The State Board of Higher Education Acting by and through the

UNIVERSITY OF OREGON

(“University”)

INVITATION TO BID

(“ITB”)

ITB Title:  **ITB for Innerspring Mattresses**

ITB Number: **PCS# 470000-0019-ITB**

**HOU-061113**

Issuing Office: **Purchasing and Contracting Services**

**720 East 13th Avenue, Suite 302**

**Eugene, OR 97401**

[**submit1@uoregon.edu**](mailto:submit1@uoregon.edu)

Closing Date and Time: **August 16, 2013 at 5:00 pm (PDT)**

Bids must be received by the Issuing Office, no later than the Closing Date and Time.

Postmarks will not be considered.

**SECTION 1 – GENERAL INFORMATION**

* 1. **General Purpose.** University is soliciting Bids from qualified Bidders for Innerspring Mattresses. Expected deliverables are listed in the “Scope of Services” below.
  2. **Closing Date and Time.**

All Bids must be received by University’s Issuing Office by 5:00 pm (PDT) on or before August 16, 2013 at (“Closing Date and Time”). Postmarks will *n*ot be considered. Electronic submissions of Bids are encouraged. The Issuing Office’s mailing/delivery address and email address are listed on the cover page and in the “Issuing Office” Section below.

* 1. **Issuing Office.**

The University’s Purchasing and Contracting Services department is the Issuing Office for this Invitation to Bid. Bids may be submitted manually or electronically to the Issuing Office at the following addresses:

Purchasing and Contracting Services

720 East 13th Avenue, Suite 302

Eugene, OR 97401

[submit1@uoregon.edu](mailto:submit1@uoregon.edu)

Issuing Office hours for receipt of manually submitted Bids are Monday through Friday 8 a.m. to 5 p.m. Eugene, Oregon local time.

* 1. **General Responsibilities of Bidders.**
     1. ***Clarifications*.**

For additional information or clarification of requirements contact the requesting University department:

Tracey Dudley

Buyer 2, University Housing

1220 University of Oregon

Eugene, OR 97403

tdudley@uoregon.edu

* + 1. ***Monitoring*.**

This ITB will be posted on the Oregon University System (OUS) website, under “Business Opportunities,” accessible at <https://secure.ous.edu/bid/>. Any Addenda including, without limitations, extensions of the Closing Date and Time will be posted to the OUS website. Bidders are responsible for monitoring the OUS website on a periodic basis for any modifications to the ITB. University is not required to issue individual notifications.

* + 1. ***Representations, Certifications and Acknowledgments.***

For consideration**, you must submit your Bid with a completed and signed Representations, Certifications and Acknowledgments by the Closing Date and Time.** A blank form of the Representations, Certifications and Acknowledgements for you to complete, sign, and submit is attached to this ITB as **Exhibit A**.

* 1. **Definitions.** As used in this Invitation to Bid (unless otherwise stated), the following terms shall have the meanings set forth in OAR 580-061-0010.

**SECTION 2 – SCOPE OF SERVICES**

* 1. **2013 Specifications.** Please provide pricing for the following mattresses including delivery:

2.1.1 220ea: 36” x 80” Mattress – per **Exhibit B**, Mattress Specifications 2013

2.1.2 100ea: 36” x 75” Mattress – per **Exhibit B**, Mattress Specifications 2013

2.1.3 Shipping / Freight Costs (dock delivery):

Hamilton Loading Dock

1650 E. 13th Avenue

Eugene, OR 97403

2.1.4 Preferred Delivery Week of September 9, 2013. Response must include

estimated production / delivery lead-time.

2.1.5 24-Hour Notice Required Prior to Delivery of Mattresses:

André Moran (541) 346-4299 or

Bonnie Damewood (541) 346-4301

* 1. **Anticipated Term.** It is anticipated that the term of the contract awarded under this ITB, will be for a three year initial term, with the option, in University’s discretion, to extend the contract for two additional two-year periods, for a total possible contract term of seven years.
  2. **Price Escalation.** The contract to be awarded will allow the pricing to be updated on the first day of the second year of the initial contract term, and thereafter on the first day of every subsequent year (including any year during any renewal option), by the lesser of the yearly increase of the Consumer Price Index published by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor of three percent. Comparisons shall be made using the index entitled “All Urban Consumers: Portland-Salem, OR-WA” or the nearest comparable data on changes in the cost of living, if such index is no longer published. The change shall be determined by comparison of the figure for a date which is twelve months prior to the adjustment date.
  3. **Future Years’ Specifications.** Section 2.1 of this ITB identifies University’s requirements for the summer of 2013. Requirements for each subsequent year will be determined in the month of June with anticipated delivery in mid-August.
  4. **Recycled Products.** Bidders will use recycled products, as defined in ORS 279A.010(1)(ii), to the maximum extent economically feasible in the performance of a contract awarded pursuant to this ITB.

