STATE OF OHIO
DEPARTMENT OF PUBLIC SAFETY
PROCUREMENT SERVICES

INSTRUCTIONS, TERMS AND CONDITIONS FOR BIDDING

I-1. Complete Competitive Sealed Bid. Entities or individuals submitting a response to this solicitation ("Bidders") must submit a complete, competitive sealed bid/quote/response (a "Bid") that includes responses to all required components of this Invitation to Bid/ Simple Solicitation/Quick Quote/Request for Quote (an "ITB"), and any additional information or samples required by this ITB.

I-2. When Bids May Be Submitted. The Ohio Department of Public Safety ("ODPS") must receive Bids as indicated in OhioBuys. OhioBuys will not allow submission of Bids after the Bid Closing Date.

I-3. Bids are a Public Record. After an ITB is awarded, Bids become public records as defined in Sections 149.43 and 9.28 of the Ohio Revised Code ("R.C.").

If a Bidder includes in its Bid information it considers confidential, proprietary, or trade secret that is exempt from disclosure in response to a public records request, it must submit a redacted version of any document containing such information, as further described in this paragraph. Bidders must only redact (black out) the specific language that is exempt from disclosure pursuant to the Ohio Public Records Act. The following are not acceptable actions for the protection of trade secret or confidential information in a Bid: 1) inclusion of a blanket confidentiality or copyright notice anywhere in a Bid or redacted documents; and 2) redaction of the price list in its entirety. In addition to the redacted document(s), Bidders must submit a list of each redaction with a detailed legal explanation for each redaction to demonstrate that the redacted information is protected under the Ohio Public Records Act. A blanket statement that all redactions are exempt from disclosure pursuant to the Ohio Public Records Act and/or the Uniform Trade Secrets Act is not a sufficient explanation. The redacted version(s) and accompanying explanation, as submitted, will be available for inspection and released in response to public records requests.

If redacted version(s) with the accompanying explanation are not submitted, or if an improperly redacted version or insufficient explanation is submitted, the original submission of the Bid may be provided in response to public records requests. By not submitting a redacted version with accompanying explanation, a Bidder consents to the release of the original Bid in response to a public records request.

I-4. Withdrawal of Bid before Bid Closing Date. A Bidder may withdraw its Bid any time after ODPS receives the Bid and before the Bid Closing Date.

I-5. Withdrawal of Bid after Bid Closing Date. A Bidder may, by written request, withdraw its Bid after Bid opening if there is reasonable proof that an inadvertent mistake was made and the correction cannot be determined with reasonable certainty. "Inadvertent" means inattentive or unobservant; heedless; due to oversight; unintentional. If ODPS suspects that the lowest Bid contains a mistake, ODPS may ask the Bidder for written confirmation of its Bid.

I-6. Correction of Bid before Bid Closing Date. A Bidder may withdraw a Bid and resubmit with corrections prior to the Bid Closing Date.

I-7. Correction after Bid Closing Date. ODPS may permit a Bidder alleging an inadvertent error to correct its Bid after the Bid Closing Date only if the mistake and the correction are clearly evident from the Bid and correction does not otherwise give the Bidder an unfair competitive advantage.

I-8. Bids are Firm for 90 Days. Unless stated otherwise, once opened, all Bids are irrevocable for ninety (90) days. Beyond ninety (90) days, Bidder will have the option to honor their Bid or make a written request to withdraw their Bid from consideration.

I-9. Inquiries. If, during the solicitation process, an inconsistency, error or omission in this ITB is discovered, or a Bidder has a general inquiry related to this solicitation, the Bidder shall submit an inquiry following the process described in the ITB. No other form of clarification, inquiry, or communication is acceptable. Failure of Bidder to comply with the specific inquiry process may result in Bidder being deemed not responsive.

I-10. Requests for Revisions or Additions to the Bid. Bidders are required to comply with all of the terms and conditions of the ITB regardless of any statement or omission in the Bid that might indicate a Bidder's contrary intention. ODPS will not agree to any additional or inconsistent terms or conditions proposed by the Bidder. The terms and conditions of the ITB prevail over any inconsistent or additional terms or conditions in the Bid proposed by the Bidder.

I-11. ODPS Modifications to the ITB. When it is necessary to modify an ITB, ODPS does so by written amendment only. If a Bidder has submitted a Bid prior to an amendment being issued and wishes to be considered, the Bidder must resubmit their Bid in response to the latest round of the ITB. Bids submitted in response to amended ITBs prior to the most recent amendment will not be opened or evaluated.

I-12. Rejected Bids. ODPS may reject any Bid, in whole or in part, if any of the following circumstances are true:

1. Bids offer supplies or services that are not in compliance with the requirements, specifications, terms or conditions stated in the ITB;
2. The price of the lowest responsive and responsible Bid is excessive in comparison with market conditions or with the purchasing division's available funds; or
3. ODPS determines that awarding any item is not in the best interest of the State of Ohio.

I-13. Bid Preparation Costs. The State of Ohio assumes no responsibility for any costs incurred by the Bidder for preparation or submission of its Bid.

I-14. Damages Arising from Bid Specifications. A Bidder may not be compensated for damages arising from inaccurate or incomplete information in the ITB specifications or from inaccurate assumptions based upon the specifications.

I-15. Evaluation of Bids. The contract resulting from this ITB will be awarded to the lowest responsive and responsible Bidder as determined by ODPS and pursuant to the Ohio Revised Code.

I-16. Unit Costs. Bidders shall not insert a unit cost of more than three (3) digits to the right of the decimal point. Digit(s) beyond three (3) will be dropped and not used in the evaluation of the Bid unless otherwise instructed.

