



**REQUEST FOR PROPOSAL
RFP 2010-009**

ADDENDUM NO. 1

To: Prospective Bidders

From: John N. Tortelli
Cooperative Educational Services

Date: March 26, 2010

CES has received the following questions regarding RFP 2010-009 either by mail, e-mail, or fax. Please accept the following as responses to the questions submitted.

Submitted by: Clara Johnson
Team Athletic Supply

Question 1:

In reference to the above mentioned RFP, you request copies of the catalogs for each vendor that we will be bidding. Team Athletic Supply quoted the former RFP 2006-005 and supplied you with over nine 4" binders with our vendors' catalogs and price sheets. Would you accept electronic format for all vendors from whom I can obtain their catalogs? This would make the distribution of the information much simpler.

Response 1:

CES will accept an electronic version for your catalog and pricing information. You need to designate in your proposal that you will be providing this information electronically only.

Submitted by: Michelle Joyce
Sr. Account Manager
Cisco CSE
MNJ Technologies Direct

Question 2:

Are you looking for a certain specification for these projectors? IE Lumen, weight. Etc

Response 2:

CES is looking for a vendor that can provide a complete solution based upon our members' needs. Since our members require various types, sizes and configurations of projectors, CES is looking for a proposer(s) that can provide a complete product line.

Question 3:

What type of warranty are you looking for with the projector?

Background:

Taken from the General Term and Conditions on page 33

Maintenance: Each potential contractor of high technology electrical/mechanical equipment must have maintenance facilities and a maintenance support system available for servicing units in all parts of New Mexico. If a third party is used to provide maintenance or warranty work, Contractor must include with the proposal details of any such arrangement. Factory certified and trained technicians shall be available to cover all parts of the State. Maintenance service in metropolitan areas of New Mexico should be available within eight (8) hours, service in rural areas within 24 hours, or next day. Any maintenance facility must have sufficient parts inventory to provide quality service on units sold to CES Members. On small pieces of equipment, mail-in service may be offered by out-of-state manufacturers, if normal turn-around time is 48 hours.

Taken from the General Term and Conditions on page 45

Warranty: Contractor warrants that all equipment, software and services delivered under this contract will conform to the specifications of this contract. Offeror must agree to assist the purchaser in reaching a solution regarding a dispute with the manufacturer over a warranty's terms and comply with the following:

1. Contractor warrants that any services, equipment or material supplied to CES or its Members/Participating Entities will conform to all requirements of the contract and all representations of Contractor and will be fit for all purposes and uses required and defined in each individual project. All work performed, equipment and materials must carry a minimum 12-month warranty that includes parts, labor and reimbursable expenses.
2. Unless modified elsewhere in this solicitation, Contractor warrants that for one (1) year after acceptance of the individual project, the work performed, equipment and/or materials provided to the Member/Participating Entity will be:
 - a. Of a quality to pass without objection in the industry or trade normally associated with them.
 - b. Fit for the intended purpose(s) for which they are being purchased and/or being used;
 - c. Of even kind, quantity and quality within each unit and among all units, in the variations permitted by the contract;
 - d. Adequately contained, packaged and marked as the contract may require; and
 - e. Conform to the written promises or affirmations of fact made by Contractor.
3. Any extended manufacturer's warranty that is obtained to meet the 12-month requirement will be passed to the Member/Participating Entity without exception. CES reserves the right to cancel the contract if Contractor charges the agency for any product and/or service received at no cost under a warranty.

Response 3:

The minimum warranty requirement is one (1) year after acceptance by the member to include parts, labor, and materials. The proposer is encouraged to provide extended warranty coverage options for our members.

Question 4:

How are you going to award a vendor if everyone has quoted different types/brands projectors? Is it all based on price?

Background:

Taken from SECTION III: CONDITIONS LEADING TO AND INCLUDING CONTRACT AWARD paged 99 to 101.

