

AMENDMENT ONE - CHANGE IN PROCUREMENT PROCEDURE REVISION ONE

Date: April 13, 2020
To: All Bidders
From: Julie Dabydeen, Buyer
Nebraska State Purchasing Bureau
RE: Amendment for Request for 6251 OF# to be opened April 20, 2020 at 2:00:00 p.m.
Central

Electronic Submission of Bids

Due to the challenges of COVID-19, the State of Nebraska will accept electronic bids and is amending this Invitation to Bid (ITB), 6251 OF, in the following ways:

This Amendment will become part of the ITB and should be acknowledged with the bid response.

On Page i, the language beginning with "IMPORTANT NOTICE" through "and other documents" on Page ii is stricken and replaced with:

IMPORTANT NOTICE: Pursuant to Neb. Rev. Stat. § 84-602.04, State contracts in effect as of January 1, 2014, and contracts entered into thereafter, must be posted to a public website. The resulting contract, the solicitation, and the awarded bidder's bid or response will be posted to a public website managed by DAS, which can be found at <http://statecontracts.nebraska.gov>.

In addition and in furtherance of the State's public records Statute (Neb. Rev. Stat. § 84-712 et seq.), all bids or responses received regarding this solicitation will be posted to the State Purchasing Bureau public website.

These postings will include the entire bid or response. Bidder(s) must request that proprietary information be excluded from the posting. The bidder must identify the proprietary information, mark the proprietary information according to state law, and submit the proprietary information in a separate container or envelope marked conspicuously using an indelible method with the words "PROPRIETARY INFORMATION", or if submitting the proposal or response electronically, as a separate electronic file that is named "PROPRIETARY INFORMATION". The bidder must submit a detailed written document showing that the release of the proprietary information would give a business advantage to named business competitor(s) and explain how the named business competitor(s) will gain an actual business advantage by disclosure of information. The mere assertion that information is proprietary or that a speculative business advantage might be gained is not sufficient. (See Attorney General Opinion No. 92068, April 27, 1992) THE BIDDER MAY NOT ASSERT THAT THE ENTIRE PROPOSAL IS PROPRIETARY. COST PROPOSALS WILL NOT BE CONSIDERED PROPRIETARY AND ARE A PUBLIC RECORD IN THE STATE OF

NEBRASKA. The State will determine, in its sole discretion, if the disclosure of the information designated by the Bidder as proprietary would 1) give advantage to business competitors and 2) serve no public purpose. The Bidder will be notified of the State’s decision. Absent a determination by the State that the information may be withheld pursuant to Neb. Rev. Stat. § 84-712.05, the State will consider all information a public record subject to disclosure. If the agency determines it is required to release proprietary information, the bidder will be informed. It will be the bidder's responsibility to defend the bidder's asserted interest in non-disclosure.

To facilitate such public postings, with the exception of proprietary information, the State of Nebraska reserves a royalty-free, nonexclusive, and irrevocable right to copy, reproduce, publish, post to a website, or otherwise use any contract, proposal, or response to this solicitation for any purpose, and to authorize others to use the documents. Any individual or entity awarded a contract, or who submits a proposal or response to this solicitation, specifically waives any copyright or other protection the contract, proposal, or response to the solicitation may have; and, acknowledges that they have the ability and authority to enter into such waiver. This reservation and waiver is a prerequisite for submitting a proposal or response to this solicitation, and award of a contract. Failure to agree to the reservation and waiver will result in the proposal or response to the solicitation being found non-responsive and rejected.

Any entity awarded a contract or submitting a proposal or response to the solicitation agrees not to sue, file a claim, or make a demand of any kind, and will indemnify and hold harmless the State and its employees, volunteers, agents, and its elected and appointed officials from and against any and all claims, liens, demands, damages, liability, actions, causes of action, losses, judgments, costs, and expenses of every nature, including investigation costs and expenses, settlement costs, and attorney fees and expenses, sustained or asserted against the State, arising out of, resulting from, or attributable to the posting of the contract or the proposals and responses to the solicitation, awards, and other documents.

