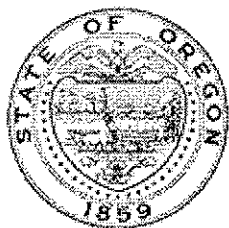


Request for Proposal (RFP)

Office Supplies and Services



Only Manual Bids Allowed

**Issued By**

State Procurement Office
1225 Ferry Street SE, U140
Salem, Oregon
97301-4285

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Opportunity #
102-1557-09
Addendum # 4

Original Publish Date & Time
05/04/2009 11:30 AM
Publish Date & Time
06/17/2009 3:01 PM
Closing Date & Time
07/30/2009 3:00 PM
Time Zone
Pacific Time
Approx. Time Remaining

All dates are mm/dd/yyyy

Attachments Exist
Organization Attachments Do Not Exist
Privileged Attachments Do Not Exist
Documents for Purchase Do Not Exist

Geographic Matching Exists
Commodity Matching Exists

Issued For

State Procurement Office
1225 Ferry Street SE, U140
Salem, Oregon
97301-4285

Addendum # 4

Second Phase, Response to Protest of the RFP. See attachments for the Addendum #4

Addendum # 3

First Phase, Response to protests to the RFP, see attachments for the Addendum #3, additional responses to come.

Addendum # 2

This RFP has been extended for additional time, the new closing date is July 30, 2009

Addendum # 1

Answers to Questions and Clarification.(SEE ATTACHMENTS FOR DETAILS)

New Closing Date: June 16, 2009 at 3:00 PM

Opportunity Summary

The State of Oregon, Department of Administrative Services, State Procurement Office (DAS SPO), on behalf of the State of Oregon and its agencies, the Western States Contracting Alliance (WSCA), the National Association of State Purchasing Officials (NASPO) and authorized members of the Oregon Cooperative Purchasing Program (ORCPP), is requesting proposals from responsible Proposers to establish a Price Agreement(s) for Office Supplies, Toner, Paper, Recycle Products, remaining Full Line Catalog items, and related services. The State of Oregon and many of the WSCA states have adopted the principles of sustainability and are committed to meeting the office supplies needs of Authorized Purchasers while not harming the environment or human health.

SEE ATTACHMENTS FOR THE REQUEST FOR PROPOSAL AND THE PRICING SECTION

Item #	Quantity / Unit	Description	Unit Price	Total Amount
1	0	Commodity No. 600-73 Office Machines, Equipment, Accessories, and Supplies - Recycled		
Delivery Requirements To Be determined Payment Terms Net 30 FOB FOB Destination			Total Including all charges US Dollars Only	

Manual & Electronic response must express an interest. Manual response must 1st DOWNLOAD the document. Electronic Response [if allowed] – must express interest; select Supplier Response & complete response. Instructions can be found in the HELP screens

Control # 1141943

This Addendum modifies the Request for Proposal (RFP) Document(s) only to the extent indicated herein. All other areas not specifically mentioned or affected by this Addendum shall remain in full force. This Addendum shall be added as a part of the Original RFP.

REQUEST FOR PROPOSAL (RFP) #102-1557-09 RESPONSE TO PROTEST AS
FOLLOWS:

Office Supplies Response to Protest Questions:

PROTEST REQUEST #1. Section 21. WARRANTY (page 42 of 58):

Reason for Protest: *WSCA Standard Terms and Conditions Clarifying Language specific to this RFP's scope of products.*

DAS SPO RESPONSE: DAS SPO neither accepts nor denies this protest or request for clarification. DAS SPO will be issuing an Addendum that will revise Sections 6.1.2 and 6.1.3 of the RFP to include Warranty as a negotiable provision.

PROTEST REQUEST #2. Section 22. AMENDMENTS (pg 42 of 58):

Reason for Protest: *WSCA language and State of Oregon language appear to be in conflict in regards to CONTRACTOR right to terminate agreement with notice.*

DAS SPO RESPONSE: Each State that elects to enter into a Participating Addendum with a contractor may propose terms and conditions different from those set forth in the WSCA Standard Terms and Conditions. Often, those specific state terms and conditions further clarify the rights and obligations of the parties. Some times, the specific state terms and conditions can conflict with the WSCA terms and conditions. However, a State's Participating Addendum takes precedence for any purchases of products or services under that State's Participating Addendum.

Section 22 of the WSCA Standard Terms and Conditions applies to amendments of the WSCA Contract only. On behalf of WSCA, DAS SPO accepts OfficeMax's suggested revision. DAS SPO will issue an Addendum revising Section 22.

PROTEST REQUEST #3: Section 30. Firm Price (pg 43 of 58):

Reason for Protest: *RFP consistency. Inconsistent Language exists in the RFP to that in Terms and Conditions.*

DAS SPO RESPONSE: The requirements of the RFP and proposal to be submitted under it may be different from the terms of the proposed contract attached as an exhibit to

the RFP. However, Suppliers' Protest Request #3 addresses the issue of pricing. DAS SPO is revising the pricing provisions. Please see Addendum.

PROTEST REQUEST #4: Section 37. RECORDS ADMINISTRATION and Section 38. AUDIT OF RECORDS (pg 44 of 58) (and also from Exhibit No. 1 "State Specific" page 52 of 58 #9).