D. EVALUATION FACTORS

To qualify for evaluation, a proposal must be responsive, must have been submitted on time, and materially satisfy all mandatory requirements identified throughout the RFP. To be considered responsive, a proposal must reasonably and substantially conform to all of the specified requirements in the RFP in the judgment of the evaluation committee. Any deviation from requirements indicated herein must be stated on an attached sheet(s). Otherwise, it will be considered that proposals are in strict compliance with all requirements, and any successful Offeror will be held responsible therefore. Deviations or exceptions stipulated in Offeror responses, while possibly necessary in the view of a particular Offeror, can result in a penalty assessment being assigned during the evaluation process. Language to the effect that the Offeror does not consider this proposal to be part of a contractual obligation will result in that Offeror's proposal being disqualified. Due to the unpredictable nature of what any particular Offeror may wish to stipulate with regard to exceptions, exclusions or limitations of liabilities, Offerors are forewarned that CES reserves the right to assign any penalties it considers warranted. Terms of the RFP that any Offeror considers particularly unwarranted, and to which that Offeror would have to take significant exception in its response, should be stated in the proposal clearly and concisely as exceptions and/or deviations.

Part 1: Offeror Qualifications – 300 Total Points (a-j pages 12-17)

- 40 points A brief history of your company that includes its background, organizational structure and philosophy of doing business.
- 40 points Company location, branch offices, key people, facilities, capacity and ability to perform.
- 30 points Documentation, narrative describing the standards, testing, industry organizations affiliated with and/or awards and recognition for the products or services you are planning to provide.
- 30 points Documentation, written evidence from past clients indicating your firm's ability, capacity and effectiveness in meeting their programs goals and objectives.

- 20 points Letter from your financial institution and other financial documentation that indicates the company's financial capacity and stability.
- 10 points Verification of insurance
- 60 points Company's ability, capacity, willingness and proposed strategies and processes to offer and promote their company's products and services to CES Members /Participating Entities utilizing CES' e-commerce solution and/or its traditional procurement process.
- 20 points Key sales people who will be assigned this contract and resources available to the operation of the contract.
- 50 points Reasons/justification of why your products and services are worth the prices or fees you are proposing and added value available offered to CES Members/Participating Entities to make this contract more advantageous than others to which they have access.

Part 2: Responses to specific requests in each category (placed after Tab 5) - 300 Total Points

- 100 points Responses as to how well total proposed solution meets our request as evidenced in timelines, product information and performance specifications and requested presentations provided in Tabs 5 and 10.
- 125 Points Response to categorical required written responses and/or comments requested placed behind Tab 5.
- 75 points Responses to items related to customer service, support, warranty and after-the-sale items proposed as stated in requested forms in the Offeror's RFP response and presentation of cost data.

Part 3: Cost

- 400 points Cost (Schedule D) for the Category(s) submitted.
- 1,000 points TOTAL POINTS POSSIBLE

E. NEGOTIATIONS

In order to obtain the most favorable price and support for Member schools, CES reserves the right to enter negotiations with responsible Offerors (see also Best and Final Offer, Section I.E).

F. COST CONSIDERATIONS

The negotiated contract between CES and the Contractor will be for a firm, fixed discount and/or multiplier off and/or applied to retail prices with indefinite quantity stipulated.

Response 4:

This solicitation is an indefinite quantity and qualification based Request for Proposal (RFP). The evaluation consists of three components; Offerors Qualifications (300 points), Responses to specific requests in each category (300 points) and Cost (400 points). Each Category will be evaluated separately.

Question 5:

Do you have a list of the top purchased projectors from last year's bid? If yes, can I see that?

Background:

None

Response 5:

CES last bid out projectors on RFB 2006-005 in September 2005 and requested "... is seeking an offeror(s) to provide product lines of audio visual and projection equipment. The equipment sought by members is to be used in classrooms, libraries, media centers, computer labs, auditoriums, theaters, and photo, sound, TV and radio production studios". The bid only listed general categories for the types of equipment our members' are may require. CES does not currently track members' purchases by item.

Question 6:

Once the bid has been finalized when will purchases begin?

Background:

None

Response 6:

Once the final award notice is sent out to all the respondents, the protest period has ended, and final contract negotiations are completed, then the winning proposer(s) can market their contract to our members.

Submitted by: Jennifer Keating
Bid and Contract Coordinator
Lightspeed Technologies, Inc.

Question 7:

Regarding item B9b on page 13, to what level of detail should we describe our service equipment?

Background:

None

Response 7:

In as much detail as to convey your capabilities, expertise, and response time to our members and evaluators for this requirement. This item is also listed in Form J, Offerors Qualification.

Question 8:

Regarding item C1 and C2 on page 14, should we include information for New Mexico only, or for the entire United States?

