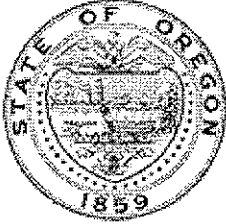


Request for Proposal (RFP)

Office Supplies and Services



Only Manual Bids Allowed



Issued By

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

Contact: Pam Johnson
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Opportunity #
102-1557-09
Addendum # 5

Original Publish Date & Time
05/04/2009 11:30 AM

Publish Date & Time
06/24/2009 3:55 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 # 5

Response to Protest to addendum #1, see attachments for copy of addendum #5

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 # 1144357

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:

Supplier 1

PROTEST #1: Supplier submitted that the RFP specifications:

- Lack of mutual product offerings, item counts, packaging and units of measure is making it difficult to provide the most competitive pricing.

DAS SPO RESPONSE: DAS SPO neither accepts nor denies this protest or request for clarification. DAS SPO issued Addendum No. 3 to the RFP on June 16, 2009. Addendum No. 3 to the RFP addresses the issues raised in Protest #1.

PROTEST #2: Supplier submitted that the RFP specifications:

- Quality of private label brand products varies greatly which makes it difficult to have a fair comparison. For example, ink and toner private label brand yields may differ. Legal pads differ by number of sheets per pad, quality of backer, etc.

DAS SPO RESPONSE: DAS SPO neither accepts nor denies this protest or request for clarification. DAS SPO issued Addendum No. 3 to the RFP on June 16, 2009. Addendum No. 3 to the RFP addresses the issues raised in Protest #2.

PROTEST #3: Supplier submitted that the RFP specifications:

- Since list prices are often changing and are inflated, it is not in the best interest of the States to go with a discount off list approach. Supplier feels that a line by line cost comparison is the only way to ensure fair pricing.

DAS SPO RESPONSE: DAS SPO neither accepts nor denies this protest or request for clarification. DAS SPO issued Addendum No. 3 to the RFP on June 16, 2009. Addendum No. 3 to the RFP addresses the issues raised in Protest #3.

PROTEST #4: Supplier submitted that the RFP specifications:

- Large number of product categories within a single bucket. For example, there are 26 product categories within line #37 on the pricing spreadsheet. Bidders may be forced to

provide lower discounts in this scenario to ensure costs are covered for each product category.

DAS SPO RESPONSE: DAS SPO neither accepts nor denies this protest or request for clarification. DAS SPO issued Addendum No. 3 to the RFP on June 16, 2009. Addendum No. 3 to the RFP addresses the issues raised in Protest #4.

PROTEST #5: Supplier submitted that:

- Supplier would like to request a line by line comparison of the top usage items. We Supplier feel that the incumbent has an unfair advantage as they have exact usage figures.

DAS SPO RESPONSE: Currently, there are multiple suppliers providing one or more of the items to all of the participating states. Therefore, there is not an incumbent supplier who would have an unfair advantage. The Sourcing team is willing to provide calendar year 2008 usage data from the states that were able to provide it to us. To request the data you must email Pam Johnson, SPC. This data will only be available by a CD, with an excel format.

Supplier 2

INITIAL QUESTION:

Addendum 1, 3.5.3 - Catalog Price Changes states: The discount proposed for each category, for each catalog (vendor specific and wholesale) shall remain the same throughout the term of the Price Agreement, and all renewal options. Beginning January 1, 2010 the pricing must be verifiable and auditable. After January 1, 2010 manufacturers' list pricing may be adjusted quarterly on April 1, July 1, October 1, and January 1 of each calendar year.

The change in this section makes it unclear on the introduction of new catalogs and conflicts with Section **3.5.6 Catalog Distribution** which states: Upon award and throughout the term of the Price Agreement, the Contractor shall maintain distribution of the current version of the selected catalogs to all users upon request at no cost to an ordering entity.

DAS SPO RESPONSE: Addendum #1. Section 3.5.3 has been deleted in its entirety and replaced with the new language below:

Catalog Price Changes states: The discount proposed for each category, for each catalog (vendor specific and wholesale) shall remain the same throughout the term of the Price Agreement, and all renewal options. All pricing must be verifiable and auditable from the date of contract award. At a minimum the manufacturers' list pricing must remain firm for the first 6 months after contract award. There after the manufactures' list pricing may be adjusted quarterly on January 1, April 1, July 1, October 1, of each calendar year.

DAS SPO understands that the hard copy catalog may not remain current for a full year, however we require that the Online Catalog, Ordering systems remain current with the approved manufactures' list pricing and must be accurate and up to date.

QUESTION #1 RELATED TO Section 3.5.3:

1. Since some suppliers publish new catalogs once or twice a year in July or January, which include new products and new list prices, will the State accept the prices in the catalog as the new list price and then allow for quarterly updates?

DAS SPO RESPONSE: DAS SPO understands that the hard copy catalog may not remain current for a full year, however we require that the Online Catalog, Ordering systems remain current with the approved manufactures' list pricing and must be accurate and up to date.

QUESTION #2 RELATED TO Section 3.5.3:

2. Since the new version of our current full line catalog comes out in July will the State allow us to use that catalogue to start the contract if awarded?

DAS SPO RESPONSE: DAS SPO understands that the hard copy catalog may not remain current for a full year, however we require that the Online Catalog, Ordering systems remain current with the approved manufactures' list pricing and must be accurate and up to date.

QUESTION #3 RELATED TO Section 3.5.3:

3. Please clarify how new catalog introductions will work with the above revised section 3.5.3 – Catalogue Price Changes and section 3.5.6 - Catalog Distribution?

DAS SPO RESPONSE: DAS SPO understands that the hard copy catalog may not remain current for a full year, however we require that the Online Catalog, Ordering systems remain current with the approved manufactures' list pricing and must be accurate and up to date.

QUESTION #4 RELATED TO Section 3.5.3:

4. Based upon how above addendum is worded it appears the State is asking for prices to be held for over a year, please clarify. Will the State change the requirements to allow the introduction of new catalogs and list prices?

DAS SPO RESPONSE: See Response above.

QUESTION #5 RELATED TO Section 3.5.3:

5. Because the award and implementation date are undefined at this time, will WSCA permit the use of the most current full line catalogue and list price at the time of the award?

DAS SPO RESPONSE: No, see Response above.

QUESTION #1 RELATED TO Section 3.5.3.1:

3.5.3.1 Paper Price Changes- States -“The price adjustment for the above referenced twelve paper items shall be based on the RISI (Resource Information Systems Inc.) Index effect the date of Proposal submittal”

The RISI index will not allow an accurate update of prices for paper for vendors. Domtar, the largest paper mill in the U.S. and others have stopped reporting to RISI because they don't provide for all the cost drivers in the production process to convert pulp to the finished product. RISI only reports on paper pulp price changes but not on cost of energy, labor etc. that will impact the true cost of the finished paper products represented in this RFP.

1. We ask that the State consider going back to the fair way of updating paper prices by list price changes on the same quarterly schedule as the rest of the products per the RFP? This will make the contract very auditable and easier to manage accurately.
-

DAS SPO RESPONSE TO QUESTION #1 RELATED TO Section 3.5.3.1: Section 3.5.3.1 shall remain the same.

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 29, 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: _____