Date: February 13, 2014

RE: AP for Fluorescence Activated Cell Sorter (FACS) (PCS# 600000-0579-AP)

Closing Date/Time: February 20, 2014, at 5:00 pm (Pacific Time)

Dear Potential Respondent:

1. The State Board of Higher Education acting by and through the University of Oregon (University) is issuing this Alternative Procurement (AP) to solicit responses from qualified respondents for a Fluorescence Activated Cell Sorter (FACS) for the University’s Institute of Molecular Biology with at least the following minimum specifications:

* 1. Lasers: 405, 488, 561, and 638nm (4).
	2. Detection Channels: 2 x scatter, 6 x fluorescence (8).

1.3 Nozzle sizes: 85, 100, 135 um.

1.4 Automatic adjustment of optical axis.

1.5 Automatic adjustment of side stream.

1.6 Rapid sample line cleaning.

1.7 Rapid sterilization.

1.8 Disposable sorting cell.

1.9 Rapid set up time.

1.10 Rapid sorting (>= 20,000 cells/second).

1.11 Multi-tube sorting: > 6 tubes, upgradeable to 96 well plate.

1.12 Computer System & FACS Software: Includes monitors, FCS 3.0 compliant.

1.13 Does not require operator assistance.

1.14 Unit Size: Less than 75x75x75 cm.

1.15 Weight: Less than 100 kg.

2. For consideration, you must provide all requested information in accordance with the procedures set forth in this letter. Please do not respond exclusively by telephone or merely by sending marketing brochures. Please feel free to make suggestions, in addition to responding to the requirements of this letter. Respondent’s submittals must include the following:

 2.1 Contact Information. Respondent must submit the name and title of its primary contact regarding this AP, the business name, the primary address, the primary contact’s telephone number, and the primary contact’s email address.

2.2 Entity Verification.

2.2.1 If the Respondent is an entity other than a sole proprietorship, Respondent must submit evidence in the form of a Secretary Certificate (or equivalent documentation) that the individual submitting the Proposal is authorized to act for and bind the Respondent in all matters relating to the Proposal 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 Proposal has authority to bind the Respondent.

2.2.2 If Respondent is an entity other than a sole proprietorship and the entity was not organized or incorporated in the State of Oregon, Respondent must submit written evidence that Respondent 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 Proposal a copy of the record retrieved from that site.

2.3 Financial Capability. Respondent 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 Respondent’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 Respondent responsible to perform under a contract. University reserves the right to request further information as needed for clarification purposes. The successful Respondent to which the contract is awarded may, at the discretion of University, be required to provide periodic (in no case more than two times per year) updates to the financial capabilities report submitted pursuant to this AP.

2.4 Qualifications. Respondent must submit information detailing how Respondent’s proposed equipment meets the specifications identified in Section 1 above, and any other information deemed necessary for Respondent to perform the contract, including a firm resume, and a description of the resources available to Respondent to perform the contract.

2.5 References. Respondent must submit a list of three clients and contact information to whom similar equipment has been sold by the Respondent. These clients may be contacted by University for an evaluation and assessment of the Respondent's performance.

2.6 Proposed Timeline. Respondent must submit a proposed timeline with breakdown of time allocated for delivery of all deliverables identified in Section 1 above.

2.7 Itemized Budget of Cost Estimates. Respondent must submit an itemized budget of cost estimates for individual items to be provided under a contract awarded pursuant to this AP as well as total estimated price for the work contemplated under this AP.

2.8 Other Respondent Requirements. Respondent must not be listed on the Federal Excluded Parties or Debarred Contractors listing. Respondent must not be excluded from contract awards by either the federal government or the State of Oregon. No written response from Respondent is necessary for this Section. Upon closing of this AP, and as part of University’s initial review of mandatory requirements, University will verify whether Respondent is excluded from contract awards by either the federal government or the State of Oregon.

2.9 **Completed and signed Representations, Certifications and Acknowledgements attached to this letter as Exhibit A -- If you do not sign the Representations, Certifications and Acknowledgements your Response will not be considered for award.**

3. University Contact Information and Response Submittal Requirements. Please submit your Response and direct any questions regarding this procurement to University on or before **5 p.m. (Pacific Time),** **February 20, 2014** (“Closing Date and Time”). The University’s Purchasing and Contracting Services department is the Issuing Office for this AP. Responses 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

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

4. Submission of a Response constitutes a firm, binding and irrevocable offer for a period of ninety (90) calendar days following the Closing Date and Time.