Background:

None

Response 8:

The proposer, should at a minimum, provide information for New Mexico and it would be advantageous to provide information for locations outside New Mexico.

Question 9:

Regarding item C4 on page 14, are we to include the use of fictitious name and/or dba listings?

Background:

None

Response 9:

If you have provided products and services under a different name you are encouraged to provide this information.

Question 10:

Regarding item D3 on page 14, we have fulfilled all of our contractual obligations in-time, but there is a case in which the overall project did not complete on-time, due to delays by other contractors. Is there a need to address such a case in responding to this request?

Background:

None

Response 10:

CES understands that from time to time a project may not be completed on time due to various reasons. CES is looking for the reason why and how the contract-holder handled these types of situations. This requirement is for the contract-holder only. If you were the contract-holder or you were responsible for completion of the project you are encourage to provide this information.

Question 11:

In regard to service inventory, we have a 30-day supply of in-stock service parts to serve our customers. Will it be sufficient to make that statement in response to the request for information? If more detail is required, please indicate what information is specifically being requested.

Background:

None

Response 11:

CES is not dictating how many day supply of inventory that is to be on hand to service our members. The proposer needs to demonstrate that the inventory on hand is sufficient to meet the needs of our members.

Items to consider are order fill rates, order processing time, transit time, etc.

Question 12:

In regard to the electronic copy of the submittal, do we understand correctly that we are to provide one copy of the entire bid (e.g. a scanned copy of the submittal in .pdf format) and another copy, with all of the files for each organizational Tab organized into individual folders on the same diskette as the complete .pdf copy?

Background:

Taken from SECTION I: INSTRUCTIONS TO OFFERORS, E. PROPOSAL SUBMISSION, 2. Format of the Proposal, pages 9 to 10.

2. **Format of the Proposal**

- a. One (1) original of the proposal will be submitted on the forms and in the format contained in the RFP and must have original signatures. The proposal will contain all Microsoft Excel pricing information, support documentation, descriptive literature, specifications, samples, etc. The proposal will be submitted in a three-ring binder.
- b. The forms as contained in and format as requested in the RFP will be used. Offerors can reproduce the forms and retype the information, but all of the required information must be presented in the order requested. All proposals must be completed in ink, on a computer or typewritten. Forms can be filled in by hand, but must be printed.
- c. In preparing a proposal, the Offeror must present a point-by-point response and/or address each relevant request for information regarding Offeror's qualifications: products and/or services descriptions, specifications and pricing; and delivery, installation, setup, maintenance and repair.
- d. Review both the General Terms, Conditions, and Requirements and the Categorical Terms, Special Considerations, Specifications, and Requirements and, with Form E: Acceptance of General Terms and Conditions and Form E-1: Acceptance of Categorical Terms and Conditions, accept and/or note any exceptions that may apply to your firm. Should the Offeror take any "exception(s)," the item must be clearly identified and a written explanation and justification provided. On Form E or E-1, a summary of those items identified must be included in the response to be considered valid. Exceptions can be accepted, negotiated or rejected by CES.
- e. The Offeror must possess the ability and capacity to comply with and provide their pricing information in one of the three (3) formats required by CES and as described herein.
- f. In addition to the requirements of providing one (1) original copy the Offeror must provide an electronic copy organized in the format requested and an electronic copy with each tab's information as a separate file on a CD-R or CD-RW in either or combination of the following file formats: Adobe PDF (pdf), Rich Text Format (rft), Microsoft Word (doc) or Microsoft Excel (xls). The CD is to be laid out in the same format as Content of the Proposal (see below).
- g. Offeror's inability or failure to meet and/or comply with items (a-f) above may be sufficient to render their proposal non-responsive.

Response 12:

Yes, the proposer is to provide one paper copy and one electronic copy as per the tab format as outline in RFP 2010-009 on pages 9 to 12. The pricing information needs to be submitted in a separate sealed envelope for the category on the Excel price sheet for the corresponding category. The electronic copy can

either be in or a combination of the following file formats, Adobe PDF, Microsoft Word and/or Excel. All pricing information needs to be submitted in the Microsoft Excel file for the corresponding category.

Question 13:

Regarding item #10 on page 14 of the RFP, what would be typically included when describing the equipment available to perform under this solicitation?

