

**INVITATION-TO-BID (ITB)
FOR**

**New Vacuum Pump
(ITB 2014-0108)**

**ATTENTION POTENTIAL
BIDDERS!!**

IMPORTANT NOTICE

Responsibility of Each Vendor Participating in the Bidding Process

It will be the responsibility of each participating Vendor to refer daily to the OUS Business Opportunities website (<https://secure.ous.edu/bid/>) to check for any available amendments or addenda, responses to inquiries and/or questions, cancellations, or intents to award, and any and all additional information regarding this opportunity that is posted. It is not Southern Oregon University's responsibility to notify participating Vendors by email or by any other means of any of the above.

All ITB questions and inquiries must be sent by email to <mailto:soubid@sou.edu>. **The subject line of the email must state the following: ITB #2014-0108 New Vacuum Pump.** Any questions and inquiries that are not so submitted and identified will not be responded to.

Emerging Small Businesses and Minority and Women Owned Businesses

SOU is committed to increasing opportunities for Emerging Small Businesses and Minority and Women Owned Businesses, and SOU strongly encourages its contractors to use these businesses in providing services and materials for SOU contracts and projects.

Prevailing Wages Required

Oregon Bureau of Labor and Industries (BOLI) Prevailing Wage Rates are applicable to the installation phase of this Project. The Contractor and all subcontractors shall comply with the provisions of ORS 279C.800 through 279C.870 relative to Prevailing Wage Rates. Workers shall be paid the applicable rates per the January 1, 2014 BOLI Prevailing Wage Rate schedule http://www.oregon.gov/BOLI/WHD/PWR/Pages/pwr_state.aspx. If a contractor fails to pay for labor or services, SOU can pay and withhold these amounts from payments due the Contractor (ORS 279C.5.15). The Contractor and their subcontractors shall provide a written schedule to employees showing the number of hours per day and days per week the employee may be required to work (ORS 279C.520). The Contractor and their subcontractors must promptly pay for any medical services they have agreed to pay (ORS 279C.530). Every contractor or subcontractor working on the site must file a public works bond with the Construction Contractors Board (CCB) prior to starting work, unless exempt.

ITB Data

Commodity Title: New Vacuum Pump
Buyer: State Board of Higher Education acting by and through
Southern Oregon University (SOU)
Solicitation Officer: Jim McNamara
Phone/Fax: (541) 552-6888
Email: <mailto:soubid@sou.edu>
Date Issued: January 8, 2014

ITB Proposal Deadline for Receipt by SOU Facilities Management & Planning Office

Day/Date: January 23, 2013
Time: 4:00 p.m., local time
Email address: <mailto:soubid@sou.edu>
Location/Address: SOU Facilities Management and Planning
(hand deliver bids here) 351 Walker Avenue
Ashland, OR 97220

Overview

State Board of Higher Education acting by and through Southern Oregon University (SOU), is seeking bids to furnish and install a new Vacuum Pump at the SOU Cascade Science facility.

SOU intends to award a contract to the company that offers the lowest cost to furnish and install a vacuum pump that meets all the requirements of this ITB.

SOU promotes equal opportunity for all individuals without regard to age, color, disability, marital status, national origin, race, religion or creed, sex or gender, sexual orientation, or veteran status.

Contract Term

The term for the contract awarded pursuant to this solicitation shall be for a period effective from the date of contract execution and extending until completion of the Scope of Work as detailed herein. SOU, at its sole discretion, may choose to amend any ensuing contract for additional work.

TABLE OF CONTENTS

Schedule of Events	Page 3
Section 1: Instructions to Bidders	Page 4
Section 2: Scope of Work	Page 7
Attachment A: Proposer Certification	Page 8
Attachment B: Technical Specifications	Page 9
Attachment C: Equipment Schedule	Page 11
Attachment D: SOU Professional Services Agreement	Page 12
Attachment E: SOU Campus Map	Page 20

SCHEDULE OF EVENTS

These dates are for reference only; we may change these dates at our discretion. We will notify you if any schedule dates change. Any changes to schedule dates will be posted on the OUS website: <https://secure.ous.edu/bid/>

Issue ITB	January 8, 2014
Deadline for inquiries, request for changes or protest of specifications	January 14, 2014
Deadline for SOU to respond to bidder inquiries and/or protest of ITB specifications and/or contract terms and conditions	January 15, 2014
Bids due*	January 23, 2014
Anticipated notice of intent to award	January 24, 2014
Deadline to protest award	Seven (7) calendar days after date of intent to award
Approximate installation date for New Vacuum Pump	April 7, 2014

*** Bids must be received by SOU Facilities Management & Planning no later than 4:00 p.m. PST (Pacific Standard Time) on this date.**

SECTION 1: INSTRUCTIONS TO BIDDERS

All Bids submitted in response to this ITB are subject to the provisions and requirements of the applicable Oregon Revised Statutes (ORS), the applicable Attorney General's Model Public Contract Rules and the Administrative Rules of the Oregon University System.