5. It will be at University’s sole discretion (i) to consider Responses submitted after the date set forth above, and (ii) to determine whether a Respondent’s submittals are sufficient to determine if that Respondent is responsible to perform under a contract awarded pursuant to this letter. University reserves the right to request further information as needed for clarification purposes.

6. Responses.

6.1 All Responses to this AP letter become the property of University. By submitting a Response to this AP letter, Respondent grants the University a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Response solely for the purpose of evaluating the Response, negotiating a contract, if awarded to Respondent, or as otherwise needed to administer the procurement process, and to fulfill obligations under Oregon Public Records Laws. Responses, including supporting materials, will not be returned to Respondent.

6.2 Responses to this letter will be retained by the University for a required retention period and made a part of a file or record that will be open to public inspection. If a Response contains any information that is considered a “trade secret” under ORS 192.501(2), you must mark each page containing such information with the following legend: “TRADE SECRET”.

6.3 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.” Non-disclosure of documents or any portion thereof or information contained therein may depend on official or judicial determinations made pursuant to law. An entire Response to this letter marked as “trade secret” is unacceptable, and the Response will be deemed available for disclosure to the public.

7. Price will be one of many factors considered in any purchase. The factors considered are not limited to those addressed in this letter, the Responses to this letter, or any other inquiries the University might make and Responses it might receive. The University reserves the right to request FACS demonstrations, if in its sole discretion, the University determines that demonstrations of proposed FACS are in its best interest.

8. Once the University receives all information it wishes to obtain, it will evaluate the information and determine whether to negotiate with you. The University may negotiate with no vendors, one vendor, or more than one vendor. It is the University’s intent to purchase the FACS it deems, in its sole discretion, to provide the best value to the University, though the University may choose not to purchase any FACS.

9. The University is under no obligation to share additional information with you beyond that contained in this letter but may do so if the University, in its sole discretion, deems it advantageous.

10. Anticipated Contract.

10.1 It is hoped that the result of this process will be a binding contract between the University and a vendor which will include terms and conditions substantially set forth in the draft contract attached to this letter as **Exhibit B**.

10.2 If you have questions, concerns or proposed revisions to any of the terms and conditions contained in the attached contract, you must address those in your Response. Additional or supplemental terms and conditions submitted by a Respondent as part of its Response may be evaluated or considered at the sole discretion of University. If Respondent conditions its Response on any additional terms and conditions, which have not been accepted by a written Addendum to the AP, your Response may be deemed non-responsive.

10.3 It is anticipated that the in connection with the purchase and sale of the FACS, the contract to be awarded under this AP will include a minimum of one-year warranty period followed by a service contract of at least three years in initial term.

10.4 If awarded a contract, response pricing must be held firm for the purchase, warranty period and one year of the initial service contract term.

10.5 The contract to be awarded will allow the pricing to be updated on the first day of the second year of the initial service contract term, and thereafter on the first day of each 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.

Thank you for your prompt attention to this letter and your interest in doing business with the University of Oregon.

Sincerely,

University of Oregon

**EXHIBIT A**

**Fluorescence Activated Cell Sorter (FACS)**

**PCS# 600000-0579-AP**

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

**REPRESENTATIONS, CERTIFICATIONS, AND ACKNOWLEDGEMENTS**

By submitting your Response to this letter, Respondent represents and warrants that:

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

2. **Prices provided shall be firm for three (3) months after the Closing Date and Time**; and, if awarded the contract, Respondent must furnish any and all goods and/or services at the prices offered within the terms and time specified.

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

4. The individual signing for Respondent is authorized to execute this Response on behalf of Respondent.

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

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

7. Respondent 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 Response, that the Response is made in good faith, without fraud, collusion, or connection of any kind with any other respondent for the same work, and that the Respondent is competing solely on Respondent’s own behalf without connection with, or obligation to any undisclosed person or firm.

**Acknowledgment of Addenda**

[ ]  By checking this box, Respondent acknowledges Respondent has received, reviewed, and agrees to the all terms and conditions added to this letter 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 #

None of the Above [ ]

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

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

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

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