Background:

Taken from SECTION I: INSTRUCTIONS TO OFFERORS, E. PROPOSAL SUBMISSION, Item 4. Offeror Qualifications, B. Organization, item 10 on page 14.

10). Describe your organization's current in-house work force, equipment and facilities available to perform under this solicitation.

Response 13:

By the proposer reviewing the Categorical terms and conditions, specifications and requirements this should give an indication as to what type of equipment is required to response to this RFP. CES is trying to ascertain the capabilities for the proposer to provide the products and services required by this RFP. The capabilities of the proposer in most case will change based upon the category they will be submitting under.

Question 14:

Regarding item C3 on page 14 of the RFP, what is the anticipated or preferred response to these statements?

Background:

Taken from SECTION I: INSTRUCTIONS TO OFFERORS, E. PROPOSAL SUBMISSION, Item 4. Offeror Qualifications, C. Licensing, item 3 on page 14.

3). Pursuant to NMSA 1978, 13-1-21 K, Residential Business and Manufacture preference will not apply for a solicitation having federal funds as a funding source and NMAC 1978, 1.4.2.2 B. (1) "when a procurement method other than competitive bid..." and 1.4.2.2 B. (3) "when expenditures of federal funds... is involved..."

Response 14:

CES is stating, based upon its interpretation of state and federal statutes that apply to procurement, transactions under this solicitation may be partially or wholly funded with federal funds. In the case of project using federal funds, preference cannot be a selection factor.

Question 15:

Regarding item C4, how far back in history should we go to provide adequate response to this request?

Background:

Taken from SECTION I: INSTRUCTIONS TO OFFERORS, E. PROPOSAL SUBMISSION, Item 4. Offeror Qualifications, C. Licensing, item 4 on page 14.

4). Has your organization or any of the qualifying parties named above ever conducted business, past or present, as a vendor under a different business name? If yes, what name(s) and when?

Response 15:

CES will require a proposer to provide a minimum of 15 years of business history to ascertain the viability of the proposer organization.

Question 16:

Regarding item D2, is the request for a list of contracts in the State of New Mexico only, or for the entire US?

Background:

Taken from SECTION I: INSTRUCTIONS TO OFFERORS, E. PROPOSAL SUBMISSION, Item 4. Offeror Qualifications, D. Experience and Past Performance, item 2 on page 14.

2). Provide a complete list of contracts, over \$25,000, which your company had or has in progress, as of March 1, 2010, giving the name of public entity, contract amount and contract amount and contract term. Please state the total worth of all contracts in progress and under contract as of March 1, 2010.

Response 16:

The proposer should at a minimum provide information for New Mexico and it would be advantageous to provide information for locations outside New Mexico.

Question 17:

In regard to Offeror's PPI, is CES interested only in PPI in relation to projects in New Mexico or throughout the United States?

Background:

Taken from SECTION I: INSTRUCTIONS TO OFFERORS, E. PROPOSAL SUBMISSION, Item 4. Offeror Qualifications, D. Experience and Past Performance on page 14.

D. Experience and Past Performance

- 1). List the categories of work that your company normally performs with its' own forces.
- 2). Provide a complete list of contracts, over \$25,000, which your company had or has in progress, as of March 1, 2010, giving the name of public entity, contract amount and contract amount and contract term. Please state the total worth of all contracts in progress and under contract as of March 1, 2010.
- 3). For the last five (5) years, list all projects in which your company failed to complete a contract by the date agreed to by all parties.
- 4). In the last five (5) years, has your company provided any extended warranties and not been able to fulfill to the public entity satisfaction? If yes, for each, include the following information:
 - (a). Describe the issues.
 - (b). Contract.
 - (c). Public Entity.
 - (d). Type of warranty coverage.
 - (e). Reason for inability to resolve, such as owner not fulfilling obligations.

Response 17:

The proposer should at a minimum provide information for New Mexico and it would be advantageous to provide information for locations outside New Mexico.

Question 18:

Is it possible to include volume pricing for purchases of larger quantities? If so, would that fall under "additional price information" and may it be included in Tab 6?

Background:

Taken from SECTION I: INSTRUCTIONS TO OFFERORS, F. LISTING OF GENERAL TERMS AND CONDITIONS, pages 37 and 38.