1. **Right to Reject:** SOU reserves the right to cancel or reject this procurement, ITB, and any or all Bids received as a result of this ITB upon finding that it is in the public interest to do so.
2. **Preparation Costs:** SOU shall not be liable for any costs incurred by bidders in the preparation of responses to this ITB, including any meetings, demonstrations or travel costs that may be required or requested.
3. **Questions or Requests for Clarification/Change:** All requests for changes or clarifications regarding technical information, procedural requirements, contractual requirements or other issues must be submitted, in writing, and received no later than the date and time listed in the Schedule of Events to the name and address listed on the cover page of this ITB. Proposers must note that SOU is not allowed to consider exceptions to the specifications or terms and conditions after the deadline for which to do so has passed. If you have an exception or a concern with anything in this ITB, you must raise that issue, in writing, which must be received by the deadline date for Requests for Changes, listed in the Schedule of Events.

SOU reserves the right to reject bids from respondents that raise any objections to the terms and conditions of this ITB after the deadline date for requests for changes. Bidders' proposed agreements, including proposed supplemental terms and conditions may be considered by SOU in its sole discretion, pursuant to paragraph 15 below.

SOU will consider all protests and requested changes and, if reasonable and appropriate, amend this ITB.

Envelopes or emails or faxes containing requests for change or protest of ITB requirements or contract provisions shall be marked as follows:

- ITB Specification (or Contract Provisions) being questioned;
- Request for Change (or Protest);
- ITB Document Number; and,
- Date Submitted.

Instructions for emailed responses are provided on page one of this document.

4. **Submittal Location:** Requests for ITB specification or contract provision change, protest or clarification must be submitted to the following email address: <mailto:soubid@sou.edu> or by mail or hand delivery to SOU Facilities Management and Planning, 351 Walker Avenue, Ashland, OR 97520. Any such requests sent to anywhere other than this location will not be considered. Such requests

may be submitted via email or first class mail, provided the method of transmission provides for a return receipt to sender.

5. **Change or Modification Addenda(s):** Any change or clarification to the specifications or the procurement process or to the terms and conditions of the contract will be issued in the form of an Addendum to this ITB and will be made available to all proposers. Only documents issued as addenda by the SOU Facilities office will serve to change this ITB in any way. No other direction received by the proposer, written or oral, serves to change this ITB document.

Bidders are not required to return addenda with their ITB proposal. However, bidders are responsible for making themselves aware of and obtaining and incorporating any changes made in any addenda issued into their final proposal. Failure to do so may cause the bidder's proposal to be rejected.

6. **Bid Preparation and Submission:** Bids shall be of detail to demonstrate that the proposer has a thorough understanding of the project and the SOU environment. Bids may be emailed to <mailto:soubid@sou.edu>, mailed or hand delivered to the SOU Facilities office at the address listed in this ITB.

Minimum Bid Requirements:

- a. **Submit proposal on company letterhead, signed by an officer authorized to commit the company.**
- b. **Include a detailed list of materials to be provided.**
- c. **Include catalog cut sheets for major components to be provided.**
- d. **Indicate whether installation crews will be company employees or subcontractors, and where the installers are based.**
- e. **Provide a minimum 1-year full warranty on proposed products and labor.**
- f. **Provide a signed Proposal Certification statement (Attachment A).**
- g. **Provide (3) Owner references for equivalent equipment installed in comparable facilities within the last 5 years.**

Bids must be received due date and time listed in the Schedule of Events of this ITB. **Late Bids or modifications will be rejected.**

7. **Public Records:** This ITB and one copy of each Bid received, together with copies of all documents pertaining to the Award of a Contract, shall be kept by SOU and shall be open to public inspection. If a bid contains any information that is considered a trade secret by the bidder under ORS 192.501(2), each sheet of such information must be clearly marked with the following:

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

The Oregon Public Records Law, ORS 192.501(2), exempts from disclosure only bona fide trade secrets, and the exemption from disclosure applies "unless the public interest requires disclosure in the particular instance." Therefore, 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.

