be used to determine awarded vendors. See Evaluation criteria sheet with applicable point weights in this document. If applicable, extensions of unit prices shown will be subject to verification by the district. In case of variation between the unit price and the extension, the unit price will be considered to be the proposal.
11. **LIMITATION OF LIABILITY – Waiver:** BY SUBMITTING A PROPOSAL, OFFERER EXPRESSLY AGREES TO WAIVE ANY CLAIM IT HAS OR MAY HAVE AGAINST BOTH THE INTERLOCAL PURCHASING SYSTEM REGION 8 EDUCATION SERVICE CENTER, ITS DIRECTORS, OFFICERS, ITS TRUSTEES, OR AGENTS ARISING OUT OF OR IN CONNECTION WITH (1) THE ADMINISTRATION, EVALUATION, RECOMMENDATION OF ANY PROPOSAL; (2) ANY REQUIREMENTS UNDER THE SOLICITATION, PROPOSAL PACKAGE, OR RELATED DOCUMENTS; (3) THE REJECTION OF ANY PROPOSAL OR ANY PART OF ANY PROPOSAL; AND/OR (4) THE AWARD OF AN AGREEMENT, IF ANY. NEITHER REGION 8 ESC NOR TIPS SHALL BE RESPONSIBLE OR LIABLE FOR ANY COSTS INCURRED BY PROPOSERS OR THE SELECTED CONTRACTOR IN CONNECTION WITH RESPONDING TO THE SOLICITATION, PREPARING FOR ORAL PRESENTATIONS, PREPARING AND SUBMITTING A PROPOSAL, ENTERING OR NEGOTIATING THE TERMS OF AN AGREEMENT, OR ANY OTHER EXPENSES INCURRED BY A PROPOSER. THE PROPOSER OR SELECTED CONTRACTOR IS WHOLLY RESPONSIBLE FOR ANY SUCH COSTS AND EXPENSES AND SHALL NOT BE REIMBURSED IN ANY MANNER BY REGION 8 ESC OR TIPS.
12. **RESERVATION OF RIGHTS** - TIPS expressly reserves the right to:
- a) Reject or cancel any or all proposals;
 - b) Waive any defect, irregularity or informality in any proposal or SOLICITATION procedure provided the waiver is equally applied to all Offerors and an Offeror is not prejudiced by the waiver as compared to other Offerors;
 - c) Waive as an informality, minor deviations from specifications for goods or services at a lower price than other proposals meeting all aspects of the specifications if it is determined that total cost is lower and the overall function is not impaired;
 - d) Reissue a SOLICITATION;
 - e) Consider and accept an alternate proposal as provided herein when most advantageous to TIPS and its members;
 - f) TIPS has the right to terminate the agreement for cause or no cause for convenience with a thirty-day written notice, unless otherwise agreed in writing in an executed agreement between the parties;
 - g) This is not an exclusive award and no guaranteed volumes of purchases are guaranteed. TIPS and its members reserves the right to procure any items or services by other means at the sole discretion of TIPS or its members.