Price List: The Offeror will submit to CES and, if required, make available on its website all applicable pricing for all products and services proposed and awarded under this solicitation. Price list submitted must be in accordance with and comply with the terms, conditions and the requirements of the purchasing process utilized to facilitate eligible procurement agencies staff to place and process orders. When the Contractor offers a discount off retail price, the Manufacturer's Suggested Retail Price (MSRP), such discounts will include the CES one percent (1%) administrative fee and must be submitted in the format required and be auditable by CES.

Price Reduction and Adjustment: A price reduction can be offered at any time and will become effective on the pricing method to be utilized and by CES. Special and/or promotional pricing, time-limited reductions are permissible under the following conditions:

1. The price reduction is available to all Members equally;
2. The price reduction is for a specific time period;
3. The original price is not exceeded after the time limit; and
4. CES is to be notified and have access to and/or have the new prices on record prior to any offer of the new prices to CES Members/Participating Entities.

Price increases (change in discount rate) will be considered at the time of a contract extension, and will be a factor in renewal.

Pricing: Offeror will describe discounts and special pricing offered. Offeror must agree that prices offered through this contract will include the CES one percent (1%) administration fee and, while this contract is in effect, prices offered will be at least two percent (2%) below the lowest price offered by the Offeror to New Mexico public educational institutions and local/state procurement units for a similar volume. Should a lesser cost be provided to any other client, the preceding and existing work through this contract will be reduced in price to meet that rate. Documentation and/or other evidence of the current retail manufacturer's price list will be included in the proposal submitted. If the Offeror has a leasing department or a leasing company, the cost of leasing can be included in the proposal; however, CES Members/Participating Entities reserve the right to choose a different leasing company. Leases with options to purchase must be described and must comply with New Mexico state statutes. Rental plans should not contain end-of-rental-term buy out options.

CES Members/Participating Entities pay an administration fee equal to one percent (1%) of the total amount of the purchase including tax, bond and freight. Offerors will include the administration fee in costs included in an invoice.

Response 18:

Yes a proposer can include volume pricing for large quantity orders. This pricing needs to be available to all CES members and participating entities and included in your TAB 6 response.

Question 19:

Regarding installation, we are manufacturer and schools often have established relationships with local contractors who install products for the schools. We offer maintenance and full support of our products which we will outline in detail in our submittal. In order to comply with this RFP, are we required to offer installation?

Background:

Taken from New Mexico Statutes Annotated 1978

13-1-40. Definition; construction.

- A. "Construction" means building, altering, repairing, installing or demolishing in the ordinary course of business any:
- (1). road, highway, bridge, parking area or related project;
 - (2). building, stadium or other structure
 - (3). airport, subway or similar facility;
 - (4). park, trail, athletic field, golf course or similar facility;
 - (5). dam, reservoir, canal, ditch or similar facility;
 - (6). sewage or water treatment facility, power generating plant, pump station, natural gas compressing station or similar facility;
 - (7). sewage, water, gas or other pipeline;
 - (8). transmission line;
 - (9). radio, television or other tower;
 - (10). water, oil or other storage tank;
 - (11). shaft, tunnel or other mining appurtenance;
 - (12). electrical wiring, plumbing or plumbing fixture, gas piping, gas appliances or water conditioners;
 - (13). air conditioning conduit, heating or other similar mechanical work; or
 - (14). similar work, structures or installations.
- B. "Construction" shall also include:
- (1). leveling or clearing land;
 - (2). excavating earth;
 - (3). drilling wells of any type, including seismographic shot holes or core drilling; and
 - (4). similar work, structures or installations.

Response 19:

CES finds it advantageous for its members and participating entities to have contract-holders that provide turn-key solutions. Under this RFP installation is not to be as defined pursuant to *13-1-40 NMSA 1978*

“Definition; construction”. A proposer cannot provide any installation that would be considered construction under 13-1-40 NMSA 1978.

To provide or not provide installation is up to the proposer based upon the category responding too. A proposer can choose not to supply installation for their product. In the response to the RFP, the proposer needs to identify what products and services they will supply, install, support, maintain, etc in their proposal.

Question 20:

If installation is not required, and there are no costs associated to Travel Time Round Trip, Per Diem Rate or Mileage Rate for the support of the products offered by the vendor, are we required to complete those fields on the Excel pricing document Exhibit D-3?