Pricing information cannot be labeled a trade secret and must be open to public inspection. Bidders are requested to mark only specific pages or text in their bid considered a "trade secret" under Public Records Law. Bids in which the entire document is marked or otherwise identified in its entirety as confidential or a "trade secret" will be rejected.

8. **Information Submitted:** Bidders are cautioned that it is the bidder's sole responsibility to submit all information required, and that SOU is under no obligation to solicit such information if it is not included within the bid. Failure by the bidder to submit such information may result in rejection of the bid as non-responsive.
9. **Evaluation Criteria:** Any contract(s) resulting from this ITB will be awarded based upon lowest cost. The proposed equipment must meet, at a minimum, all requirements of this ITB. Any resulting contract will be in accordance with the Oregon University System, SOU, and State of Oregon administrative purchasing rules and laws.
10. **Investigation of References:** SOU reserves the right to investigate the references and the past performance of any Bidder with respect to its successful performance of similar projects, compliance with specifications and contractual obligations, its completion or delivery of a project on schedule, and its lawful payment of suppliers, sub-contractors, and workers. SOU may postpone the award or execution of the contract before or after Notice of Intent to Award to complete its investigation. SOU reserves the right to reject any bid or to reject all bids at any time prior to SOU's execution of a contract in the event proposer's reference checks prove unsatisfactory.
11. **Consideration of Past Performance:** SOU reserves the right to consider past performance, historical information and fact, whether gained from the proposer's bid, question and answer conference, references, or any other source in the evaluation process.
12. **Reservation of Rights:** SOU has and reserves the right to refuse to enter into a contract if SOU, based upon reasonable grounds, determines that the interests of SOU would not be served. Specifically, this right may be exercised if SOU does not believe that a given proposer can perform a contract, or for any reason set forth in Oregon Administrative Rules. SOU, at its option, may give the proposer notice, specifying the grounds for rejection, and allow the proposer (7) calendar days to respond in writing.

Following such response, SOU, in its sole discretion may reject the bid as provided in the referenced administrative rules.

13. **Selection Protests:** Unless this ITB is canceled, after SOU opens all timely-received Bids, SOU will evaluate all bids in accordance with the requirements set forth in this ITB. SOU will award the contract to the lowest responsive bidder. In the event that bids do vary significantly, SOU reserves the right to conduct discussions with the finalist bidder, to accept best and final offers from that finalist, and to negotiate changes.

The SOU Facilities Director will notify the apparent successful bidder and announce an Intent-to-Award. Identification of the "apparent successful bidder" is procedural only and creates no right in the named proposer to award of the contract. All competing bidders shall be notified in writing of SOU's Intent-to-Award and the identity of the apparent successful bidder and shall be given seven (7) calendar days to review the ITB file and

evaluation report in the SOU Facilities office. Any questions or concerns about, or protests of, the evaluation process must be in writing and must be delivered to and received by the SOU Facilities Director within seven (7) calendar days after the date of the letter of Intent-to-Award identifying the apparent successful proposer(s).

Within a reasonable time following the end of this seven (7) day protest period, SOU will consider all protests received, if any, and:

- a. reject all protests and enter into a contract with the apparent successful bidder;
OR
 - b. sustain a meritorious protest(s) and reject the apparent successful bidder as non-responsive, if such bidder is unable to demonstrate that its bid complied with all material requirements of the solicitation and Oregon public procurement law; thereafter, SOU may name a new apparent successful bidder; OR
 - c. reject all bids and cancel the procurement.
14. **Best and Final Offer:** Pursuant to OAR 580-061-0155, SOU reserves the right to select the vendor that offers the best value to SOU. SOU reserves the right to conduct discussions with the finalist bidder, to accept best and final offers from that bidder, and to negotiate changes, if it's in SOU's best interest to do so.
15. **Negotiation of Final Contract:** SOU has found that limited negotiation of the proposed contract is sometimes required to effect a successful procurement because of their experience that proposers may desire to include in the final contract certain supplemental terms and conditions from the proposers' such as software license agreements, maintenance contracts, technical support agreements and other similar documents. Such negotiation may occur at SOU's discretion.

SECTION 2: SCOPE OF WORK

Furnish and install a new Vacuum Pump per the attached technical specifications (Attachment B), equipment schedule (Attachment C) and the requirements of this ITB. Installation work includes vacuum pump set-up and start-up only. Final electrical and plumbing connections are by others.

Vacuum Pump installation labor is subject to Oregon Bureau of Labor and Industries (BOLI) prevailing wage rates and reporting requirements.