I-17. Lowest Bidder. A Bidder is the lowest if it offers the lowest-cost supply or service in comparison to all other Bidders as set forth in the evaluation paragraph of the ITB. While Bidders may offer discounts for prompt payment and other similar incentives, discounts and incentives will not be used to determine the lowest Bidder. When discounts are offered, the discount will be calculated from the date the State receives a proper invoice, or the date the service is delivered and accepted in accordance with the terms of the contract.

I-18. Responsive Bidder. A Bidder is responsive if its Bid responds to the Bid specifications in all material respects and contains no irregularities or deviations from the specifications that would affect the amount of the Bid or otherwise give the Bidder an unfair competitive advantage.

I-19. Responsible Bidder. ODPS' determination of a Bidder's responsibility includes the following factors:

1. Experience of the Bidder
2. Bidder's financial condition
3. Bidder's conduct and performance on previous contracts
4. The Bidder's facilities
5. The Bidder's management skills
6. The Bidder's ability to execute the contract properly; and
7. Review of Federal and the State debarment lists.

I-20. Estimated Usage. Unless otherwise stated, the usage indicated for each item(s) is to be considered as an estimate of potential purchases that may be made from the contract. The State makes no representation or guarantee as to the actual amount of item(s) to be purchased by the State.

I-21. Preferences. The ITB award may be subject to the domestic preference provisions of the Buy American Act, 41 U.S.C. §§8301 through 8305, as amended; the preference for Ohio products under R.C. 125.09 and 125.11 and Ohio Administrative Code 123:5-1-06; and the Veteran-Friendly Business Procurement Program pursuant to R.C. 9.318 and Ohio Administrative Code 123:5-1-16.

I**-22. Tie Bids**. If two or more Bidders submit the same cost and are determined to be responsive and responsible, ODPS will break the tie using a random lot drawing. Each tied Bidder will be assigned a unique number (e.g., 1, 2, 3). ODPS will then randomly select one of those numbers to determine the successful Bidder. The result of the drawing will serve as the final determination of the lowest responsive and responsible Bidder.

I-23. Information Requested. ODPS may request additional information to evaluate a Bidder's responsiveness to the ITB or to evaluate a Bidder's responsibility. If a Bidder does not provide the requested information, ODPS may deem the Bidder not responsive and/or not responsible.

I-24. Samples. ODPS may require Bidders, either as a requirement in the ITB or by request during evaluation, to provide sample supplies or equipment or examples of work, at the Bidder's expense. Samples must clearly identify the Bidder, the ITB number, and the item the sample represents in the Bid. ODPS will return samples that are not destroyed by testing, at the Bidder's expense, upon the Bidder's timely request. ODPS may keep the samples of the Bidder awarded the contract until the completion of the contract. Unsolicited samples submitted in response to this ITB will not be evaluated, and ODPS may dispose of them in any way it chooses.

I-25. Communications During Solicitation. Any attempt on the part of the Bidder, the Bidder's agent(s), or any party representing the Bidder, to communicate with the State regarding this ITB outside of the manner described in this ITB at any time prior to award may be grounds for immediate disqualification of the Bidder.

I-26. Protests. A protest may be filed by a prospective Bidder objecting to the process of soliciting the Bids or a Bidder objecting to the subsequent award of a contract resulting from the ITB. The protest must be in writing and contain the following information:

1. The name, address, and telephone number of the protester
2. The name and number of the ITB being protested
3. A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents
4. A request for a ruling by the State
5. A statement as to the form of relief requested from the State; and
6. Any other information the protester believes to be essential to the determination of the factual and legal questions at issue in the written request.

A timely protest will be considered by the State if it is received by Procurement Services within the following periods:

A protest based on alleged improprieties in the issuance of the ITB, or any other event preceding the Bid Closing Date, which are apparent or should be apparent prior to the Bid Closing Date must be filed no later than five (5) business days prior to the Bid Closing Date.

If the protest relates to the recommendation of the evaluation team for an award of the contract, the protest must be filed as soon as practicable after the Bidder is notified of the decision by the State regarding the ITB.

All protests must be filed at the following location:

Ohio Department of Public Safety

Attn: Agency Procurement Officer
Procurement Services
1970 West Broad St.
Columbus, OH 43223

SUBJECT: (Insert SRC Number and Description)

I-27. Certification Regarding Contract Eligibility with Other Governmental Entities. By submitting a Bid, Bidder hereby certifies that Bidder has not, within the last seven (7) years, been the subject of any government action to limit the Bidder's right to do business with the government. If the Bidder cannot certify, the Bidder must attach a written explanation with the Bid.

I-28. Non-Collusion Certification. By the submitting a Bid, the Bidder certifies the following:

1. Bidder has not colluded, conspired or agreed, directly or indirectly, with any Bidder or person in the preparation of its Bid
2. Bidder has not improperly secured any advantage against any Bidder or any person(s) interested in the proposed contract.
3. Bidder has not submitted a sham Bid
4. All statements and information contained in the Bid are true and accurate; and
5. Bidder has not directly or indirectly shared its Bid or the contents thereof or divulged any related information or data to any other entity in violation of this section.

I-29. Use of Social Security Numbers as Federal Tax Identification Numbers. If a Bidder is a contractor using a Social Security Number as a Federal Taxpayer Identification Number, please be aware that the information submitted in the Bid is presumptively a public record, and the State may be compelled by Ohio law to release Federal Taxpayer Identification Numbers as a public record. If a Bidder's desires not to have its Social Security Number potentially disclosed as a Federal Taxpayer Identification Number, the State encourages Bidders to use a separate Employer Identification Number (EIN) obtained from the United States Internal Revenue Service to serve as the Federal Taxpayer Identification Number.