Background:

None

Response 20:

The proposer is required to fill out these fields in for Exhibit D-3. If a proposer will be providing these services at no charge then they need to either respond with NC or No Charge. If providing at a cost they must respond accordingly. If a proposer feels that these requirements “do not apply” they need to respond either N/A or Not Applicable. In providing response of N/A or Not Applicable the proposer will receive zero (0) evaluation points for that item.

Question 21:

Item F1 on page 18 of the RFP indicates that Exhibit 4 should relate to pricing. Exhibit 4, as provided, is The cXML Technical Process. Is a response to Exhibit 4 required as part of this submittal?

Background:

Taken from Form D on page 106.

For each of the categories indicated above, CES has identified those pricing methodologies that may be utilized. Below, indicate the pricing methodology you have based your response on by placing an (X) in the appropriate boxes.

Category		Punch-Out		Line-Item		Open-Item	
		CES	Vendor	CES	Vendor	CES	Vendor
1.	Food Service Management Software and Hardware	Yes		Yes		Yes	
2.	Printing Services, Continuous and Cut Form Printing	Yes		Yes		Yes	
3.	Audio/Visual and Projection Equipment	Yes		Yes		Yes	
4.	Physical Education, Athletic, Recreational, Training Supplies, Materials, Uniforms and Equipment	Yes		Yes		Yes	

5.	Band Uniforms and Related Equipment	Yes		Yes		Yes	
6.	Motivational and Guest Speakers	Yes		Yes		Yes	

Response 21:

CES is in the process of creating an e-commerce solution for our member and vendors to place, transmit, view and respond to members’ orders. Exhibit 4 is the technical process that will be used to set up the e-commerce solution to allow our members to punch-out to the vendor website to shop or have CES host the line item pricing. A response for this item is required for the table on page 106 of Form D in the RFP (see below).

For each of the categories indicated above, CES has identified those pricing methodologies that may be utilized. Below, indicate the pricing methodology you have based your response on by placing an (X) in the appropriate boxes.

Category		Punch-Out		Line-Item		Open-Item	
		CES	Vendor	CES	Vendor	CES	Vendor
1.	Food Service Management Software and Hardware	Yes		Yes		Yes	
2.	Printing Services, Continuous and Cut Form Printing	Yes		Yes		Yes	
3.	Audio/Visual and Projection Equipment	Yes		Yes		Yes	
4.	Physical Education, Athletic, Recreational, Training Supplies, Materials, Uniforms and Equipment	Yes		Yes		Yes	
5.	Band Uniforms and Related Equipment	Yes		Yes		Yes	
6.	Motivational and Guest Speakers	Yes		Yes		Yes	

Question 22:

We will be offering pricing as a discount off of an established and approved price list. Are we required to complete the fields on Exhibit D-1, 2, 3, 4, 5 or 6 that address Alternative Costing O/P and/or Alternative Costing CES Discount?

Background:

Taken from SECTION I: INSTRUCTIONS TO OFFERORS, F. LISTING OF GENERAL TERMS AND CONDITIONS, page 38.

Pricing-Alternative Method of Costing: This method covers any product and service not covered by an established and approved price list or is a custom design and manufactured to meet the requirements of an individual project or sole source. The alternative cost is calculated as follows:

1. The Offeror must prepare, issue, and receive three written quotes from available suppliers and select the supplier that offers the products and services that meets the stipulated requirements and specifications and the most cost effective solution. All quotes must be made available upon request.

2. The Offeror must indicate the percent of overhead and/or markup as part of their response to be added to these costs to obtain the normal and customary retail price.
3. The Offeror must indicate the percent of discount offered to CES and its Members/Participating Entities on the normal and customary retail price.
4. The CES price is calculated by taking the product and services cost to the Offeror plus the indicated percent of profit/overhead to equal the normal and customary retail price. The Offeror will then subtract the approved CES discount to obtain the CES price. Example: item cost \$1,000; percent of profit/overhead of 20% equals retail price of \$1,200; less the CES discount of 10% or \$100 equals the CES price of \$1,100.

Response 22:

This method covers any product or service not covered by your price sheets that are custom designed to meet the requirement for a member's project. If a proposer does not provide a response to Alternative Methods of Costing or CES Discount off Alternative Method of Costing to Obtain CES Prices they cannot provide custom product and services if they receive an award.

If a proposer will be providing these services at no charge then they need to either respond with NC or No Charge. If providing at a cost they must respond accordingly. If a proposer feels that these requirements "do not apply" they need to respond either N/A or Not Applicable. In providing response of N/A or Not Applicable the proposer will receive zero (0) evaluation points for that item.