On Page viii, the definition of “Opening Date and Time” is stricken and replaced with:

Opening Date and Time: Specified date and time for the public opening of properly received bids both in electronic and paper form.

On Page 2, Section I.C.8. is stricken and replaced with:

I. PROCUREMENT PROCEDURE

C. SCHEDULE OF EVENTS

<p>Bid Opening</p> <p>Location for mailed/hand delivered submissions: State Purchasing Bureau 1526 K Street, Suite 130 Lincoln, NE 68508</p> <p>Electronic submissions: https://nebraska.sharefile.com/r-r1a57759d2f84ebfb</p>	<p>April 20, 2020 2:00:00 PM Central Time</p>
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On Page 4, Section I.L., Submission of Proposals, is stricken and replaced with:

L. SUBMISSION OF PROPOSALS

The State is accepting either electronically submitted responses or hard copy, paper responses for this ITB.

It is the Bidders responsibility to ensure the bid is submitted and received by the date and time indicated in the Schedule of Events. All bids, whether in electronic or paper form must be received by the State Purchasing Bureau by the date and time of the bid opening per the Schedule of Events. **No late bids will be accepted.**

The State shall not incur any liability for any costs incurred by contractors in replying to this ITB, in the demonstrations and/or oral presentations, or in any other activity related to bidding on this ITB.

For bidders submitting electronic responses:

1. Bidders submitting electronically can upload the response via ShareFile here:
 - a. <https://nebraska.sharefile.com/r-r1a57759d2f84ebfb>
 - b. ShareFile works with Firefox, Internet Explorer and Chrome. It does not work with Microsoft Edge.
2. The ITB, Cost Sheet (if applicable) and Proprietary Information (if applicable) should be uploaded as separate and distinct files. If multiple bids are submitted, the State will retain only the most recently submitted response.
3. **ELECTRONIC PROPOSAL FILE NAMES**

The bidder should clearly identify the uploaded ITB bid files. To assist in identification please use the following naming convention:

 - a. ITB 6251 OF ABC Company
 - b. If multiple files are submitted for one ITB bid, add number of files to file names: ITB 6251 OF ABC Company File 1 of 2.
 - c. If multiple ITB bids are submitted for the same ITB, add the bid number to the file names: ITB 6251 OF ABC Company Proposal 1 File 1 of 2.

BIDDERS SUBMITTING PAPER/HARD COPY RESPONSES:

- 1, Bidders who are submitting a paper response should submit one bid marked on the first page: "ORIGINAL". If multiple copies are submitted, the State will retain one copy marked "ORIGINAL" and destroy the other copies. The Bidder is solely responsible for any variance between the copies submitted. Bids must reference the ITB number and be sent to the specified address. Please note that the address label should appear as specified in Section I B. on the face of each container or contractor's bid response packet. If a recipient phone number is required for delivery purposes, 402-471-6500 should be used. The ITB number should be included in all correspondence.

All hard copy bids **MUST** be submitted in a sealed envelope or container. The State will not furnish packaging and sealing materials.

The Invitation to Bid form must be manually signed in an indelible manner or by DocuSign and returned by the bid opening date and time along with the bidder's Invitation to Bid and any other requirements as stated in the Invitation to Bid document in order for the bidder's Invitation to Bid response to be evaluated.

It is the responsibility of the bidder to check the website for all information relevant to this Invitation to Bid to include addenda and/or amendments issued prior to the opening date. Website address is as follows: <http://das.nebraska.gov/materiel/purchasing.html>.

Emphasis should be concentrated on conformance to the ITB instructions, responsiveness to requirements, completeness, and clarity of content. If the bidder's bid is presented in such a fashion that makes evaluation difficult or overly time consuming the State reserves the right to reject the bid as non-responsive.

By signing the Invitation to Bid, the contractor guarantees compliance with the provisions stated in this ITB.

On Page 10, Section I.EE., Email Submissions, is stricken and replaced with:

EE. EMAIL SUBMISSIONS

SPB will not accept proposals by email, voice, or telephone proposals **except** for one-time purchases under \$50,000.00.