**SECTION 3 – BIDDER SUBMITTALS AND OTHER REQUIREMENTS**

* 1. **Overview.** Bidder MUST submit ALL information requested in this Section in accordance with the procedures and instructions set forth in this ITB.
  2. **Cover Letter.** Bidder must submit a cover letter summarizing the Bid.
  3. **Contact Information.** Bidder must submit the name and title of its primary contact regarding this ITB, the business name, the primary contact’s address, the primary contact’s telephone number, and the primary contact’s email address.
  4. **Entity Verification.**
     1. If the Bidder is an entity other than a sole proprietorship, Bidder must submit evidence in the form of a Secretary Certificate (or equivalent documentation) that the individual submitting the Bid is authorized to act for and bind the Bidder in all matters relating to the Bid and possible subsequent contract. This type of written documentation is commonly in the form of a Secretary’s Certificate or Officer’s Certificate issued by the board or committee governing the entity. The written documentation, however, is not required to be in any particular form as long as it clearly shows the individual signing the Bid has authority to bind the Bidder.
     2. If Bidder is an entity other than a sole proprietorship and the entity was not organized or incorporated in the State of Oregon, Bidder must submit written evidence that Bidder is in good standing in its state of organization or incorporation. This type of written documentation is commonly in the form of a certificate of good standing. The written documentation, however, is not required to be a certificate of good standing. For example: A corporation incorporated in California could go to the California Secretary of State’s website, perform a business entity search on itself, and submit with its Bid a copy of the record retrieved from that site.
  5. **Financial Capability.** Bidder must submit sufficient evidence of financial capability to meet the responsibilities to perform the contract which may include balance sheets, income statements, financial statements, independent financial compilation/review or other financial information whereby University can determine Bidder’s credit rating or financial capability. It will be at University’s sole discretion to determine if evidence submitted is sufficient to determine financial capability or to deem a Bidder responsible to perform under a contract. University reserves the right to request further information as needed for clarification purposes. The successful Bidder to which the contract is awarded may, at the discretion of University, be required to provide periodic (in no case more than two (2) times per year) updates to the financial capabilities report submitted pursuant to this ITB.
  6. **Goods Offered.** Bidder must submit a full description of all deliverables identified in Section 2 above, which Bidder would provide under a contract awarded pursuant to this ITB.
  7. **Itemized Schedule of Costs.** Bidder must submit an itemized schedule of costs for individual items to be provided under a contract awarded pursuant to this ITB as well as total estimated price for the work contemplated under this ITB.
  8. **Other Bidder Requirements.** Bidder must not be listed on the Federal Excluded Parties or Debarred Contractors listing. Bidder must not be excluded from contract awards by either the federal government or the State of Oregon. No written response from Bidder is necessary for this Section. Upon closing of this ITB, and as part of University’s initial review of mandatory requirements, University will verify whether Bidder is excluded from contract awards by either the federal government or the State of Oregon.
  9. **Representations, Certifications and Acknowledgements.** Bidder must submit a completed and signed Representations, Certifications and Acknowledgments. A blank form of the Representations, Certifications and Acknowledgements for you to complete, sign, and submit is attached to this ITB as **Exhibit A**.
  10. **Acknowledgement of Addenda.** Bidder must acknowledge that Bidder has received, reviewed, and agrees to all of the terms conditions added to this ITB via any and all Addenda that are posted on the OUS website.

Any Addenda including, without limitations, extensions of the Closing Date and Time will be posted on the OUS website, under “Business Opportunities,” accessible at <https://secure.ous.edu/bid/>. Bidders are responsible for monitoring the OUS website on a periodic basis for any and all modifications to this ITB.

***3.10.1 Addenda Posted Prior to Bidder’s Submission of Bid. Bidder must***

***either (i)*** check the “Acknowledgement of Addenda” box on the Representations, Certifications and Acknowledgments, or (ii) sign and submit a copy of each Addendum.