Reason for Protest: *Contractor's Legal Request for language clarification/detail. The current language appears to limit competition by placing a potential administrative burden on CONTRACTORS subject to an expensive audit process.*

DAS SPO RESPONSE: DAS SPO denies the request to revise Section 38 of the WSCA Standard Terms and Conditions. WSCA requires broad audit rights at the Association level because the Association, itself, and the member states and the entities purchasing under them, as well as each one's funding sources and regulatory bodies, all have varying audit needs.

For Oregon, DAS SPO denies the request to revise Section 38 of the WSCA Standard Terms and Conditions as it applies to Oregon and denies the request to revise Section 9 of the Oregon Participating Addendum for the same reasons cited above.

Each State that elects to negotiate a Participating Addendum with a contractor pursuant to this RFP may designate provisions of its Participating Addendum the State is willing to negotiate.

PROTEST REQUEST #5: Attachment E (pg 47 and 48 of 58).

Reason for Protest: *Clarifying language request.*

DAS SPO RESPONSE: Section 1.1.3 provides that each member State that wishes to cooperate in this procurement must enter into a Participating Addendum with the contractor in the form attached to the RFP as Attachment C.

If allowed by the individual state's laws, other entities also may use WSCA cooperative contracts. (RFP, Section 1.1.7) Section 6.1.2.2 of the RFP indicates that each Participating State may negotiate the terms and conditions of its own Participating Addendum.

Oregon is serving as the lead State in this solicitation, so DAS SPO will negotiate on behalf of the WSCA membership under Section 6.1.2.1 of the RFP. DAS SPO also will negotiate on behalf of the State of Oregon, its agencies and ORCPP members under Section 6.1.2.3 of the RFP. DAS SPO will be issuing an Addendum that amends Section 6.1.2.3 and sets forth the terms and conditions of the Oregon Participating Addendum that DAS SPO is willing to negotiate.

See Addendum for further clarification that States other than Oregon that wish to cooperate in this procurement will negotiate a separate Participating Addendum with the contractor(s).

PROTEST REQUEST #6: Section 6. and 6.1 Termination (pg 52 of 58).

Reason for Protest: *Language clarification.*

DAS SPO RESPONSE: DAS SPO denies this protest or request for clarification. The intent of the Participating Addendum is for each State to use the WSCA terms and conditions as the basis of its contract with the contractor(s). The Participating Addendum is to be read in conjunction with the WSCA terms and conditions, and the Participating Addendum is only intended to change or add to those terms and conditions that the individual State deems necessary to change or amend. Oregon's Section 6 is to be read in conjunction with Section 12 of the WSCA terms and conditions and really just clarifies Oregon's rights; Section 6 does not take away any of the rights set forth for the Contractor in the WSCA terms and conditions.

PROTEST REQUEST #7: Section 15. Indemnification (pg 54 of 58).

Reason for Protest: *This language could be considered restrictive in that many firms will refuse to accept these terms while many smaller firms would not be able to afford legal defense against claims that would arise out of the current language.*

DAS SPO RESPONSE: DAS SPO neither accepts nor denies this protest or request for clarification. DAS SPO will be issuing an Addendum and will be revising Sections 6.1.2 and 6.1.3 of the RFP to include Indemnity as a negotiable provision.

Option for Consideration: **Supplier** proposed alternate language relative to contract negotiation.

DAS SPO RESPONSE: Supplier has not designated a specific section of the RFP for its proposed optional language, however, the optional language addresses contract negotiation found in Section 6.1. Section 6.1 sets forth the portions of the WSCA Terms and Conditions and the terms and conditions in the Oregon Participating Addendum that DAS SPO will negotiate. DAS SPO appreciates OfficeMax's suggestion and trusts that the successful proposer will negotiate those terms and conditions that DAS SPO has designated as negotiable in good faith. DAS SPO will not negotiate any other terms than those set forth in Sections 6.1.2 (WSCA) and 6.1.3 (Oregon Participating Addendum).

In addition to the above responses, DAS SPO will be issuing an Addendum to the RFP addressing the issues above. Please see Addendum for further response and clarification.

Unless the specific deadline in this Addendum, Section 2.7 **Addenda** and Section 2.8 **Protest of Addendum**, is extended by subsequent Addenda, no requests for clarification, requests for change, or protests of provisions contained in the originally-issued RFP will be considered after the date specified herein. Date specified in the original RFP is 3:00 pm on May 20, 2009.

After that date, Proposer may submit requests for modification of the RFP provisions, but only for those items directly covered by an issued addendum. Requests for clarification, requests for change, and protests of Addendum provisions addressed in this addendum must be received by DAS by 5:00 P.M.(Pacific time) on June 22, 2009 or they will not be considered. DAS will not consider requests or protests of matters not added or modified by the Addendum.

THIS ADDENDUM MUST BE SIGNED AND RETURNED BEFORE RFP CLOSING. A TOTAL OF TWELVE (12) COPIES OF THIS ADDENDUM MUST BE SUBMITTED, (ONE ORIGINAL AND ELEVEN COMPLETE PHOTO COPIES OF THE ORIGINAL. AT LEAST ONE ADDENDUM SUBMITTED BY THE BIDDER MUST BEAR AN ORIGINAL SIGNATURE AND BE MARKED "ORIGINAL". FAILURE TO SIGN AND RETURN THIS DOCUMENT WILL RESULT IN REJECTION OF THE OFFER.

PROPOSER SIGNATURE: _____

DATE: _____