Question 23:

We are offering a high technical product, and may provide support or assistance of these products via a "third-party source" as described in item 8 on page 67 of the RFP. If this is the case, are we required to complete "Subcontractor's Qualifications" which begin on page 17 of the RFP? Subcontractor's Qualifications appear to be for independent subcontractors who would be providing services directly to CES, not the 3rd-party sources that we may be utilizing.

Background:

Taken from Category 3; Audio/Visual and Projection Equipment, Categorical Terms and Conditions, item 8 on page 67.

8. Offers of high technical products must be able to provide support and assistance in the installation, setup, configuration and operation of such products. These services may be offered by a third-party source working through the Offeror.

Taken from SECTION I: INSTRUCTIONS TO OFFERORS, E. PROPOSAL SUBMISSION, Item 5. Subcontractor's Qualifications on pages 17 to 20.

5. **Subcontractor's Qualifications**

All proposals must contain answers or responses to the items listed below dealing with Subcontractor's Qualifications if the Offeror intends to utilize independent contractors/subcontractors to directly provide to CES, its Members and/or Participating Entities any of the products and services covered by this solicitation. CES has provided Form J-1 on which to submit your responses. Any Offeror failing to list and/or answer these questions, if applicable, may be considered non-responsive. Please arrange your responses by placing them after Tab 4. If you are responding to multiple categories, for each

subcontractor listed, indicate the category(ies) for which the subcontractor will be providing products and services. One essential part of the evaluation process is for the evaluator(s) to understand and be aware of how you as a contractor will be providing the products and services. To accomplish this, have current and accurate information about the Subcontractors you will be using. It should be noted that Offerors may, during the term of the contract, add or remove subcontractors by providing CES written notice.

1. Organization.
 - A. How many years has your organization been in business?
 - B. How many years has your organization been in business under its' present business name?
 - C. Has your organization or any of the qualifying parties named above ever conducted business, past or present, under a different business name? If yes, what name(s) and when?
 - D. Where are the headquarters of the company physically located? Provide address, city, state and zip code. Provide same information on any branch offices in New Mexico. How long has your company resided at these locations? For what period of time and in what parts of New Mexico has your organization provided the services/products requested in this solicitation?
 - E. Describe your organization's current in-house workforce, equipment and facilities available to perform as a subcontractor under this solicitation.
2. Licensing, certifications and professional organization's memberships.
 - A. What year was your organization first licensed, certified and/or held a membership in a manufacturer or professional organization?
 - B. Provide copies of all current applicable licenses, certifications and professional organizational memberships.
3. Experience and Past Performance.
 - A. List the categories of work that your company normally performs with its' own forces.
 - B. Within the last five (5) years, has your company performed work for New Mexico public agencies? If the answer is "yes," briefly describe the type of agencies, the type of projects and your company's role, either as a prime or a subcontractor. In your description, include the following information on each project described.
 - 1). Project name.
 - 2). Owner of the project.
 - 3). Owner representative or contact.
 - 4). Bid amount and final cost.
 - 5). Percentage of the cost of the work performed as a prime or subcontractor.
 - C. List all projects within the last three (3) years for which your company failed to complete or meet its obligations as a prime or subcontractor.
 - D. In the last five (5) years, has your company provided any warranty or extended warranty work either as a prime contractor or subcontractor and was not able to fulfill to the entities' satisfaction? If yes, for each describe the issues. For each, include the following information:
 - 1). Project name.
 - 2). Entities name.
 - 3). Type of warranty coverage.
 - 4). Reason for inability to resolve with the entity.
4. Insurance, Claims, Suits, and Disputes.
 - A. Provide a Certificate of Insurance listing the minimum and maximum coverage for liability, vehicle and property damage. Please address the following:
 - 1). Name, address, phone number and agent's name.