***3.10.2 Addenda Posted After Bidder’s Submission of Bid.*** If Bidder has

already submitted a Bid, Bidder may (i) modify the previously submitted Bid (in accordance with the procedures set forth in Section 4 below) to include a signed copy of each Addendum not previously acknowledged, or (ii) withdraw the previously submitted Bid (in accordance with the procedures set forth in Section 4 below).

**SECTION 4 – BIDDER INSTRUCTIONS AND BID PROCEDURES**

* 1. **Overview.** Bidder MUST comply with all Bid procedures and follow all Bidder instructions set forth in this Section.
  2. **Requests for Change.** 
     1. ***Timing*.** Requests for change or protests of solicitation specifications or contract provisions must be received by University, in writing, no later than five calendar days prior to the Closing Date and Time. No requests for change or protests of solicitation specifications or contract provisions will be considered after the deadline stated above.
     2. ***Requirements*.** Such requests for change or protests will include the reasons for the request for change or protest, and proposed changes to specifications or provisions. Envelopes or e-mails containing requests for change or protest must be marked **SOLICITATION SPECIFICATION or CONTRACT PROVISION REQUEST FOR CHANGE PROTEST**, and must identify the ITB Title, ITB Number and the Closing Date and Time. University reserves the right to amend this ITB, extend the Closing Date and Time, or deny the request or protest.
     3. ***Bidder Requests Not Addenda*.** Only documents issued as Written Addenda by University serve to change the ITB in any way. No other direction received by the Bidder, written or verbal, serves to change the ITB. University will post Addenda on the OUS website.
  3. **Bid Preparation.**
     1. ***Completeness*.** Unless Bidders are specifically authorized by this ITB to take exceptions or to leave terms open to negotiation, Bids will be a complete offer and will be subject to the terms of this ITB. Bids must include all information required herein to be fully responsive to this ITB and to be evaluated and considered for award. Failure to do so may be deemed sufficient cause for rejection of the Bid as “non-responsive.”
     2. ***Organization*.** Bid responses must follow the organization and format described in this ITB. Bid responses must clearly identify the question or request to which the Bidder is addressing and restate the Section number with each response. All responses must be organized in the order in which the question or request was presented in the ITB. Bids that do not follow the format described in this ITB may at University’s sole discretion be deemed “non-responsive,” and receive no further consideration.
     3. ***Writing and Signature*.** Bids must be in writing and must be signed by an authorized representative of the Bidder. Alterations or erasures must be initialed in ink by the person signing the Representations, Certifications and Acknowledgments. No verbal Bids will be accepted.
  4. **Bid Submission.**
     1. ***Form*.** Bids may be submitted manually or electronically.

*Electronic Submissions*. Bidders are encouraged to submit their Bids electronically to the e-mail address provided on the cover page and in Section 1 above. The subject line must clearly state that it is a **“BID”**, noting the ITB Title, ITB Number, and the Closing Date and Time. Electronic Bids must be in MS Word or Excel. Supporting documentation such as graphics, pictures, and financial statements may be in .pdf or other appropriate format. **Do not submit electronic copies through use of a Drop Box account or other such Web or cloud based product.** All Bids submitted electronically must be submitted by individuals with authority to legally bind the Bidder.

*Manual Submissions*. Bidders submitting manually must submit two (2) copies of their Bid, as well as an electronic version on CD or USB device. All manual submissions must be submitted in a sealed envelope appropriately marked. All envelopes in which the ITB, Representations, Certifications and Acknowledgments, and Bid are submitted MUST be clearly marked “**BID”**, noting the ITB Title, ITB Number, and the Closing Date and Time. All manual submissions will be made to the address as indicated in Section 1 of this ITB.

4.4.2 ***Consistency*.** Bidders are strongly encouraged to utilize the same method of submission, either manual or electronic, throughout the solicitation process (e.g. if your Bid was submitted electronically, Bidders are encouraged to submit modifications and requests to withdraw via e-mail; if your Bid was submitted manually, requests for modification or withdrawal should be submitted manually).

4.4.3 ***Receipt of Bid by University.*** All Bids must be received by University’s Issuing Office by the Closing Date and Time. Postmarks will not be considered.

It is Bidder’s responsibility to ensure that the Bid is received by University at the required delivery point (as indicated in Section 1 of this ITB), prior to the Closing Date and Time, regardless of method used to submit the Bid.

University will not be responsible for the proper identification and handling of Bids not submitted in the designated manner or format as required by this ITB.

* 1. **Bidder’s Costs.** University is not responsible for any costs of Bidders incurred in connection with submitting or presenting a Bid. All Bidders who respond to solicitations do so solely at their own expense.
  2. **Binding Offer.** Submission of a Bid constitutes a firm, binding and irrevocable offer for a period of 90 calendar days following the Closing Date and Time.
  3. **Modification of Bid by Bidder.** Bidders may modify a previously submitted Bid prior to the Closing Date and Time. Modifications must be made in writing and signed by an authorized representative. Modifications may be submitted manually or electronically. The envelope or e-mail subject line must be clearly marked “**BID MODIFICATION**,” and must display the ITB Title, ITB Number, and the Closing Date and Time. Verbal modifications or corrections will not be recognized or considered.
  4. **Withdrawal of Bid by Bidder.** Bids may be withdrawn at any time prior to the scheduled Closing Date and Time. Withdrawal can only be accomplished by written notification, signed by an authorized representative. Notification of withdrawal may be submitted manually or electronically. The written notification must be received by University prior to the Closing Date and Time. A log of all withdrawn Bids with their dates and times of physical receipt will be kept by University. The envelope or e-mail subject line must be clearly identified with the words “**BID WITHDRAWAL**,” and must display the ITB Title, ITB Number, and the Closing Date and Time.
  5. **Public Records / Property of University.** All Bids submitted in response to this ITB become the property of University. By submitting a Bid in response to this ITB, Bidder grants the State a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Bid solely for the purpose of evaluating the Bid, negotiating a contract, if awarded to Bidder, or as otherwise needed to administer the ITB process, and to fulfill obligations under Oregon Public Records Laws. Bids, including supporting materials, will not be returned to Bidder.
  6. **Trade Secrets.** This ITB and one copy of each original Bid received in response to it, together with copies of all documents pertaining to the award of a contract, will be retained by requesting University department for the required retention period, and made a part of a file or record which will be open to public inspection. If a Bid contains any information that is considered a "trade secret" under ORS 192.501(2), the Bidder must mark each sheet of such information with the following legend:

"This data constitutes a trade secret under ORS 192.501(2), and will not be disclosed except in accordance with the Oregon Public Records Law, ORS Chapter 192."

Failure to mark a specific page with the legend set forth in this Section will conclusively establish that the information on that page does not constitute a trade secret as defined in ORS 192.501(2).

The Oregon Public Records law exempts from disclosure only bona fide trade secrets, and the exemption from disclosure applies "unless the public interest requires disclosure in the particular instance". *See* ORS 192.501(2). As such, non-disclosure of documents or any portion of a document submitted as part of a Bid may depend upon official or judicial determinations made pursuant to the Public Records Law.

**Bids in which the entire document is marked or otherwise identified in its entirety as confidential or a “trade secret” may be rejected. If the Bid is not rejected, the response will be deemed available for disclosure to the public.**

* 1. **University’s Right to Amend.** University reserves the right, at its option, to amend this ITB. Notification of ITB modification will be posted on the OUS website, under “Business Opportunities,” accessible at <https://secure.ous.edu/bid/>. Bidders are responsible for monitoring the OUS website on a periodic basis for any modifications to the ITB.
  2. **University’s Right to Reject.** University reserves the right, at its option, to reject any or all Bids. Notification of Bid rejection will be made in writing. University reserves the right to waive minor informalities and irregularities in Bids.
  3. **University’s Right to Cancel.** [University reserves the right, at its option, to cancel this ITB.

**SECTION 5 – EVALUATION AND AWARD**

* 1. **Evaluation by Committee.** Bids will be evaluated by a committee consisting of representatives of the requesting University department, and/or other interested individuals, as University deems appropriate (“Committee”).
  2. **Completeness and Compliance of Bid.** Bids will initially be evaluated for completeness and compliance with the mandatory requirements of this ITB. Those Bids that meet mandatory requirements are considered “responsive”.

Those Bids which are incomplete, which do not meet all requirements of this ITB or are otherwise deemed by University to be "non-responsive," will be rejected.

* 1. **Responsibility of Bidder.** Bidders will be evaluated for their demonstrated ability to perform responsibly under a contract awarded pursuant to this ITB. At the discretion of the University, those Bidders who satisfactorily demonstrate their ability to perform responsibly under a contract awarded pursuant to this ITB are considered “responsible”.

Those Bidders who are unable to satisfactorily demonstrate to University that they are able to perform responsibly under a contract awarded pursuant to this ITB are considered “non-responsible”.