- 2). Copy of Certificate of Insurance.
- 3). Has your company used this insurance company for more than two (2) years? If no, please provide the names, addresses, phone numbers, contact names and dates with any other insurance company used in the past five (5) years.
- B. Are there any judgments, claims, arbitration proceedings, suits or disputes pending or outstanding against your company or its' officers in New Mexico or any other jurisdiction?
- C. Has your company filed any lawsuits or requested arbitration with regard to any contracts within the last five (5) years?
- D. If the answer to items 2). or 3). above is yes, please provide complete details, including, but not limited to:
 - 1). Name and location of project owner.
 - 2). Name and location of prime contractor.
 - 3). Name and location of project.
 - 4). Nature of and amount in dispute.
 - 5). Forum in which dispute was presented, that is AAA arbitration; mediation; district court (state, file name, and number).
 - 6). Manner in which dispute was resolved.
- E. Within the last five (5) years, has your firm had any business, trade, professional organization licenses, certifications or memberships suspended or revoked? If yes, give complete details.
- F. Within the last five (5) years, has your company been a party in civil litigation or administrative proceedings which have alleged a violation of any of the following: federal, state or local laws, codes, regulations or standards relating to or governing business and finance; environmental and workplace conditions, employment and workplace discrimination; wages, hours, labor or employment standards; professional or industry organizations; or any other entity which would reflect a lack of business integrity or honesty? If yes, give complete details.
- G. Within the last five (5) years, has your company had a tax lien filed against it by any taxing authority? If yes, provide the following: when, by what tax authority and has the lien been released? If no, describe action your company has taken with respect to the lien.
- H. Within the last five (5) years, has your company been debarred from bidding on or performing work for any public agency (federal, state or local public body) as a prime or subcontractor? If yes, provide complete details, including actions your company has taken to prevent such debarment in the future.
5. Describe your company's policies and procedures in regards to complying with the New Mexico Public Education Department (NMPED) mandate regarding security and background checks for individuals working and/or providing services within public school buildings. Please describe or provide a sample of the type of background check that you are willing and able to perform on your providers in order to comply with this requirement.
6. Has and does your company incorporate formal quality assurance and control processes on public works projects? If yes, describe the processes with their expected results and the benefits received by the owners by implementing such a program.
7. In comparing previous projects your organization has completed, do you see any areas where your organization possesses experience, production or service facilities, personnel or other service reputation that should be considered with your ability to provide on-time quality products and services to New Mexico public agencies? If yes, fully describe these attributes, and resources and how they are utilized to benefit the owner's projects.

Response 23:

The “Subcontractors Qualifications” are not for independent subcontractors but for subcontractors or third party providers that contracted to provide products and service for the prime contractor. If a proposer is going to provide any product or service under their proposal that will be provided by a subcontractor or a third party provider that is under contract with the proposer, CES is requesting that the proposer provide responses to the questions in Form J-1 Subcontractors Qualifications for each one of the subcontractors or third party providers. Form J-1 Subcontractors Qualifications will be used as part of the evaluation process. If a proposer is not using subcontractors or third party providers, then the evaluation points received for the subcontractor qualifications will be the same points as received for offerors qualification as in Form J Offerors Qualifications.

Question 24:

In providing references from 5 educational institutions as requested on page 68 of the RFP, would CES prefer references from within the State of New Mexico, or from throughout the US?

Background:

Taken from Category 3; Audio/Visual and Projection Equipment, Required Categorical Response, item 3on page 68.

3. Provide a list of five (5) educational institutions, along with the contact person’s name and phone number, that your company has done business with during the past two (2) years. Please provide a description of products provided.

Response 24:

CES would prefer references from educational intuitions and public agencies within the State of New Mexico. If a proposer cannot furnish in-state references, they can provide references from educational institution or public agencies outside of the state.

Question 25:

In regard to the request for Transport Mileage Rate, we ship our products via UPS Ground Service. This shipping is free of charge for the duration of the contract term, with no minimum order. Is it required to provide a Transport Mileage Rate if we ship via UPS?

Background:

Form D for the Category you are responding to.

Response 25:

In your Form D response for the category you are responding to the following will apply: If a proposer will be providing these services at no charge then they need to either respond with NC or No Charge. If providing at a cost they must respond accordingly. If a proposer feels that these requirements “do not apply” they need to response either N/A or Not Applicable. In providing response of N/A or Not Applicable the proposer will receive zero (0) evaluation points for that item.

If you have any questions regarding this Addendum, please contact my office at 505-344-5470.

By dating, signing, and returning this page, the Offeror acknowledges receipt of Addendum No. 1.
(Please place behind Tab 1 of your response).

Date: _____ Company Name (Print): _____

Printed Name: _____ Signature: _____