* 1. **Evaluation Criteria.** Responsive Bids will be evaluated by the Committee to determine the lowest Responsive Bid, received from a responsible Bidder. The Committee will make a recommendation as to how to proceed.
  2. **Award Notice.** The apparent successful Bidder will be notified in writing of its status and a contract will be provided to the apparent successful Bidder, in substantially similar form to the one included with this ITB as **Exhibit C**. All other Bidders will be notified in writing that the apparent winning Bid has been selected.

University anticipates that the Award Notice will be released on or about the week of August 26, 2013, (“Anticipated Award Notice Date”).

* 1. **Award Protest.** Protest of the selection or award may be made pursuant to the conditions and limitations of OAR 580-061-0145.

**SECTION 6 – CONTRACT AWARD**

* 1. **Separate Contract.** The contract award will be pursuant to a separate contract which will include terms and conditions substantially as set forth in the draft contract attached to this ITB as **Exhibit C**.
  2. **Modification of Form Contract.** If you have questions, concerns or proposed modifications regarding any of the terms and conditions contained in this ITB, including the attached form of contract, you must address those during the time prescribed for questions, changes, or protests as set forth in Section 4 above.
  3. **No additional or Supplemental Terms or Conditions**. Except as requested by this ITB, no additional or supplemental terms and conditions submitted by a Bidder as part of its response will be evaluated or considered. If additional or supplemental terms and conditions, either intentionally or inadvertently appear separately in a Bid (e.g. in transmittal letters, specifications, literature, price lists or warranties), it is understood and agreed that the terms and conditions contained in this ITB are the only terms and conditions applicable to this ITB and any ensuing contract, and the Bidder’s authorized signature affixed to its Bid attests to this.

If you condition your Bid on any additional terms and conditions, which have not been accepted by a written Addendum to the ITB, your Bid may be deemed non-responsive.

* 1. **University Review.** Bidders agree that University will have the right to review and require modification of any terms or definitions used in the final agreement. Failure to agree upon acceptable agreement definitions or terms may result in cancellation of the intended award.

**EXHIBIT A**

**ITB for Innerspring Mattresses**

**PCS# 470000-0019-ITB**

***(Must Complete, Sign and Submit with your Bid by the Closing Date and Time)***

**REPRESENTATIONS, CERTIFICATIONS, AND ACKNOWLEDGEMENTS**

By submitting this Bid in response to this ITB, Bidder represents and warrants that:

1. Bidder has read all of the terms and conditions of this ITB; Bidder understands that by signing below and submitting a Bid, if awarded the contract, Bidder will be bound by the terms and conditions of this ITB and its Bid.

2. **Prices quoted shall be firm for three months after the Closing Date and Time**; and, if awarded the contract, Bidder must furnish any and all goods and/or services at the prices offered within the terms and time specified.

3. Bidder has the power and authority to enter into and perform the contract awarded as a result of this ITB.

4. The individual signing for Bidder is authorized to execute this Bid on behalf of Bidder.

5. Bidder is an independent contractor and not an employee, partner, or agent of University.

6. Bidder’s name, as it appears in this Bid, is Bidder’s legal name, as it will appear in the Bidder’s W-9, and if Bidder is an entity rather than an individual that the entity named in this Bid is validly-existing and in good standing.

7. Bidder has not discriminated against Historically Underrepresented Businesses (defined in OAR 580-061-0010) in obtaining any required subcontracts.

8. No officer, agent or employee of University has participated on behalf of University in preparation of the Bid, that the Bid is made in good faith, without fraud, collusion, or connection of any kind with any other bidder for the same work, and that the Bidder is competing solely on Bidder’s own behalf without connection with, or obligation to any undisclosed person or firm.

**Acknowledgment of Addenda**

By checking this box, Bidder acknowledges Bidder has received, reviewed, and agrees to the all terms and conditions added to this ITB via any Addenda that were posted on the OUS website, under “Business Opportunities,” accessible at <https://secure.ous.edu/bid/>.

**Business Designation (check one):**

Corporation  Partnership  Sole Proprietorship

Governmental/Non-profit  Limited Liability Company

**Please indicate your Minority Women or Emerging Small Business (MWESB) Status:**

Women Owned  Self Report State Certified #

Minority Owned  Self Report State Certified #

Emerging Small Business  Self Report  State Certified #

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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E-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Above information must be provided prior to the Closing Date and Time for the Bid to be considered Responsive.**